

Orton	Sabo	Thornton
Owens	Sanders	Thurman
Pallone	Sawyer	Torres
Pastor	Schiff	Torricelli
Payne (NJ)	Schroeder	Velazquez
Pelosi	Scott	Vento
Pomeroy	Serrano	Visclosky
Poshard	Skaggs	Volkmer
Rahall	Skeen	Ward
Rangel	Slaughter	Waters
Reed	Spratt	Watt (NC)
Richardson	Stenholm	Waxman
Rivers	Stokes	Williams
Roemer	Studds	Wilson
Ros-Lehtinen	Stupak	Wise
Rose	Tanner	Woolsey
Roybal-Allard	Tejeda	Wynn
Rush	Thompson	Yates

NOT VOTING—19

Brownback	Hoke	Schumer
Chapman	Kasich	Skelton
Conyers	McCollum	Stark
Cox	McDade	Towns
Ford	Oberstar	Young (FL)
Goss	Peterson (FL)	
Hayes	Rogers	

□ 1252

Ms. JACKSON-LEE of Texas changed her vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GOSS. Mr. Speaker, on rollcall No. 388, I was detained by other official business elsewhere in the Capitol. Had I been present, I would have voted "yes."

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3103, HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 104-738) on the resolution (H. Res. 502) waiving points of order against the conference report to accompany the bill (H.R. 3103) to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3448, SMALL BUSINESS JOB PROTECTION ACT OF 1996

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 104-739) on the resolution (H. Res. 503) waiving points of order against the conference report to accompany the bill (H.R. 3448) to provide

tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, and to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate and to prevent job loss by providing flexibility to employers complying with minimum wage and overtime requirements under that act, which was referred to the House Calendar and ordered to be printed.

ENGLISH LANGUAGE EMPOWERMENT ACT OF 1996

The SPEAKER pro tempore (Mr. NETHERCUTT). Pursuant to House Resolution 499 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 123.

□ 1257

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 123) to amend title 4, United States Code, to declare English as the official language of the Government of the United States, with Mr. HANSEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. CUNNINGHAM] and the gentleman from Missouri [Mr. CLAY] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I yield 15 minutes to the gentleman from Florida [Mr. CANADY], and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Economic and Educational Opportunities.

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Chairman, during the discussion on the rule, I am afraid the American people may have gotten confused as to what legislation is before us, because much of what was said has nothing to do with the bill that came from our committee. Today we are voting on H.R. 123, which is a bill introduced by the late Bill Emerson, former distinguished Member of the body and a friend of many.

Mr. Chairman, there are many things in the bill that some people think went too far. There are others that people think did not go far enough. I think it

is probably striking about the right balance. I say that because this bill declares English the official language of the Government, not of the private businesses, not of churches, not of homes, not of neighborhoods; just the Government. Furthermore, it then makes exceptions to the English requirement for the protection of public health and safety, national security, international relations, the teaching of language, the rights of victims of crime, certain instances of civil litigation and others.

We have also included rules of construction to help clarify the intent of the bill. So we have made a number of changes to the original version of H.R. 123 which addresses the concerns for many Members. After all, it is the English language that unites us, a Nation of many different immigrants as one Nation.

Over and over again we see that it is the English language which empowers each new generation of immigrants to access the American dream. Declaring English the official language of Government is the commonsense thing to do. We now have according to the Census Bureau, over 320 different languages. The Federal Government already prints materials in Spanish, Portuguese, French, Chinese, German, Italian, Russian, Korean, Ukrainian, Cambodian, and others; and the taxpayers says, where does it stop?

President Clinton himself, as Governor of Arkansas, signed legislation making English the official language of the State of Arkansas, and about half of the States have enacted the same kind of legislation. Again I remind all, this legislation is English as the official language of Government, not homes, not churches, not neighborhoods, not the private sector.

Mr. Chairman, I include for the RECORD the following letter from the gentleman from Ohio [Mr. SAWYER] concerning his not appearing at the committee markup on the final vote:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 25, 1996.

Chairman WILLIAM GOODLING,
Committee on Economic and Educational Opportunities, Rayburn House Office Building,
Washington, DC.

DEAR CHAIRMAN GOODLING: Due to a speaking engagement with constituents, I was unable to be present for the final vote on reporting the Cunningham Substitute to H.R. 123 out of the Committee on Economic and Educational Opportunities.

I would like to note for the record that if I had been present, I would have voted, "nay."

Sincerely,

THOMAS C. SAWYER,
Member of Congress.

□ 1300

Mr. CLAY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I agree that learning English should be a priority goal for all persons residing in the United States. In fact, there is extremely high demand for English language classes. Immigrants themselves recognize that in

order to better their own lot, and that of their families, learning English is imperative. New arrivals to our shores flood English as a second language classes. In Washington, DC, 5,000 immigrants were turned away from English classes in the 1994 school year. In New York City, schools have had to resort to a lottery to determine enrollment. In Los Angeles, more than 40,000 applicants remain on waiting lists for English classes. In my view, we should expand Federal support for English as the second language and for bilingual education programs.

My Republican colleagues characterize this bill as commonsense legislation. But it is neither common sense nor common decency to mandate exclusive use of English while utterly failing to address the practical need for adequate English-language preparation.

This bill is not a mere declaration of English as the official language of the United States. It is hopelessly vague, ambiguous, unnecessary, unconstitutional legislation, searching for a solution to a nonproblem.

With so little time remaining on the legislative calendar, the Republican majority has chosen to engage in an issue so potentially divisive. Instead of empowering people in the use of English by ensuring adequate funds for English as a second language classes, this bill attempts to protect the English language as though it were under some bizarre attack by other languages.

This bill will obstruct such basic Government functions as tax collection, disaster preparation, water and resource conservation, and execution of civil and criminal laws and regulations. What logical public policy could this bill possibly support?

This fall, the United States Supreme Court will hear oral argument regarding the constitutionality of an article in the Arizona Constitution which declares English the official language of the State and which mandates that all government business, with few exceptions, be conducted only in English. In light of that, consideration of this legislation is premature.

As a matter of national policy, we should support both expanded opportunity to learn English and multilingualism. For that reason, I wholeheartedly embrace the Serrano substitute which views the diversity of our Nation, its people, its languages, and its cultures, as something to celebrate, not something to fear and resist. The Serrano substitute recognizes the benefits of multilingualism in protecting us in war, furthering our ability to communicate with the nations of the world, and enhancing our competitiveness in the global marketplace.

I urge my colleagues to reject H.R. 3898 and to support the Serrano English-Plus substitute.

Mr. Chairman, I reserve the balance of my time.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, quite frankly, this debate is totally perplexing to me. It makes me wonder, are we speaking here in English to each other or are we talking in foreign tongues? I do not understand it.

We are a nation of immigrants. As I look around this Chamber, I see the great melting pot personified by many of the Members in this House, and I am no exception.

Of course my married name is ROUKEMA, and my husband, in fact, is the only member of his family who was not born in Holland. They came here and were assimilated. My family name is Scafati. We were Italian-American immigrants, my grandparents on both sides, and their decision was to come to America and be integrated into society as soon as possible. As a result, my grandparents and my parents learned English ASAP. It was important for them.

The example of my parents and grandparents was clear, clear to me then and clear to me now. They knew instinctively that English proficiency was absolutely essential to their success, not because they were not proud of their heritage but because they knew mastering the language was important to them and that they should do it as quickly as possible.

They knew that proficiency would help their family, their neighborhood, and their whole community. Yes, they knew that English proficiency was good for the overall well-being of society and for the tradition, the more than 100 years tradition of the melting pot that united all of us in our hopes and ideals as a nation. I must stress this.

Now we must take this definitive step today to avoid that our Nation should be so divided into many ethnic enclaves. I see that as a great threat to our national unity.

This legislation is not meant to penalize or to hold segments of our population back. Mr. Chairman, we are here to encourage people arriving on our shores to be upwardly mobile and achieve economically and socially in this new society.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in 1965, Congress enacted the Voting Rights Act to combat discrimination against African-Americans who were being unconstitutionally denied the right to vote. It was not until 1975 that Congress added a requirement mandating that certain jurisdictions provide voting materials in languages other than English. The underlying premise for this expansion of the law was that it was somehow discriminatory to conduct an election in the English language.

Bilingual ballots were a means to remedy this alleged discrimination. However, when the use of bilingual ballots was last mandated in 1992, after 17 years of use, no statistical evidence was produced to show that bilingual ballots had increased vote participation by language minorities in any covered jurisdiction.

On April 18, 1996, the Subcommittee on the Constitution held a hearing on what is now title II of the bill before the House. A number of distinguished witnesses testified that our society is becoming fragmented into linguistic ghettos, and federally mandated bilingual ballots only encourage such fragmentation. These witnesses testified that through the use of bilingual ballots, American citizens can exercise the most public of rights while remaining apart from public life.

Moreover, because of the arbitrary and mechanical formula of the bilingual ballots mandate, there are many covered jurisdictions who are required to print foreign language ballots which are never requested or used. These election materials are simply thrown in the trash after each election, but they must be printed due to the Federal mandate. In certain jurisdictions the requirements of the law are extremely burdensome. Los Angeles County is required under this Federal mandate to conduct elections in six languages—in Chinese, Japanese, Vietnamese, Tagalog, Spanish, and English. In the November 1994 general election, Los Angeles County spent over \$21 for each requested foreign language ballot.

The Congressional Budget Office estimates that repealing the Federal bilingual ballot mandate will result in savings of \$5 to \$10 million annually for covered State and local governments. The mandate is expensive, ineffective, and wasteful.

Mr. Chairman, rather than enhancing participation in our political system, the bilingual ballots requirement denies the essential connection between meaningful participation in our national political discourse and knowledge of the English language. Title II of H.R. 123 removes from the Voting Rights Act the practice of providing federally mandated bilingual ballots, a practice which denies the common bond of language that unites us as a people.

Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Chairman, I rise in opposition to H.R. 3898.

Mr. Chairman, I have always worked, both as a teacher and as a legislator, to promote the use of English in this country. The law of necessity, of survival, the law of economic success are enough to motivate people to learn English. We must provide the opportunity to achieve proficiency in English.

We need but look at the bill to see that its provisions do not even come

close to its intentions: that English is the official language of this country and that its citizens should speak English. It does nothing to reverse the results of 2 years of frontal attacks on the bilingual education program which helps children learn English, and does nothing to strengthen the adult education program which helps adults learn English.

In the States and cities which are most heavily impacted by immigrants, new entrants can languish for years on waiting lists to enter English language programs. In Los Angeles there are 40,000 applicants for English language classes. In Washington, DC, the Nation's Capital and the place in which this debate is taking place, 5,000 immigrants were turned away from English classes in 1 year alone.

Do my colleagues think these new Americans have in any way demonstrated an unwillingness to learn the language of their new country? No, of course not, but they will be punished anyway.

Mr. Chairman, I am pleased that the bill before us today does correct a problem which the gentleman from California [Mr. CUNNINGHAM] said he would correct with respect to the Americans With Disabilities Act. This bill before us today provides an exemption for children served under this program. There are, in fact, 10 exemptions to this bill. To me, the fact that we have this many exemptions in the bill reveals that there is a problem with the bill.

Mr. Chairman, I urge my colleagues to reject this unnecessary legislation. It will not wear well. It does not serve our country well. Let us provide the means for people to learn English in this country.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, let us try to answer the why question. Why are we doing this? We are asking that English be the official language of government. I think it is important for the folks listening to understand what we are trying to do and what we are not doing.

We are trying to make sure that this Government conducts the language of its business in English, because that is the one unifying thing about America, is that that is the formula for success in America, a good work ethic and a command and knowledge of the language.

We are not asking people to give up their culture, we are not asking people to stop teaching languages, we are not asking people to interact only in English. We are asking the Federal Government to do its business in English. And one of the reasons we are asking for that to be done is there is a growing trend in this country to accommodate 320 different languages in terms of the Federal Government conducting its business.

In one case, the IRS produced 500,000 10W40 forms in Spanish and got 700 replies back at \$157 per form, and this program is growing. I think it is time to stop that.

We are trying to set policy that is good for the Nation, and the policy we are trying to set is simply this: That the Federal Government is going to conduct its business in the unifying language of America because that is good policy.

The formula for success has been and always will be a command and knowledge of the language and a good work ethic, and the policies we should be setting in this country should bring out the best in Americans.

Where do we stop with 320 languages to accommodate? I think it is not unreasonable to ask the Federal Government to conduct its business in the unifying language of this Nation, and to do otherwise is impractical.

There are many exceptions in the bill that are commonsense based. Some people ask about phrases on money. We have an exception for art and phrases that are commonly used in other languages. We have a health and safety exception for the EPA to notify a community about a dangerous situation with drinking water.

The exceptions are sound, this is a good bill, and there is a good reason we are doing this. I ask for Members' support.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

(Mr. SENSENBRENNER asked and was given permission to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of H.R. 123, which declares English to be the official language of the Government of the United States.

□ 1315

The Government of the United States. And simply stated, that means when one does business with the Government of the United States, one does it in the English language.

We have heard a lot about the fact that English is a unifying force which has brought millions of immigrants over the years together in this country, and I think that is a true statement, but I also think it is important for us to look to the north and to Belgium to see how bilingualism and multilingualism has been a dividing force in those countries. And it has. Neither in Canada nor in Belgium over literally centuries has there been a formula devised to bring unity to those countries that have been divided, not along religious or ethnic lines but along language lines.

But irrespective of whether this bill is adopted, English is the language of commerce. If someone comes from a non-English speaking country to the United States, in order for them to achieve the American dream they have

to be functional in English, and there is no better way to help them become functional in English than to say that when doing business with the Government of the United States, it be done in the English language.

So what we are doing here I think is helping people who come from other countries where English is not the language to become part of America. To achieve the American dream. To achieve their own individual human potential. And this is one small step in allowing them to do so.

Mr. Chairman, I submit the following for the RECORD.

I rise in strong of H.R. 123, the English Language Empowerment Act of 1996. I believe it is essential to have English as the official language of our National Government, for the English language is the tie that binds the millions of immigrants who come to America from divergent backgrounds. We should, and do, encourage immigrants to maintain and share their traditions, customs, and religions, but the use of English is essential for immigrants and their children to participate fully in American society and achieve the American dream.

Importantly, title II of this bill repeals the Federal mandate requiring certain communities to provide bilingual ballots. This directive of the Voting Rights Act is unnecessary and costly. The Voting Rights Act of 1965 was originally intended to put a stop to racial barriers to voting in the South, such as literacy tests. English-only ballots are simply not the equivalent, or even comparable, to the racially abused literacy tests of the South.

Applicants for American citizenship, with some limited exceptions, have been required to demonstrate proficiency in English since 1906. Since only citizens may vote, the rationale for mandatory multilingual voting services is perplexing. One of the reasons we require immigrants to learn English before they naturalize is that a person who cannot understand English will not be able to participate in the political community in any but the most limited capacity. Bilingual ballots are not an effective means of increasing full political participation, for they are used by citizens who are obviously not proficient in English, and those who are not proficient in English, in most cases, cannot follow a political campaign, talk with candidates, or petition their representatives.

I believe it is necessary to clarify what repealing the bilingual ballot requirement does not do. This bill does not affect laws outlawing voter discrimination. It does not propose a literacy test. It does not preclude anyone from voting, even if they do not know English.

There are effective alternatives to federally mandated bilingual ballots, especially where complicated ballot initiatives are involved. Foreign language newspapers have the free speech right to publish sample ballots translated from English, and voters can take these sample ballots into the voting booth. Under this bill, a political party or interest group is perfectly free to issue multilingual voting materials. States can choose to allow voters to bring a friend or relative in the booth with them, absentee ballots can be filled out at home with assistance, and ethnic organizations can provide bilingual sample ballots and

voter information pamphlets. Furthermore, although this bill eliminates the unfunded mandate on the States, States are still free to supply ballots in foreign languages, if that is what the voters demand.

According to a recent survey, more than 80 percent of Americans, including immigrants, support making English the official language of the United States. I urge my colleagues to heed the call of the American people and vote in favor of this bill.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. Mr. Chairman, I rise in opposition to this legislation. For over a decade I have chaired the Helsinki Commission. That commission is dedicated to the principles set forth in the Helsinki Final Act that we will treat diversity in all our nations with respect and integrity.

The fact of the matter is we passed a resolution on this floor unanimously regarding Kosova in which we urged and asked the Serbians to make sure that in Kosova they would be taught in the language that they knew, not Serbian, that they knew. So that on the one hand we urge nations of the world to be respecters of differences while in our own Nation we retreat from that principle. We ought not to do that.

The language of America is English. Indeed, my friends, the language of the world is fast becoming English. The tide is not against English or America; the tide is for us. We do not need to act in fear or in chauvinism or in jingoism. Reject this legislation.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. HUTCHINSON], who drafted this same bill in Arkansas, which Governor Clinton then signed.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding, and I rise in strong support of this bill which makes English the official language of the U.S. Government.

Mr. Chairman, I believe it is our values and our ideals that ultimately bind us together as a nation. But it is the English language which serves as the means by which we can communicate these values to those around us. Our common language, English, is that which unites us.

Eight-six percent of all Americans support establishing English as the official language of the U.S. Government. In fact, in a recent survey, telephone survey, taken in a section of my district in northwest Arkansas, it was found that 97 percent of those polled approved of declaring English as the official language of our Government.

I think the numbers speak for themselves, Mr. Chairman. Nearly half the States in our country have established official English laws, including my home State of Arkansas.

In 1987, as a second term legislator in the Arkansas General Assembly, I co-sponsored this legislation which we

have before us, signed by then-Governor Bill Clinton, now President Clinton, making English the official language of the State of Arkansas. Governor Clinton signed that law. I hope he will sign this bill as well.

My legislative director's grandparents were immigrants from Norway. They came over on a boat. They learned English. They taught their children English. They assimilated in our culture and they lived the American dream. They still revere their Norwegian heritage. They still cherish that tradition, but they knew that English was part of becoming Americans.

Mr. Chairman, I think this bill is very reasonable. It takes a reasonable approach; it makes good sense. We can honor the diverse backgrounds that are present in our society while at the same time emphasize the common bond that we have in the English language. I urge an aye vote on this bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE].

(Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Chairman, I rise in strong support of H.R. 123, and I commend my colleagues for bringing this legislation forward. This was pushed for many years by our recently departed colleague, Bill Emerson. Bill would be exceedingly proud today to see us moving forward on this legislation.

Today, 79 nations have an official language. Government documents in France, Germany, Japan, and Austria are printed only in one language. So what happens in those countries that have gone the opposite direction promoting multilingualism? We do not have to look very far to find that.

The comment of the chairman of the Royal Commission on Canada's Future about the multilingual policy of Canada stated that it was an anthology of terrors causing Balkanization. Very appropriate, considering the gentleman's comments about what is going on in the former Yugoslavia; ghetto mentalities; the destabilization of Quebec; reverse intolerance by immigrants for Canadian institutions; and the devaluation of the very idea of a common nationality.

Are we heading in that direction in the United States? Consider this: 40 million Americans will be non-English language proficient by the year 2000; 375 voting districts in 21 States are now required by the Federal Government to provide voting ballots and election materials in foreign languages; 115 languages are spoken in the New York City schools; driver's license exams are offered in 31 languages in California.

Six languages were on the ballot in the last mayoral election in Los Angeles. Opponents have accused this bill of being mean-spirited. Nothing could be further from the truth. We want to raise immigrants up and help them get ahead. This is the way to help.

Mr. CLAY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding, and I rise in strong opposition to this cynical attempt to drive a wedge into our society.

Mr. Chairman, I rise in strong opposition to the legislation before us today.

This bill is another battle in the war against children in this Congress. Eliminating bilingual education could increase dropout rates and hurt the ability of immigrant children to adapt successfully in this country. A quality education is the key to a better way of life. People come to this country in search of that better way of life.

We can only benefit by providing opportunities for all people to become productive members of our society, especially young children with bright futures ahead of them. Everyone in this Nation wants the same things—security and opportunities for themselves and their children. This legislation is unnecessary, discriminatory, and would deny opportunities to everyone who is perceived to be different.

This is an appropriate time to remember that our Nation was settled by those who spoke languages other than English. Their proud heritages are reflected in those who inhabit this beautiful and diverse country.

The majority feels that a national language policy will fix what they deem to be a problem with our common language. Yet, according to the 1990 Census, English is spoken by 97 percent of the U.S. population. English as a second language classes are so popular that in Los Angeles instruction is available 24 hours a day. Waiting lists for ESL classes are overflowing with thousands of people. Language minorities fully understand and appreciate that it is imperative to learn English to succeed in this country and make determined efforts to do so.

Yesterday this House voted to deny benefits and opportunities to legal immigrants. Today we are voting on this legislation to deny access to Government to language minorities. If this legislation passes, we make a mockery of our proud designation as a nation of immigrants.

If this legislation passes, the message will ring loud and clear that this House does not value the richness or diversity of life experiences that are woven into the colorful fabric of our Nation. We cannot mandate narrowmindedness and discrimination. That is already in evidence in this country. So is the desire for language minorities to speak English. We don't need to mandate that either.

If, as its proponents maintain, the purpose of this legislation is to give more language minorities a better chance to learn the English language, let's do something about it by increasing funding for bilingual education and ESL classes. This is nothing but xenophobic political posturing and I urge my colleagues to vote against this distinctly un-American legislation.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding.

If my colleagues are somewhat confused in this debate, I can understand why. Everyone both for and against this bill is saying English is the language of this country, and it is. And it always will be. And as the gentleman from Maryland [Mr. HOYER] said, it probably soon will become the language of the world.

So why are we here debating a bill and why are there people opposed to it? Because what we want and what we wish and what we intend must be very clear in what we write. And unfortunately, what is written, it is not what people are saying.

Mr. Chairman, what is written is completely opposite of what people are saying. There is nothing in this bill that will help teach those who wish to learn English the language. There is nothing in this bill that will promote those who are wishing to learn English the language. What this bill will do is strangle those who are taking classes trying to learn, and that is why those of us who are standing here saying English is the language of America will be strangled, those people will be strangled from ever having the chance to truly learn the language well.

This is not a bill to send a message. This is a bill that will strangle those trying to learn English.

Mr. CUNNINGHAM. Mr. Chairman, I yield 1½ minutes to the great gentleman from Texas, Mr. SAM JOHNSON.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Chairman, the gentleman from California [Mr. BECERRA] is in error. We are trying to get language as the official language of our Government. This English Empowerment Act states English is the official language of the U.S. Government and requires English be used in Government actions, documents, and policies.

Despite some of the rhetoric we are hearing today, it is not a radical idea. In fact, more than 80 percent of all Americans support English as the official language. It is about time we acknowledged that one of the most important things we can do to help individuals succeed in America is to encourage them to learn our common language.

A recent study of Asian refugees by the State of Texas shows that those individuals who attained proficiency in English earn over 20 times the annual income of those who do not speak English. Learning English will enable immigrants to do what they came here to do: achieve the American dream.

We must reverse the failed policies of the 1960's and 1970's. America is a diverse Nation; however, we must bind the strength that comes from America's diversity with our common language. Let us stop dividing Americans and do something to bring them together.

Vote for the English Empowerment Act to do this now.

Mr. CANADY of Florida. Mr. Chairman I yield 1½ minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, in reviewing my file on the English language bill, I came across a letter dated November 10, 1994, 2 days after the elections of 1994 in which I was elected to represent the people of the seventh district to the United States, and this letter, a "Dear Colleague," is written by Bill Emerson from the great State of Missouri.

He wrote me even long before I had been sworn into the Congress about a dream of his, a dream that 1 day he would witness, with the support of people he hoped like myself as a new Member of Congress and so many other of his colleagues, that our country, our Congress would take a step forward of unity, brotherhood, and common goodwill, and that is to enact his language of government act.

Mr. Chairman, there was not a divisive or mean-spirited bone in Bill Emerson's body. And he believed so strongly in this dream that the very first letter that I, and probably every other newly elected Member received within 2 days after we were elected to the Congress, was a very positive, warm letter from him asking us to sign on to this legislation.

I immediately called his office. Signed on, and became the first original cosponsor of this legislation. And I am honored today here, Mr. Chairman, to stand up and say, let us make Bill Emerson's dream a reality, and pass this important legislation.

Mr. CLAY. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. OWENS].

(Mr. OWENS asked and was given permission to revise and extend his remarks.)

Mr. OWENS. Mr. Chairman, a U.S. Government English-only policy would, at best, be counterproductive, isolationist, and simpleminded; at worse an English-only policy is an elitist, bigoted, and racist policy. English plus, the amendment to be offered later by the gentleman from New York [Mr. SERRANO], is the way we should go.

Yes, English is the official language of the country. We do not have to proclaim that. But English plus is the way we should go if we want to go into the 21st century with the advantage that we need for international trade purposes. This bill originates from the people who brought us GATT and who brought us NAFTA, who emphasized international trade. Why would these same people want to go backward and deemphasize bilingualism? Why not salute the people who speak additional languages? Why not have every American try to become bilingual?

Let us go in the opposite direction for purposes of trade, for purposes of commerce, for purposes of international tourism.

□ 1330

There are a billion Chinese in the world. We certainly should appreciate

every Chinese-American; we should see them as an asset to help teach us Chinese. There are Slavic people who are now in the middle class traveling to this country as tourists. We should be learning the Slavic languages and any Slavic-speaking Americans, Russian, Yugoslavian, Hungarian; all of those people should be seen as assets in the country, assets. Let them teach us the language so that we are better able to be able to deal with those people who come over here as tourists to spend their money and to make our economy go. For the sake of the prosperity of the country, for the national security of the country we need bilingual citizens.

We need English plus, not English only.

Mr. CUNNINGHAM. Mr. Chairman, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, why, why, why? I listen to my good friend, the gentleman from California [Mr. CUNNINGHAM]. I agree with him. I listen to the gentleman from Pennsylvania [Mr. GOODLING]. I agree with him. Mr. GOODLING said this does not mean anything, only the Government, the Government, the Government. We have to teach, we have to educate people. If this does not do anything, what it will do is you can pound your chest and say, we put one line in the law that says that English is the language of our Government. Fine. Go pound your chest, but the world will laugh at us. Why? Why? Why?

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, this bill that we are considering is entitled, "This act may be cited as the English Language Empowerment Act." I see nothing in this bill that empowers anybody in terms of becoming better acquainted with English or more proficient. There is not a penny being spent for education to promote English. We look at the education budget and it is being cut. What this bill really is doing is to confine, to restrict the programs and opportunities for people who are not proficient in English from participating in all of the fullness and richness of this society. It really degrades the whole notion of our open society, accessible to everybody legally within its borders.

The moment we say something cannot be printed in anything else other than English, we are punishing that small sector of our society who are not a threat to our democracy. Less than 5 percent of our people in the census said they were not proficient in English. They are not a threat at all. Yet we are seeking to deny access to the Government by refusing to allow Government agencies from printing documents explaining how to get into programs, how

to apply for business loans, how to really make themselves much more a part, an integral part, of this society.

If we want to empower all these individuals in our community, regardless of what their ethnic origin is or where they came from, it seems to me that we have to find ways in which to embrace them, not to leave them out. This bill excludes opportunity contained in all the bills that we have passed; it says they are repealed. If we said anything previously about opening up government and creating access for people who are not proficient in English, those are repealed. There is a repealer paragraph in this bill.

Mr. Chairman, this is not an empowerment. It is denial.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the Commonwealth of Puerto Rico [Mr. ROMERO-BARCELÓ].

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Chairman, I rise against the bill.

English is universally acknowledged as the common language of the United States. It is the language of opportunity. It is the language of banking and business, the language of the courts and the primary language of instruction in the schools throughout the Nation.

Now, what is the purpose of this bill? We hear the proponents say that there is not any prejudice involved in this proposal, that this is not a mean-spirited bill, that it is going to open opportunities and empower those that cannot speak English.

I would like to ask, how do we empower someone by requiring that he speak in English when he cannot, by requiring that the documents that are sent by the Federal Government to him must be printed in English even though he cannot understand them? Why can the Government not open doors, as they have been opened until now, to service its citizens as best it can and not be raising barriers of misunderstanding and creating difficulties in the service to the citizens?

Language is supposed to be used for communication, not to be raised as a barrier, to prejudice, as a barrier to impede other people from achieving their rights and fulfilling their obligations. If one cannot receive proper information about what their obligations are and because they do not understand the language, how can they then be required to fulfill the obligations?

This is empowering? It would be like saying that people who cannot read and write, let us then pass a law that in order to vote they have to be able to read and write and that way we are empowering the illiterates in America. Is that a sound argument? Is that sound reasoning? How do we empower anyone by requiring?

By stimulating, we empower people; by fostering, we empower people, by giving them the means by which to

achieve what we want to empower them with, not by raising barriers of misunderstanding. How do we think that the people who speak a different language feel about it?

I oppose this bill, Mr. Chairman. I think this is a bill that would raise difficulties where there are none existing at this moment.

Mr. CANADY of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. LIPINSKI].

(Mr. LIPINSKI asked and was given permission to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Chairman, I rise in strong support of this legislation.

Mr. Chairman, I rise today in support of H.R. 123, the English as the Common Language of Government Act. This bill declares English to be the official language of the U.S. Government, and requires the Federal Government to conduct its official business in English. The measure also requires that all naturalization ceremonies be conducted entirely in English.

There is nothing radical or racist about declaring English the official language of the United States. By providing a means to communicate across ethnic and racial lines, a common language unites people and eliminates misunderstanding, segregation, distrust, and discord. English is our single shared language. It is the one language that crosses all ethnic, racial, and religious backgrounds and allows diverse Americans to share their multicultural backgrounds.

Declaring English as the official language will provide an incentive for immigrants to learn English. Throughout our history, new Americans were proud to learn to speak, read and write English. They knew that English was the key to assimilating to their new country. English was necessary to take advantage of all the opportunities that America had to offer.

Yet, today there are more than 32 million Americans who are not proficient in English. In many cities, immigrants can live, work, and play without ever knowing a word of English. The Federal Government caters to these immigrants by providing programs and services in their native tongue, discouraging them from learning English. According to the General Accounting Office, the Federal Government, between 1990 and 1994, printed more than 250 official documents in other languages. Even swearing-in ceremonies for naturalized American citizens have taken place in other languages.

Making English official will let immigrants know that they have no right to receive public services in any other language. Most Federal Government business—documents, meetings, records, legislation, and ceremonies—will be in English. This is a tremendous incentive for new citizens to learn English so that they may participate fully in American society.

H.R. 123 does not prohibit languages other than English to be used in nongovernmental settings. It simply states that English is the language in which all official U.S. Government business will be conducted. Official English does not infringe on individual rights, nor does it prevent immigrants from preserving their cultures and languages in their personal lives. It does, however, encourage immigrants to learn English in order to fully participate in Government.

I encourage all my colleagues to support this nonpartisan, overwhelmingly popular piece of legislation. As Members of Congress, we have an obligation to ensure that non-English speaking citizens have an incentive to learn English so they can prosper and fully partake of all the economic, social, and political opportunities that exist in this great country.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, my maternal grandparents were Romanian immigrants. They came to this country at the turn of the century. My grandfather learned to speak English from his two daughters, my mother and my aunt, whom he sent to college in Cleveland, Florastone Mather College and Kent State University. My mother went on to the University of Pennsylvania Law School, and my aunt went on to Kent State and got a master's degree in education.

I am sorry that my grandfather could not live long enough to see his grandson, the grandson of a Romanian immigrant, become a Member of the U.S. Congress. But I do know that he believed very strongly, as did my grandmother, that English was a unifying force, as the language, as the expression of what brings us together as a people, that emphasizes our likeness, our commonality. It is, in fact, the essence of what makes us, allows us to become the melting pot, that while continuing to celebrate his ethnicity, his Romanian-ness, if you will, and always having great respect for that, there was another love that he had. That was a love for this Nation.

It was the kind of love and patriotic fervor that only I have seen in immigrants, that only seems to be a part of the heart of people who come here to give to this Nation and build it and be constructive and make it something great, because they want to be a part of what it means to be American without forgetting where they came from.

Part of what it means to be American is to speak a common language, the common language of English. That is what this bill is about in terms of making clear that our official language of government is English.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. SAWYER].

(Mr. SAWYER asked and was given permission to revise and extend his remarks.)

Mr. SAWYER. Mr. Chairman, I rise in support of some of the things that we have heard recently from the other side in this debate. It is true that no element of human experience defines our common humanity more deeply than language and no element in our culture more fully and deeply defines that culture than our language.

English is spoken more broadly throughout the world than any other language. It is composed of elements gathered from the languages of the globe and, for these reasons and others, it is arguably the richest spoken language anywhere on Earth. We should

be proud of that richness and encourage it.

It appeals to our pride, to our simple patriotism. But in the end it also plays on some of our worst fears. There is, unfortunately, abroad in the world a drift toward insularity and, in some corners of North America and Asia and Europe, a rush to isolation, a xenophobia that is grounded in fear and hatred.

It harkens to a time some 60 years ago when one of the world's great orators played on simple patriotism among his countrymen to heighten the fears and hatred of a few with appeals that were couched in phrases like one land, one language, one leader. That is dangerous.⁰

I do not impute that motive to anybody on this floor. But English is the official language of our Nation. Tens of thousands wait in line to elevate their mastery of English. We will be offering an amendment later today that will provide the tools to make language instruction available to all who hunger for it and thereby to take concrete, positive steps to bring about the unity that everyone on this floor argues for today.

I oppose the bill but hope that we can support English plus as a workable, practical alternative to the bill that is before us now.

Mr. Chairman, I rise today in strong opposition to H.R. 123 because I do not believe that we need to make English the official language of government. The simple fact is that English already is our unifying national language. And when we recognize that only 0.06 percent of government documents are printed in languages other than English, the lack of any need for this legislation seems clear.

I agree that learning English should be a priority for all persons residing in the United States. But in an increasingly global economy, literacy in a number of languages is a clear advantage—and, in some cases, a necessity. The more literate an individual is, the better equipped he or she is to adapt to the rapid pace of economic change.

Immigrants realize that learning English is essential to their own economic success. That is why English classes are running 24 hours a day in many parts of the country and thousands of people are currently on waiting lists. But that does not mean that real literacy in other languages is not also an important skill.

H.R. 123 purports to encourage the mastery of English. However, it does nothing to provide the necessary resources for adequate English language instruction. Without a strategy for increasing English literacy, the real impact of this bill may be only to discourage literacy in any language and to chill participation in civic life by those who are not proficient in English. That would be truly unfortunate.

In short, Mr. Chairman, I believe this English only legislation is unnecessary, counterproductive, and may serve to divide—not unite—the Nation. I urge my colleagues to vote “no.”

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. BLUMENAUER].

Mr. BLUMENAUER. Mr. Chairman, I rise in opposition to House Resolution

123. This legislation is at best misguided; at worst, mean spirited, and does not reflect the America I know nor the community that I serve.

If we wanted to simply declare the obvious and designate English as the official language, it would not be difficult. We could do it without controversy. It would be easy to provide necessary guidelines, if we feel some of the current legislation dealing with bilingual requirements need tightening up. But the trail of exceptions in this bill are an admission to the flaw that it is inappropriate to deny the tools to deal with citizens in the best way to help meet their needs.

Monday this House unanimously declared that it is the sense of Congress that the government of Serbia should ensure the rights of its Albanian minority to be educated in their native language rather than in Serbian. Far more native born Americans of Mexican ancestry live in the former Mexican provinces of Texas and California than the 2 million Albanians which this Congress expressed their concern that they would be able to be educated in their native language. With this bill, we are saying that what is fair and just for the minority people of Serbia is just too good for the non-English-speaking minorities of the United States.

The proponents of this English only legislation, Mr. Chairman, ought to acknowledge that we either believe that people have a right to be educated in their native language or we do not, either we provide English instruction to non-English speakers or we do not. Let us drop the hypocrisy, the doublespeak and acknowledge in plain English that at best this bill makes the business of government harder. At worst, it panders to prejudice.

Mr. CUNNINGHAM. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. LEWIS].

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Chairman, one of my great frustrations is that over the years I have felt that those of us who live in southern California indeed should learn and read and write and speak Spanish. Unfortunately, we have not accomplished that.

Nonetheless, it was 40 years ago that I first got to know a gentleman who knows more about language than anybody I know in public affairs. A professor by the name of S.I. Hayakawa, an expert in general semantics talked of the importance of language as a unifier of people. Years later the then Senator ‘Sam’ Hayakawa sponsored legislation similar to that before us today.

The first Member of the House to bring this matter to my attention, our friend Bill Emerson, gave the highest priority to English serving to unify us by its designation as the country's official language. I urge you to support H.R. 123, and as you do so, keep in memory our colleague and friend, Bill Emerson.

□ 1345

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MARTINEZ].

(Mr. MARTINEZ asked and was given permission to revise and extend his remarks.)

Mr. MARTINEZ. Mr. Chairman, I rise in opposition to this bill, not that I am in opposition to English being the official language. I support English being the English language. If my colleagues did that poll and called my house and asked me or any of mine if they supported English as the official language, I would say yes, so I would be a part of that percentage that they include in being in support of English as the official language. But I do not support this bill. This bill to me is simply another way that we as leaders of the country are polarizing the people of this country.

Now I hear the other side saying that this is uniting the people. How can we arrive at the conclusion that this is uniting people; this is doing nothing more than dividing people. We as leaders have the responsibility to unite people.

I can remember great crises in the past where the people came together. World War II is the greatest example. People of different colors and different ethnic backgrounds, and different religions stood shoulder, to shoulder, to fight an enemy because we were attacked, and they were proud of it, and they were proud of their compatriots in war.

But today, this way we are going, we are dividing these very same people against each other, and this bill I would not call the promotion of English as the official language. I would call it the promotion of polarizing America. That is what I would call it.

Let me tell my colleagues something. I have been here probably more generations than anybody on that side, and I speak English. My children do not speak Spanish. I speak in Spanish very badly; I learned after I got to Congress. My ancestors, my parents, they spoke English, and they spoke English well; but they also spoke Spanish, and their parents before them.

What does it take to make those people understand that the people in the United States want to speak English? We do. Ninety-five percent of the people speak English, and of that 95, 25 percent speak in another language. Does that make them lesser Americans, that they do not believe that English is an official language?

Look, I get up and say I am an American, I love America, I promote English. I support English as an official language, but I do not need this bill. Let us stop this foolishness and get rid of this bill.

Mr. CANADY of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT].

(Mr. BARRETT of Nebraska asked and was given permission to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Chairman, as a cosponsor of H.R. 123, I strongly support the bill.

Mr. Chairman, I rise today in strong support of H.R. 123. As a cosponsor of this bill and a member of the Opportunities Committee, I believe establishing English as a common language of Government will not only strengthen our nationalism but will stave off the multilingual wedge being driven into the heart of our Nation.

Since 1920, Mr. Chairman, Nebraska's State constitution has held firm in maintaining English as the State's official language. And, just as saying the Pledge of Allegiance is largely symbolic, so is the sense of pride among us for having a national language.

Mr. Chairman, for 400 years immigrants from all across the globe have come to America. We come together as one Nation, with one language, for one people, under God. The English language has strengthened and sustained us in years past, as it will do so in the years to come. I urge adoption of H.R. 123.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding this time to me.

It is precisely because my parents, Greek immigrants, could not speak English when they first came to these shores that I support the legislation in front of us. They would leave no stone unturned to try to learn English on their own and could not wait for the day that they could become naturalized citizens and to be proficient in the English language sufficiently enough to merit the granting of the citizenship which they so prized for the remainder of their lives.

But that is not the main reason that I support the bill. Their pride in English and their pride in being American citizens was enhanced by the fact that they knew the English language and could help their children become educated, not only in the English language, which is their adopted language, but also never to forget the Greek language.

I am enriched by what they did while they did everything in their hearts and minds they could to learn English.

I say to my friend from California, an old friend, Louis Vasquez, and his friend William Lopez and another friend of Spanish descent, and I formed the Spanish-American Society in my district, and they were happy to put together an organization whose sole function would be, not sole function, but one of the functions would be to teach their fellow Latinos the English language. When the charter came from the government of Pennsylvania granting them the official status of the Spanish-American Society which I provided for them as a new lawyer in town, they did not ask that that charter be in Spanish. They were proud that I read it in English. They displayed it and put it on the wall in the English form that it came because they wanted to be a part of the Government of the United States

and Pennsylvania which printed its documents in English. They did not demand or require or even beg or request in any way that that charter also had with it a translation hanging next to it.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague for allowing me to speak.

I rise in opposition to the bill, but I support English as our common language. But our colleagues are trying to divide Americans on language basis, and I say to my colleague from Pennsylvania that no one asked to have that translation of that charter. In the State of Texas even with our Hispanic heritage our charters from our Secretary of State come only in English.

Some time ago, USA Today reported that the English-only effort is a phony solution in search of a problem. There is no more adequate statement that I have heard on any other thing in this issue. According to the findings in this bill, English is a common thread that binds individuals from different backgrounds.

In short, English is what makes us Americans. We have more in common than our language, and, Lord knows, we all speak English in a different way. Americans share a common set of values, those of democracy, freedom, and opportunity, and that can be said in English as well as lots of other languages.

Our fellow Americans who are not fluent in English are no less patriotic than my colleagues or me. In fact in some cases, particularly Hispanic heritage, we can go and talk about individuals who have literally laid down their lives for our country.

Contrary to what the sponsors of the bill claim, English is not being threatened. If one files a document in court, the public records are in English. If they get a charter from Pennsylvania, like my colleague said, it is in English. English is the language that is used today in Congress and all our official activities of our Government.

Then why are we debating this bill? Only to divide us as Americans. We are not divided because of our language, Mr. Chairman. We are divided today because of those of us who may not speak English as our first language. My ancestor did not speak English as a first language, they spoke German. But they also learned English, but we also lament that in our ancestry we lost the ability to speak German.

I hesitate to say anyone coming to America, they are going to learn English, but I do not want them to say, "Don't learn your heritage"; and that is what this bill is saying. This bill is trying to divide us, Mr. Chairman, based on language, and we do not need to be divided any more in this country.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in opposition to this misleading English-only bill. Everyone knows English is indeed our official language. According to the 1990 census, 97 percent of all people in this country speak English well.

Immigrants do not resist learning English. Most immigrants are proud to learn English and proud to speak English. This bill is but another divisive, mean-spirited initiative that does nothing to improve the ability of all of us in this diverse society to live and work together.

How dare any law deny an elected official the right to communicate with their constituents in any language other than English? How can a country that reaches out to cities in other countries all over the world in the great sister city movement of this country look its sister cities from countries like Mexico, Spain, France, Italy, Germany, Japan, Russia, and Africa, and many more, and say, "We love you like a sister, we respect your culture, we appreciate your diversity, and we invite you to come to the United States." And yet say to them, "But when you come to America, don't bring your language with you."

Forty-three percent of my constituents are Latino. We respond to all of our constituents. We respond to them however we need to respond to them, orally or in writing, and we do it in Spanish. We do that, and guess what? I do not intend to ever stop doing that. I do not care what law is passed.

The supporters of this bill claim to want everyone to learn to speak English. Yet they support the defunding of bilingual education while millions of immigrants are on waiting lists to learn Spanish.

This bill deserves to be defeated in every language. I ask my colleagues for a "no" vote.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER], the sponsor of H.R. 351.

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, we are a diverse nation. We should celebrate and be proud of our diversity. But to be a nation we must have one common language with which we can communicate with one another. That common language is American English.

Immigrants have come to our shores for over 200 years, and each group has learned the central language, and has integrated themselves into our society. As our Nation has grown by their numbers, it has been enriched by each of them. In order to have economic and social mobility in this country, we know that we must speak and write the central language. To the extent that we encourage people who enter our society not to learn American English, we consign them basically to a life without that opportunity.

Mr. Chairman, in 1975 through misguided sensibilities, we mandated in

certain circumstances ballots that would have to be printed in a language other than American English. A nation must conduct its public discourse in a central language, and through history our central language happens to be American English. It could have been American Spanish or American French.

The most basic public function that we have in this country is the conduct of our elections. To be eligible to vote in our elections, one must be a citizen. In order to be a citizen one must be able to speak and write American English, our central language. We can speak, read, or use any other language we wish; but when we conduct our official business, we ought to and must conduct it in that central language.

This bill repeals the Federal mandate for ballots in languages other than American English. This may not be good politics, but it is good policy. While we can encourage the diversity that makes us strong, we must come together under one language and speak that language so that we can communicate with one another. And that one language that each citizen is required to know in order to vote must be the only language of our public discourse and our most basic public act, voting.

I commend the gentleman from California and the gentleman from Florida for their leadership in bringing this legislation forward. I believe it addresses a serious problem where our society is dividing ourselves according to languages. We must bring ourselves together under one language, American English, and I would encourage all Members to support the legislation.

Mr. CLAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. JACKSON].

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Chairman, I rise in opposition to this unconstitutional bill being proposed by the previous speaker, the chairman of the Human Rights Caucus.

Mr. Chairman, please tell me what this bill is about? I believe that this bill is about denying and restricting freedom of speech as well as the right to vote. This bill violates the first amendment and the spirit of the Voting Rights Act which was written to overcome discrimination.

In this body, we vote to protect free speech for just about everyone and everything: It's OK to have pornography on the Internet; it's not OK for colleges to censor student newspapers; it's OK for newspapers to lie about us. We guarantee rappers the right to free speech, but we do not want to guarantee the right to free speech in another language.

Mr. Chairman, one-half of the world's population is Asian. One-fourth of the world is Chinese. One-fourth is African, and one-eighth is Nigerian. Americans make up only 4 percent to 6 percent of the world's population.

Until today, Congress has acted to expand trade with our neighbors to the south, east, north, and west. Now, we are turning our backs on 96 percent of the world; most of which is nonwhite, nonchristian, didn't have

anything to do with the *Mayflower*, and has no paranoia about the English language losing its place in the world.

Mr. Chairman, segregationists have always fought against equal rights. Even the record of this Congress shows how difficult it has been to expand basic rights: A member of the other body, who will be running for reelection at the age of one hundred, set a record for the longest filibuster in history when he opposed the Civil Rights Act of 1964—every Member of this body must recognize that the civil rights act outlawed poll taxes which prevented poor Americans from voting because they could not afford the tax needed to register.

So far this Congress is known for similar egregious actions, a senior Member of this body honored a former Member of the House who was a champion of segregation, the late Howard Smith of Virginia. today, unless this bill is defeated, we will be denying people the opportunity to understand the ballots before them. It causes me no little confusion, Mr. Chairman, that the sponsor of the bill repealing bilingual ballots is the chairman of the Congressional Human Rights Caucus. I ask this body that when we look at countries around the world which have persecuted their minorities, when we tell the Serbs to respect the rights of ethnic Albanians, how foolish is it that we are attempting to pass legislation such as this?

Mr. Chairman, every Member of this body should stand for liberty, equal protection, and free speech. I urge my colleagues to oppose this bill. This bill will represent the first time that Congress has narrowed the Voting Rights Act.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the gentleman for yielding this time to me.

This bill has an important, I think, both political and policy question. I do not want to diminish those importances, but I do think the bill is disingenuous despite its importance. I do not accuse any of my colleagues of that, but I think the bringing of the bill to the floor at this time is, as the American people understand it, motherhood, apple pie, the flag; those are great election year issues.

I have been here 18 years, and some Members of Congress bring those issues to the floor just before election. I think that is why this newest motherhood type issue, the traditional wonderful English language, is now being brought to the floor in this form.

Of course, a common language encourages unity. People on both sides of the aisle agree with that. There is no argument about that. Of course, a common language promotes efficiency in our vital system, private system and economy. There is no debate about that. Of course, immigrants should learn to speak the English language. That is why 97 percent of the people in this country can speak English or are on a waiting list learning to speak English.

□ 1400

So what does this bill achieve? The listening public needs to understand

that this bill does not affect spoken language whatsoever. If you do not speak English, that is fine. With English as the official language, we do not stop you from speaking any other language in this country, because even an arrogant Congressman would understand you cannot stop people on the street or in their homes from speaking the languages they will.

What does the bill do? It says the Federal Government may only print its official documents and information in English; that is, most of it in English. It even has some exceptions to that. Then what does it achieve? After all, only .06 percent of documents and information are now printed in other than English. So what does it achieve? Motherhood, apple pie, and English.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise today in strong opposition to this legislation. The Republican leadership wants to use this offensive measure as its latest wedge issue to divide the American people. English is the official language of this Nation. Newcomers to our great country struggle day in and day out to learn our language and to become full members of our society.

I want to share with the Members something about the personal struggle of an immigrant, my father, who knew something about this issue. Ted DeLauro, an Italian immigrant, came to this great nation from Italy at the age of 13. He came eagerly, in pursuit of the American dream, a good education, and economic prosperity.

Tragically, my father had to give up part of that dream, an opportunity for an education. He left school in the 7th grade simply because he could not speak English. In class he confused the word "janitor" with the Italian word "genitori," which means family. He defined the word "janitor" as meaning parents. His teachers and his fellow students ridiculed him and made him feel alone. He was so humiliated that he never went back to school. That event touched him, it touched my family deeply, and it changed our lives.

English is the official language of the United States. New residents of our country want desperately to speak the language and to assimilate. If we are truly interested in codifying the importance of English, we should increase resources for bilingual education in our schools, reach out to residence who are struggling to learn the language, and ironically, this majority leadership, that claims to want to enshrine English as the language of all our residents, has cut bilingual education for thousands of students trying, like my father did, to fit in and to contribute to American life. It is shameful.

My father's story should never be repeated. Children should never have to quit school because they cannot understand the language. This people's House should reject this attempt to divide our country. Vote against this bill.

Mr. CUNNINGHAM. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH], chair of the Subcommittee on Military Construction of the Committee on Appropriations.

Mrs. VUCANOVICH. Mr. Chairman, I rise in support of H.R. 123, the English Language Empowerment Act of 1996. The Federal Government has an obligation to ensure that non-English speaking citizens get a chance to learn English so they can prosper and fully partake of all the economic, social, and political opportunities that exist in this great country. The English language empowers each generation of immigrants to access the American dream. Studies have shown that people who learn English earn more for their families, are better able to move about and interact in society, and can more easily build a solid future for themselves and their children.

H.R. 123 is a good bill, it requires that all citizenship naturalization ceremonies be conducted entirely in English. This bill states that the enactment of this legislation shall not preempt any law of any State. It would not restrict the use of foreign languages in homes, neighborhoods, churches, or private businesses—only the Government sector. I urge my colleagues to vote "yes" on this legislation to designate English as our Nation's official language, and unite our Nation of many immigrants to be one.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. THORNTON].

Mr. THORNTON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to this legislation, which comes with a nice title, a ringing kind of phrase that our sentiments might want to endorse. But our discourse is not limited to "English". We use concepts expressed by words like "liberté" French; "equality" from the French "égalité"; "justice," from the Latin. Our language is enriched by the addition of words and phrases from other languages.

We should be talking today about how to improve and accent American values. We should not be trying to make restrictions on how people talk. People in Arkansas may speak more clearly sometimes than people in other parts of our country, and we may use words that would not be in a lexicon. There should be no effort to limit our ability to express ourselves fully and completely.

I am pleased that the President of the United States has indicated that, if passed, he will veto this bill.

Mr. CUNNINGHAM. Mr. Chairman, I yield such time as she may consume to the gentleman from Connecticut [Mrs. JOHNSON].

(Mrs. JOHNSON of Connecticut asked and was given permission to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. I rise in support of the bill, Mr. Chairman,

but will urge that its specific problems be addressed in conference.

Mr. Chairman, I rise today to acknowledge the difficult task faced by Chairman GOODLING and the members of the Economic and Educational Opportunities Committee in the drafting of this bill. Since 1981, Congress has attempted, with my support, to establish English as the official language of the Government of the United States. The United States is unique for many reasons, including its commendable cultural and ethnic diversity. But while we welcome all the diverse populations that decide to make America their home, we must also bring all Americans together by uniting under our most important common denominator—the English language.

For this reason, I support the provisions in this bill which would require the Federal Government to conduct its official business in English and produce most official documents in English. We must provide some relief from the burdens and costs associated with the additional printing now required of the Federal Government.

However, I am concerned that the committee has not made clear exactly which Federal documents would be affected by this bill. While only 265 of the approximately 400,000 Federal documents currently printed are printed in multiple languages, agencies must have clearer guidelines as to which documents would fall under this bill and which documents would be exempted. I am pleased that, under this bill, all documents dealing with public health and safety could still be printed in multiple languages. But where, for example, would documents issued by HUD fall? Would those not fluent in English still be able to receive information on housing discrimination? Or receive information on workplace discrimination from the EEOC? These are the issues I would like to see made clear in conference committee. We must take a careful look at which documents would be impacted by this bill.

In addition, I am troubled by the provisions which would repeal the Federal requirement for bilingual ballots. The Voting Rights Act was amended in 1975 to include these ballots and for good reason. Since the founding of our Nation, many Americans have been deprived of their inalienable right to participate in the democratic process by negating, either legally or illegally, their right to vote. We have seen States make voting difficult for certain populations by implementing poll taxes, literacy tests, and by designing complex balloting procedures. Bilingual ballots guarantee that no American citizen is denied the fundamental right to vote because of a lack of fluency in English.

It was only 4 years ago that Congress reauthorized bilingual ballots for the next 15 years. I supported that reauthorization back then and do not support any attempt to repeal that mandate prematurely.

However, I support the overall goals of this bill. We must be sure all of our citizens can understand our public discourse and enjoy the benefits of a common language. In order to meet this goal, though, we must strengthen our bilingual education programs and work to reduce the long English class waiting lists that our legal immigrants and newest citizens are faced with as they try to assimilate into this country. If we want well-informed citizens participating in the political process, we must

make it easier for them to share our language. This is how we increase fluency—not by denying citizens their full political rights.

Mr. CUNNINGHAM. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I stand in strong support of this legislation. I would just say to my colleagues, come to San Diego and see the stacks of bilingual ballots.

Mr. Chairman, last month there was a lady in my county named Mrs. Velazquez who was sworn in as a new citizen. I do not know what her position is on this, but I know what her position was on being sworn in as a citizen. She wanted to be sworn in as an American who speaks English. She did it as English, so that she could be mainstreamed. The fact is, the common language of English is the place where we can meet, the mainstream.

I know no reason morally that we can say we want to divide and make sure people do not meet in the mainstream. But, Mr. Chairman, we should remember the fact that when immigrants want to be mainstreamed, they choose the English, and we should do everything we can to encourage that. There are those that would want to encourage to divide.

In the past, the people of California have been brave enough to pass an initiative to say English should be our common language. Mr. Chairman, let us be brave enough to do the same, as California did a long time ago.

Mr. DIXON. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey [Mr. ANDREWS].

The CHAIRMAN. The gentleman from New Jersey [Mr. ANDREWS] is recognized for 2 minutes.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, today there are 40 million Americans with no health insurance. There are millions of Americans who will go to bed tonight with a knot in their stomach about whether they get a layoff notice tomorrow at their jobs. There are rivers that need to be cleaned, highways that need to be built, seniors who need health care in their homes, and what are we doing this afternoon? We are passing a law that says it is illegal for the Federal Government to print a document in a language other than English. If I have ever seen a solution in search of a problem, this is it.

I know, Mr. Chairman, what this is really about. It is about millions of Americans who are sick to their stomach and worried to death that they are going to lose what they have worked for their whole life. What is the solution? It is to beat up on and demonize people who do not look like we do or talk like we do.

Mr. Chairman, if we want to do something to address the real problem of

those very real people, then give paid leave to people so they can leave work and take care of their children, stop corporations from raiding the pension funds of their employees, provide health benefits for every working American in this country, fund bilingual education, so people can read and write the English language, and put our constituents back to work.

This is a shameless and shameful attempt to take the real anxieties of real people and direct them at people who are not like some of the rest of us. We are better than this bill. We should have aspirations better than this. Should, God forbid, it become law, I urge my colleagues from the Republican and Democratic party, from urban, rural, and suburban districts, be better than what is behind this bill. Vote no, and let us get to work on the real problems of the American people.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. CUNNINGHAM] is recognized for 3 minutes.

Mr. CUNNINGHAM. Mr. Chairman, the last speaker said that we intend to beat up, demoralize. My colleagues on the other side, we have gone through this legislation, and I have sat down with them. They know there is no intent or nothing in this bill that would do that. This is an honest attempt to combine and empower the American people, and especially those that have limited English skills to help them.

Mr. Bill Emerson, the late Bill Emerson, has 200 cosponsors on this bill, 200 cosponsors. They are not mean. They are not after anybody's hide. But they believe that we can help the American people. Bill Emerson did not have a mean bone in his body. I would say that instead of divide, in one of the hearings a gentlelady from India said that when the British were there, that there were over 300 and some languages in India and more than that in the dialects, and they actually adopted a foreign language, English, as their common language when the British were there, and it tied that country together. When the British pulled out, and even today, those different groups are segregated and India is gridlocked because they do not have a common language.

My wife teaches Spanish. Both my daughters are fluent in Spanish. I want to send them, if I can afford it, to Spain or Mexico City. I want them to immerse, because I do believe that the future of this country involves trade, it involves that we learn a lot of different languages.

The gentleman said that we cut the program for education. No, what we cut is the Federal Government. We sent the block grants down to the States and allow actually more money, and take away the Federal rules and regulations from the education process. Governors have told us they can do a better job.

I look across the Nation, and there are 320 languages in this country and a

thousand dialects. We encourage those folks to learn, and I want Spanish-speaking or Chinese-speaking. I want them to speak those languages at home. This bill does not prohibit that. What the bill does, it says that the official language of the government, of the Federal Government, shall be in English. That empowers people, just like the example that I used that for our swearing-ins.

The bill says that when a person is sworn in as a citizen to this country, to the United States of America, that that be done in English. To me that is a powerful, that is a very powerful symbol. That is not mean-spirited. That means to empower those individuals.

In my own district, many people do not speak English. They are not empowered. I ask support for this bill.

Ms. VELÁZQUEZ. Mr. Chairman, I rise today, amazed by how far some will go to unravel our country. H.R. 123 should be called the Linguistic and Voting Deprivation Act, not the English Language Empowerment Act. Instead of providing language minorities with the opportunities to learn English, this legislation will cost our Nation one of our most valuable resources—our diversity. I urge all of you to support English Plus.

Earlier in the year this House took opportunities away from our limited-English children by cutting funding for bilingual education. Today with the passage of this legislation, we are making the chance for a better life nearly impossible.

As a Representative with one of the highest immigrant and language minority populations in the country, I know the difficulties that language minorities face day in and day out. H.R. 123 will have the effect of further isolating my constituents who speak primarily Chinese or Spanish. To make matters worse, without bilingual ballots, these constituents will be completely unempowered.

As elected officials, our job is to make democracy work by reaching out and serving all our constituents—not just those who speak English only. Language minorities are some of our society's most vulnerable members. They are especially in need of assurance that their civil liberties will be protected.

My colleagues, H.R. 123 will not bring us together, it will only serve to divide this country. Vote "yes" for English Plus.

Mr. MARTINI. Mr. Chairman, I rise today to express my strong support for H.R. 123, legislation that would establish English as the official language of the United States. I believe that English should be the official language of the Federal Government with rules, decisions and laws for the record conveyed in English. As a cosponsor of several English First bills, I would like to commend Representative CUNNINGHAM and the leadership for bringing this important legislation to the floor.

The United States has long been a nation of immigrants. The fact that our country is a collection of different nationalities necessitates some sort of unifying factor in order to provide a national identity. A common language provides that unifying factor. By establishing English as the official language of the United States, it creates a bond that transcends ethnicity. It enables members of a multicultural society such as ours to more easily identify with each other.

It is important to note that this bill requires only the Federal Government to conduct its official business in English. The bill does not forbid the teaching of foreign languages in schools or every day citizens from speaking foreign languages in their homes, place of business or on a walk in a public park. In addition, the bill exempts public health, national security and civil rights actions. This legislation also repeals the Federal requirement mandating certain localities to provide bilingual ballots. However, if H.R. 123 becomes law State and local governments could still conduct bilingual or multilingual elections if they choose to do so. Furthermore, communities would also be permitted to utilize alternative more cost effective methods in an effort to ensure that no American citizen is denied his or her right to vote.

Unfortunately, in an era of political correctness, some people accuse this legislation of being inherently discriminatory. A deeper inspection of the issue reveals that there is no truth to this assertion.

Mr. Speaker, not long ago this body addressed the subject of immigration reform. The establishment of English as the official language of the United States would aid, not hinder, new immigrants in the assimilation process. Emphasizing the use of a common language will enable new immigrants to become more comfortable more quickly with the eclectic American culture. This simple observation denies the naive notion that an official language is based on discrimination.

Declaring English as the official language of the Government of the United States would be both economically and socially beneficially. I urge my colleagues to join me in declaring English as the official language of the United States.

Mr. TORKILDSEN. Mr. Chairman, I rise today in strong support of English as the Official Language of Government Act of 1996.

The English language is one of America's great equalizers. Studies show that immigrants who learn English are better able to build a life for themselves and their families. They typically enjoy greater successes in both their professional and personal lives. In fact, when my grandfather came to America from Norway at the age of 16, he learned English because it was the best way for him and his family to live the American dream.

Diversity is one of our Nation's greatest strengths. The unique cultures, customs, and beliefs that every immigrant brings to our country add to the richness of America. However, without a common thread to bind our society together, America risks losing its sense of unity.

Some will argue that this bill creates social divisions. This is simply not true. H.R. 123 does not prohibit anyone from speaking any language they choose. It simply says that the official language of the U.S. Government is English and that most official business will be conducted in English.

Opponents also argue that the bill infringes on the personal freedoms and rights of all Americans, and ties the hands of law enforcement and other Government agencies to ensure their protection. However, the bill provides specific exemptions for the protection of public safety and law enforcement.

We have seen in Canada what can happen when there is no common language. We cannot allow the United States to become balkanized with ethnic tensions that will only divide our country.

No matter what part of the world we or our ancestors come from, we all came to America for the same reason. We are here in search of the freedoms and opportunities that make our country great. We are here in search of a better life for themselves and their families. In short, we are here because we want to be Americans. The English language is part of the fabric that keeps us together.

Mr. Chairman, I urge my colleagues to join me in support of this common-sense legislation. I yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I rise in opposition to this bill. The fact is, English is America's language in fact, we don't need legislation to make a fact law.

No one understands the importance of mastering English more than I do. Growing up in a Spanish-speaking neighborhood in south San Antonio, I was lucky enough to have parents who stressed the importance of being fluent in English. My parents understood that English was essential to get work and succeed. My parents' example clearly demonstrated that learning English was essential to first succeed in school, and later in our jobs.

We don't need another Washington mandate, another law with bureaucrats to enforce it to tell us what we all know to be true fact. English is the common language of all Americans, passing or rejecting this legislation will not change this fact. I think it important to get beyond the impassioned rhetoric of this debate and address the facts of this bill, what this bill does and does not do.

This bill basically does two things. One, it restricts the use of other languages by the Federal Government with so many exceptions that it is unclear what in fact would change. At this time less than 1 percent of Federal documents are printed in other languages. Two, it ends the Federal requirement for bilingual ballots. This will have no impact on Texas as our State's electoral code provides for these ballots.

Now let's cover what this bill does not do. It does not promote usage of English. It will not affect commercial and personal communications. It will not increase English usage. It will not serve to bring us together. While I understand that many of my colleagues have good intentions in supporting this bill, millions of Americans do not see this as a well-meaning affirmation of national unity, but rather as a challenge to their Americanism. Until we eliminate this mistrust we should concentrate on promoting English usage rather than passing legislation.

English is America's common language. We do not need a law to prove this. Instead of making symbolic gestures to legislate language, we should take real concrete action to encourage every American to learn English.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to express my support for the Serrano English plus substitute, which expresses the sense of Congress that the U.S. Government should pursue policies that promote English as the common language of the United States while recognizing the importance of multilingualism and working to expand educational opportunities and information resources.

The Serrano substitute would encourage all residents of this country to become fully proficient in English while also encouraging the development of skills in languages other than English—recognizing that multilingualism is vital to American interests.

The Serrano substitute would ensure that the Government continues to provide services in languages other than English as needed to facilitate access to essential functions of Government, promote public health and safety, ensure due process, promote equal educational opportunity, and protect fundamental rights.

Mr. Speaker, this is an issue which impacts not only the men, women, and children affected by such legislation but our Nation as a whole. Our Nation has remained strong and united because, while we do not always agree, we share a common set of democratic ideals and values. Commitment to freedom, equality, tolerance and opportunity—not language—is what holds us together.

Legislation which would establish English as a national language runs counter to our Nation's history and would create a new and unprecedented role for the Federal Government. The Founders of this country recognized the danger of restricting its citizens' freedom of expression. Language, like religion, is an intensely personal form of self-expression which must not be subject to governmental regulation.

Language-minorities do not need to be coerced by the Federal Government to learn English: they already are. According to the Census, over 95 percent of Americans speak English. And current generations of language minorities are learning English faster than previous generations. In Los Angeles, demand for English classes is so great that some schools are open 24 hours a day, and thousands are placed on waiting lists. Also as we should not discriminate against those who speak a single language—English, we should not discriminate against our citizens who are trying to learn English.

Diversity in people and languages is not a national threat, but an advantage. In today's Information Age, we have the ability to connect with individuals across the globe. The movement of people across countries and continents has intensified. Our businesses, too, have increasingly moved into the broader world marketplace where the most influential language is that of the customer. Therefore, the 32 million Americans who speak languages in addition to English are at a competitive advantage.

I urge my colleagues to support the Serrano substitute and resist this attempt to divide our citizenry. Thank you.

Mr. RICHARDSON. Mr. Chairman, the English Language Empowerment Act of 1996, is a bill we do not need. Everybody in American realizes that English is the language of the land. At a time when we are trying to deregulate government, why are we adding more laws to our books?

This bill would not only prohibit the Federal Government from conducting its official business in a written language other than English, but it would repeal a Federal law requiring bilingual ballots for many non-English speaking voters. As a consequence, it will jeopardize the effectiveness of our government and deprive thousands of people of their right to participate in the political process.

In my district alone, one out of every five of my constituents is Native American, and they

will be directly affected by this bill. This bill, as proposed, does nothing to protect the already endangered languages of Native Americans and Native Alaskans. Let's be clear, this is a bad bill—but if it has to be considered, I will support Congressman Cunningham's amendment which exempt native American languages. We cannot limit the ability of native Americans to actively participate in the political process.

We should not only allow but also encourage people to speak languages other than English. It is good for our economy and for the advancement of our people. Congressman Cunningham's amendment would improve this bill by protecting native American languages, and therefore, as bad as the overall bill is, we should vote for this amendment.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in opposition to this bill H.R. 123, to express my concerns about what effect this legislation will have on America, today and in the future.

I am concerned that promoting English as the official Government language in this particular way will result in situations where Americans not yet completely proficient in English will be disadvantaged when it comes to seeking and receiving vital assistance from Government—be it exercising their right to vote, receiving the fullest education possible, health issues, particularly emergency situations—or any other social services.

My strong preference is to look at this issue from another angle. There is no question that English is a language of opportunity and that it is practical to carry out as much government business as possible in this language. In practice this is the case already—the GAO reported recently that between 1990–1994 Federal agencies, other than Defense and State, published 265 documents in languages other than English—less than 1 percent of all the government documents reviewed by the GAO. In reality, about 97 percent of U.S. residents above the age of 4 speak English well or very well. It is the 3 or 4 percent of our population that needs assistance when communicating in English that I am concerned about. Rather than passing legislation which promotes the use of English in a way that can be perceived as exclusive, culturally insensitive and which may result in further marginalization of minorities. I agree with others who have suggested we should instead focus on encouraging all Americans to become proficient in English—through making English language programs fully accessible to all. It is not socially responsible to pass legislation such as H.R. 123 and expect those who cannot communicate in English—often not because they lack the will to try but because they are simply not enough programmes to go around—to cope without any means of communication with Government, which is after all there to serve the people. I strongly urge my colleagues to focus instead on strengthening our capacity to provide the means for new immigrants and those struggling to learn English to do so.

My second specific concern related to this legislation is an uneasy sensation I have that there are darker political undertones to the desire to promote the use of English only. The legislation is worded in such a way that it appears to be promoting English very much at the expense of other languages. The legislation does not recognize sufficiently the importance of multiculturalism in the history of this country, and the strength multilingualism

brings to our country today and its place in the emerging global marketplace.

I bring to this debate a unique perspective in that I represent a district where the languages of every day transaction are English and Samoan. Bilingualism is a strength in my constituency and I cannot support legislation that does not adequately recognize this.

Finally, I would like to note that moves afoot in this Congress to declare English as the official language of the United States have attracted the attention of the international community. I refer particularly to a resolution passed by the fourth Polynesian language forum, held in New Zealand in August last year which was supported by government representatives of 13 governments of Polynesia including New Zealand, Cook Islands, French Polynesia, Easter Island, Western Samoa, Fiji, and Tonga. The resolution specifically stated its incredulity that the United States, otherwise a world leader in the field of human rights, should even consider legislation such as this. The resolution also reminds us that the international community recognizes the rights of indigenous people to have their languages used officially in government. In addition to the points I have made above in relation to the effect of this legislation on all minority groups in the U.S. this Congress would be wise to reflect upon its obligations to protect the languages and cultures of Native American peoples. We should not forget that the international community is watching, and judging us by our actions.

Mr. MILLER of California. Mr. Chairman, I would like to speak in favor of Mr. CUNNINGHAM's amendment to H.R. 123 that would exempt Native American languages from the provisions of this bill. The Native American exemption, which applies to languages spoken by the more than 557 American Indian and Alaska Native tribes in this Nation, is important for several reasons.

First, we have a fiduciary duty, a binding trust responsibility, to protect and preserve Indian cultures. An integral part of their culture is the ability to speak their own languages, many of which are disappearing or have even been lost. The tribes are making a concerted effort to revitalize their languages, and I believe that without this exemption, passage of this bill would frustrate those efforts.

Second, although the bill contains an exemption for teaching on languages, this does not cover cases where courses or classes other than language, such as history or math, are taught in Native American languages.

Third, the bill as presently drafted appears to leave out cases where elderly Indians, many of whom speak solely in their own tongue, need an interpreter or a Federal employee who speaks a native language in order to get medicine or health care from the reservation clinic, to get food stamp assistance, to get Medicare assistance, or help from the local BIA officers. These are important services and we need to be sure that they remain as readily available to the Indian elderly in the future as they are today.

Finally, we must take all reasonable steps to ensure that Indians are not denied or limited by this bill in their ability to exercise the right to vote. This amendment would ensure that ballots and voting instructions in Native languages and interpreters are available to assist Indians who do not speak English proficiently.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to express my opposition to

H.R. 123, which would establish English as the official language of the Federal Government.

Legislation which would establish English as a national language runs counter to our Nation's history and would create a new and unprecedented role for the Federal Government. The Founders of this country recognized the danger of restricting its citizens' freedom of expression. Language, like religion, is an intensely personal form of self-expression which must not be subject to governmental regulation.

Language minorities do not need to be coerced by the Federal Government to learn English: they already are. According to the census, over 95 percent of Americans speak English. And current generations of language minorities are learning English faster than previous generations. In Los Angeles, demand for English classes is so great that some schools are open 24 hours a day, and thousands are placed on waiting lists.

What the sponsors of this and other English only legislation do not seem to understand is that diversity in people and languages is not a national threat, but an advantage. In today's information age, we have the ability to connect with individuals across the globe. The movement of people across countries and continents has intensified. Our businesses, too, have increasingly moved into the broader world marketplace where the most influential language is that of the customer. Therefore, the 32 million Americans who speak languages in addition to English are at a competitive advantage.

This legislation also repeals section 203 of the Voting Rights Act establishing bilingual ballots, which would have a devastating impact on the rights of language minorities to participate fully in the democratic process. The right to vote is one of our most cherished and fundamental rights. It is guaranteed to all U.S. citizens by the 15th amendment to the Constitution and the Supreme Court has long held that the right to vote implies the right to cast an informed and effective vote. To that end, the Court has articulated that constitutional protection extends to all, to those who speak other languages as well as those both with English on the tongue.

In 1975, Congress enacted language assistance provisions to the Voting Rights Act, recognizing that large numbers of U.S. citizens who primarily spoke languages other than English had been effectively excluded from participation in our electoral process. Congressional hearings brought forth evidence that these citizens were denied equal opportunities by State and local governments, resulting in disabilities and continuing illiteracy in the English language.

Repealing these provisions—as Title 2 of this legislation would do—and denying American citizens access to bilingual ballots for Federal elections would effectively disenfranchise a large population of U.S. citizens. In fact, as the number of bilingual U.S. citizens continues to grow the need for bilingual ballots is even greater. Many of these citizens have only recently had the opportunity to engage meaningfully in participatory democracy. Bilingual ballots not only increase the number of registered voters, but permit voters to participate on an informed basis. They not only allow voters who need language assistance to be able to read to know who is running for of-

fice, but also to understand more complex voting issues such as constitutional amendments.

Language assistance is not costly. In depth studies show that the cost was either nominal or caused no additional costs. A GAO report indicates that of the 295 responding jurisdictions, the average cost of providing written assistance was 7.6 percent of the total election expenditures, and an estimated 18 States incurred no additional costs in providing assistance. Oral language assistance is even less burdensome, with costs ranging from 2.9 percent to no additional cost.

Mr. Speaker, our Nation has remained strong and united because, while we do not always agree, we share a common set of democratic ideals and values. Commitment to freedom, equality, tolerance and opportunity—not language—is what holds us together. I hope that my colleagues will resist this attempt to divide our citizenry and oppose this bill, however I rise to support the Serrano amendment which affirms English as our common language.

Mrs. KENNELLY. Mr. Chairman, I rise in opposition to this legislation and in support of the Serrano amendment. I believe that English is part of our heritage and history, and that it should remain the common language of the United States. Today, 96 percent of Americans speak English, and I would like to see this grow. I support efforts to encourage and help new immigrants to learn our language.

But H.R. 123 proposes to shut non-English speakers out of so many aspects of life in our society. I am particularly disturbed by its attempt to repeal the multilingual ballot. Minority language assistance has opened up the democratic process to all citizens, and it has increased voter participation among immigrants. Repeal of this provision of the Voting Rights Act only serves to restrict the democratic process and turn this into a nation of exclusion rather than a nation of inclusion.

As has been said many times, America is a nation of immigrants. Diversity of heritage, culture, and language is a source of our strength. The Serrano amendment would permit us to build on this strength, and I urge my colleagues to support it and oppose H.R. 123.

Mr. COX of California. Mr. Chairman, the immigrant experience is central to our national character. It epitomizes the intergenerational improvement inherent in the American Dream. Americans by choice add to the cultural and ethnic diversity we have always celebrated. It is America's unique national trait that from such diversity springs unparalleled unity and strength of purpose.

For nearly four centuries, natives of other lands have come to America to build a better future. But unlike their predecessors, today's immigrants are met with Government policies allegedly concerned with the preservation of their ethnic separateness. Chief among these misguided policies is the mandate of a multilingual government. By discouraging immigrants and their children from using the English language, this policy has erected a linguistic barrier that keeps many immigrants from becoming full participants in the society they have chosen to join. Whatever its putative intentions, a policy of governmental insistence on a multitude of official languages works insistently to harm the very people it was meant to help.

The use of English is indispensable to immigrants and their children who wish to participate fully in American society and realize the

American Dream. As we seek to promote the rich and varied traditions new Americans bring, we must simultaneously work to ensure that all of us share some basis for common understanding. Securing both these important goals requires overcoming the divisive influence of linguistic separatism. English should be and remain the official language of our National Government.

English, our common language, provides a shared foundation which has allowed people from every corner of the world to come together to build the American Nation. Without it, we might never have achieved the cohesion that permits Irish-American and African-American, Asian-American and Hispanic-American, to live in peace and prosperity together as in no other nation on earth.

The experience of two other immigrant nations—Canada and Israel—offers us clear lessons on just how powerful a force language can be in either uniting or dividing a people. These are lessons we cannot fail to heed.

Canada, our neighbor to the north, bears much in common with the United States. Our settlement, founding, and national growth share the same time and place in world history. Our peoples emigrated from the same native lands. But unlike America, Canada has struggled with the divisive issue of language since its earliest days. Though the British won control over French Canada more than a decade before the American Declaration of Independence, they failed then to conquer the destructive force of linguistic separation. The French and English settled throughout North America, but the lesions of language that live on in Canada are healed in our country. Today, centuries after the French settlement of Quebec, the French language serves as a reason for the Québécois refusal to become integrated into a Canadian nation. The continued existence of Canada as we know it is very much in doubt.

Canada chose to make both English and French its official languages. It has striven for decades to foster unity through official multilingualism. The evidence is clear: that experiment is a horrid failure. Linguistic differences have not promoted national harmony, but rather have dramatically increased Canada's cultural and communal divisions. Twice in recent years, Québécois have demanded and won the right to vote on whether they should separate from Canada. And when they did so most recently, in October 1995, only the barest majority—50.6 percent of Quebec voters—managed to save the country from the kind of disintegration that we ourselves avoided in the Civil War. A third vote could be held as soon as next year. Multilingualism has become a dagger pointed at the heart and soul of the Canadian nation.

The largest immigrant-absorbing nation on earth, in percentage terms, is Israel. Millions of emigres from around the world, speaking as many tongues as Babel, have been welcomed there. Israel's founding fathers, in contrast to Canada, have long recognized the centrality of language to their quest to reestablish a Jewish state in their historical homeland.

The Jews who have returned to the Holy Land shared a common history and religion, but they brought with them enough different native languages to threaten all hope of a cohesive nation. While Yiddish, the German-Jewish dialect spoken by East European Jews, at least overcame that group's experi-

ence with Russian, Polish, or Hungarian, Yiddish was as alien to the Arabic and French-speaking Jews of the Middle East as was Spanish. And Spanish was just one of the many other languages brought to Israel by immigrants from Spain and Latin America.

Israel has shown the world that the key to uniting a polyglot people is to establish a language of mutual understanding. Unlike America, where our British colonizers left us with an English language that is preponderant throughout the world, Israel had no obvious choice from among the languages of its varied citizenry. So its founders revived a tongue whose heritage they all shared, but which none of them spoke. Hebrew—the language of the Old Testament which had survived as the medium of prayer and religious study, but which had virtually disappeared from secular use—became once again the vernacular of Israel.

Israel did, and continues to do, much more than simply declare Hebrew to be the country's common language. The Israelis put in place an infrastructure to ensure that each and every immigrant will be able to speak this common tongue to his or her new countrymen, and thus become quickly integrated into Israeli society. New arrivals, whatever their age, are strongly encouraged to take an ulpan, the intensive Hebrew-language course typically taught by the immersion method. As soon as possible after their arrival, immigrant children are placed in regular Hebrew-speaking classrooms, and given extra Hebrew-language instruction to help them catch up with their classmates. Those arriving to take degrees at Israel's universities must prove their Hebrew proficiency before graduation, even if their degrees are in subjects—such as French, Russian, or English—that may be taught in their mother tongues.

Just as in America, those immigrants who arrive later in life inevitably remain more comfortable with their mother tongue. And just as in America, the culture and society of Israel is hospitable to such people: The Israeli press includes newspapers published in German, Russian, French, Yiddish, and many other foreign languages. Although none of these foreign languages is the official language of Israel, their use is welcomed in a free society. But Israel's insistence on Hebrew as the national language insures that the children of immigrants quickly become Hebrew speakers first, and speakers of their parents' language second. Although a parent might wish for her children to speak English as well as an American, this does not come at the expense of embracing Israel's language and customs. Immigrants need not abandon their ties to the country of their birth. But if they truly wish to become part of the country of their choice, the linguistic bonds to their new country soon strengthen.

Because Canadians have been unable to overcome the linguistic differences that separate them into distinct Anglophone and Francophone communities, they may not long remain as members of a single nation—despite the essential homogeneity of their population. By stressing a single, unifying language, Israel has built a strong, cohesive society—despite the amazingly diverse composition of its people.

The lesson for America should be clear. Fortunately, the United States already has a common language. We do not need to over-

come centuries of linguistic separation, or to find a national tongue to bring our diverse population together. English is our common language, which has enabled us to become and remain the United States of America. We need only ensure that we do not lose it by neglect or inaction.

Many people do not realize that, while English is our common language, government at all levels is actively undermining its unifying function. All of the benefits our Nation reaps from our linguistic harmony will be lost if ill-advised government policies continue to forment linguistic separatism.

Today, American taxes are being spent so that people who cannot understand or communicate in English can nonetheless receive ballots to vote in Filipino, Vietnamese, or Chinese. Federal Government job announcements frequently invite applications from people with limited English skills. Immigrants have even been sworn in as new citizens at a U.S. Government ceremony conducted almost entirely in Spanish. And bilingual education, which purports to aim at bringing students into full participation in our society, has instead condemned them to what the New York Times calls a "bilingual prison."

Under these doctrinaire and disruptive bilingual policies, in too many U.S. schools children who wish to learn English are given only a few minutes of English instruction each day. Ignoring the time-tested wisdom that practice makes perfect, children are taught all day long in the foreign language they already speak, rather than in English. And children who should be moved quickly into mainstream classes are kept in language separation for 7 or more years.

Immigrant parents who have expressed serious concerns about this practice have no recourse. Despite parental fears that bilingual programs do not bring their children fully into the fold of American society, nothing is done to help their kids. That's why dozens of Latino parents at the Ninth Street School in Los Angeles recently pulled their children out of school to protest the education bureaucracy's refusal to teach their children in English.

Bilingual education programs often require teaching children in their native language and discourage the learning of English. These programs are a shameful example of the damage to our society caused by official multilingualism. They are wasteful, discriminatory, and too often produce children who are illiterate in any language. Yet they are perpetuated by a requirement that 75 percent of Federal bilingual education grant money be used for instruction in a child's native language rather than finding the most effective means to assist the transition to English. Instead of helping immigrants and their children achieve the American dream, these policies are condemning generations to isolation—cut off from the boundless opportunity our country offers to those who share the common bond of speaking and writing the same language, and being understood by their fellow citizens.

A 1995 study by Ohio University economists Richard Vedder and Lowell Galloway finds that a lack of English skills has trapped almost 1.5 million immigrants in poverty. And the Department of Labor has found that while 98 percent of Asian males who are fluent in English participate in the labor force, fully one-quarter of Asian males who lack English fluency are jobless. The simple truth is that those who

cannot function in our country's predominant language are less able to find jobs. As a result, they are cheated of the opportunity for improvement and happiness that America promises to millions.

Even when non-English speakers are able to find jobs, they can expect to earn a fraction of what others earn. In 1989, immigrant men who lacked English skills earned \$233 a week on average, according to the Bureau of Labor Statistics. Those who spoke other languages but were proficient in English earned \$449, and those who spoke primarily English earned an average of \$584 a week. A 1995 study by the Latino Institute has confirmed that the ability to speak English can make the difference between a low-wage job and a high-wage managerial, professional, or technical job.

These facts paint an unmistakable picture. Immigrant communities themselves recognize what must be done: According to the U.S. Department of Education, 42 percent of new enrollees in adult education are signed up for classes in English as a foreign language. Almost all of those enrollees—97 percent of them—were born outside the United States.

The drive for self-improvement these students demonstrate reflects an understanding of what America itself must not take for granted: that language is the foundation on which all human interaction rests. In America, where the principal language of interaction is English, its use and active promotion through Government policy can pave the way for unprecedented opportunity and national prosperity. But just as a common language opens the door to communication, so too the lack of it erects a barrier not easily overcome. If the common bond of a national language is neglected and denigrated long enough, experience teaches that the Nation itself will ultimately suffer. Such an important key to realizing the American dream ought not be kept from those who come to the United States.

As we continue to welcome new Americans to our shores, we must ensure that misguided national policies do not undermine the important role of a common language of national understanding. English as the official language of our Government encourages its use by all Americans, so as to secure brighter opportunities and a better future for us all.

Mr. VENTO. Mr. Chairman, I rise today to oppose this legislation, H.R. 123. This measure would establish English as the official language of the United States, an unnecessary move that would only serve to polarize our communities and segregate those for whom English proficiency may not be so easily attained. This underlying measure is a solution in search of a problem, which is more likely to disrupt and deny the rights of U.S. citizens than to enhance the rights of Americans.

This measure is unnecessary. In America, English is already our common language, and making it official will do nothing to increase its use. Custom and practice of our language will not be enhanced by such cumbersome forced feeding. Even in Government, this holds true. For example, the General Accounting Office has reported that 99.94 percent of U.S. Government documents are printed in English only. While I communicate mostly in English to my constituents in the Fourth District of Minnesota, I do occasionally send correspondence in other languages. The original legislation would prevent my office, or any congressional office, from sending non-English cor-

respondence to our constituents. These citizens deserve equal representation and access to their Federal Government, and denying Congress the ability to communicate with them limits their rights and privileges under the law. An amendment to be offered will address this problem, which this House will adopt, but what about the Department and Agencies employees who this measure ties into knots so people are denied help and service.

While restricting the ability of the U.S. Government to adequately communicate with certain Americans, this bill ironically does nothing to provide opportunities to those with limited English proficiency in order to help them learn our language. In fact, the fiscal year 1997 Labor, Health and Human Services, Education appropriations bill recently passed by the House cuts bilingual and immigrant education programs by 11 percent. This funding reduction, if taken together with this bill, would pull the rug out from under the majority of immigrants who are diligently attempting to learn English and further aggravate and polarize existing language barriers in this country.

The main public school system in my district, St. Paul Public Schools, is already struggling to provide this English language instruction to its limited English proficiency [LEP] students, the majority of who are Southeast Asian. The school district has over 6,500 LEP students and only 150 LEP teachers. This limits the number LEP instruction hours per student and increases student-teacher ratios to 60 to 1 in most classrooms. These budget strains will only become greater in the future as the student population with limited English proficiency grows, and it is, by any measure, the fastest growing population of students in the St. Paul Public School System. Clearly, more resources are needed in these areas and in educating adults who are new arrivals to the United States. This opportunity must be presented to these citizens, not the punitive denial of access to their Federal Government.

No one is suggesting that learning English is unimportant in the effort to live, work, learn, and earn in the United States. We must remember, however, that our Nation is comprised of people from many diverse cultural backgrounds. Legal mandates denying them access to some Government documents and other materials in their native language could prove to be detrimental to the rights of these citizens who are not fully proficient in English. The Federal Government should not be in the business of creating new barriers to integration within our society in this manner.

America's unity comes from hard work, dedication, and pride in our Nation and its citizens, not only from a common language. Historically, a high percentage of U.S. citizens once spoke poor or no English, but with patience and good will, these European immigrants were accommodated. Now, this measure exacts a punitive action against those who today face English language barriers. What is this Congress afraid of? Have the people's representatives no confidence in our culture, institutions, or customs that we must set in law in essence a punishment for fellow citizens who need help in other languages such as Spanish or Hmong? This would simply alienate new citizens from their government, and segregation and isolation is surely not the goal we seek. Quite the contrary we seek tolerance and cooperation. Rather, we should integrate and honor our differences and recognize a

person's need and right to be assured that their basic rights are protected. We will do more harm than good by imposing requirements that disenfranchise the rights of citizens under the banner of a common English language. If we are to continue to be a nation which accepts diversity and cultural difference, we must defeat this legislation which imposes great risk to the core American values and promise of our society and our great nation the United States of America.

Mr. POMEROY. Mr. Chairman, I rise in opposition to the English Language Empowerment Act.

I cosponsored this bill under the mistaken assumption it was for the purpose of designating English as the official language of this country.

I now understand the bill goes far beyond this purpose and would attempt to impose a clearly unconstitutional proscription on the ways in which the Federal Government communicates with its taxpayers. I further object to the provision which has been added to this bill to repeal the requirement of the Voting Rights Act for bilingual ballots in certain areas. As President Ronald Reagan said, the bilingual ballot requirement, "proves our unbending commitment to voting rights."

Since coming to Congress, I have consistently worked to include more Americans in the electoral process. This bill discourages participation for many Americans, and I find that unacceptable.

In summary, I believe this bill does not effectively promote English as the official language, but has an unacceptable punitive impact on those in the process of gaining proficiency in our common language.

Ms. MCKINNEY. Mr. Chairman, Este proyecto de ley es una desgracia y no es necesario. How rude can the Republican leadership be? At a time when America is hosting the world in Atlanta, here we are trying to silence other languages in some kind of perverted, xenophobic frenzy.

Why not ban New York Accent English, or ban Southern English? Who are we to tell the American people—a free and diverse people—which language is the only language for dignity and respect? Are we so insecure about our heritage that we have to lash out at other languages?

And what about the native American languages that were here long before English? Or the Americans who speak cajun?

Mr. Speaker, this bill is just one more example of the hot button politics that dominates this Congress since the Republicans took over. I just wonder who we'll be told to hate next week.

Mr. CONYERS. Mr. Chairman, although the focus of the debate surrounding this legislation has been on the use of foreign languages by immigrants, in reality, the core of the issue concerning minority language provisions of the Voting Rights Act is the constitutional and civil rights of American citizens—both native born as well as naturalized—whose first language is not English. The minority language assistance provisions of the Voting Rights Act have been signed into law and supported by President Ford, Reagan and Bush, as well as Presidents Clinton and Carter. During their most recent reauthorization in 1992, Senator HATCH said that the provisions are an "integral part of our government's assurance that Americans do have . . . access" to the ballot box.

Since the minority language assistance provisions of the Voting Rights Act was first adopted, they have provided a catalyst for increase voter participation in language minority populations. From 1980 to 1990, Latino voter population increased by five times the rate of the rest of the Nation, and the number of Latinos registered to vote increased by approximately 500,000 between 1990–92. Participation statistics for Native Americans also indicate an increase in turnout as a result of minority language voting assistance. Recent studies confirm that nearly three-fourths of Spanish speaking American citizens would be less likely to vote if minority language assistance were not available.

The evidence further reveals that the minority language provisions of the Voting Rights Act are a targeted, low cost method of ensuring the constitutional right to vote. According to the Government Accounting Office, the average cost of providing written assistance is minuscule, costing an average of 2.9 percent of election expenses or less. Seventy-nine percent of the jurisdictions responding to this study reported no costs in providing bilingual oral assistance.

Denying citizens minority language assistance with regard to voting will not force or encourage them to learn English. As the late Hamilton Fish, Jr., then ranking Republican on the House Judiciary Committee so eloquently stated in 1992, "by enabling language minority citizens to vote in an effective and informed manner, we are giving them a stake in our society, and this assistance . . . will lead to more, not less, integration and inclusion of these citizens in our mainstream."

The most recent reauthorization of the minority language provisions were approved by overwhelming bipartisan margins of 237–125 in the House, and 75–20 in the Senate. Yet, only 4 years later, this bill would repeal these provisions without evidence that the discrimination has ended. I urge opposition to this measure.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to express my opposition to the rule for H.R. 123, which would establish English as the official language of the Federal Government.

Legislation which would establish English as our only language runs counter to our Nation's history and would create a new and unprecedented role for the Federal Government. The Founders of this country recognized the danger of restricting its citizens' freedom of expression. Language, like religion, is an intensely personal form of self-expression which must not be subject to governmental regulation.

This is a restrictive rule which does not allow for a number of important amendments, which were offered in the Rules Committee, to be offered on the floor today. I am particularly concerned that an amendment offered by Representatives CONYERS, BECERRA, FRANK, RICHARDSON and myself was not made in order. This amendment would have struck title II from the bill and ensured that no other section of the bill eliminates bilingual election requirements. I also offered an amendment that would have exempted ballots for Federal elections from the bill's official English requirements.

The right to vote is one of our most cherished and fundamental rights. It is guaranteed to all U.S. citizens by the fifteenth amendment

to the Constitution and the Supreme Court has long held that the right to vote implies the right to cast an informed and effective vote. To that end, the Court has articulated that constitutional protection extends "to all, to those who speak other languages as well as those both with English on the tongue."

In 1975, Congress enacted language assistance provisions to the Voting Rights Act, recognizing that large numbers of U.S. citizens who primarily spoke languages other than English had been effectively excluded from participation in our electoral process. Congressional hearings brought forth evidence that these citizens were denied equal opportunities by State and local governments, resulting in disabilities and continuing illiteracy in the English language.

Repealing these provisions—as title 2 of this legislation would do—and denying American citizens access to bilingual ballots for Federal elections would effectively disenfranchise a large population of U.S. citizens. In fact, as the number of bilingual U.S. citizens continues to grow the need for bilingual ballots is even greater. Many of these citizens have only recently had the opportunity to engage meaningfully in participatory democracy. Bilingual ballots not only increase the number of registered voters, but permit voters to participate on an informed basis. They not only allow voters who need language assistance to be able to read to know who is running for office, but also to understand more complex voting issues such as constitutional amendments.

Language assistance is not costly. In depth studies show that the cost was either nominal or caused no additional costs. A GAO report indicates that of the 295 responding jurisdictions, the average cost of providing written assistance was 7.6 percent of the total election expenditures, and an estimated 18 States incurred no additional costs in providing assistance. Oral language assistance is even less burdensome, with costs ranging from 2.9 percent to no additional cost.

Mr. Speaker, our Nation has remained strong and united because, while we do not always agree, we share a common set of democratic ideals and values. Commitment to freedom, equality, tolerance and opportunity—not language—is what holds us together. I urge my colleagues to oppose this rule and oppose this bill.

Mr. BEREUTER. Mr. Chairman, this Member is pleased to express his support for H.R. 123, legislation to declare English as the official language of the United States. This Member not only is a cosponsor of H.R. 123, but also this Member has a long track record of cosponsoring comparable legislation since 1985.

Non-English speakers in a society where English is the predominant language are almost certainly doomed to be at an economic disadvantage in this Nation. One only has to look to the continued, divisive problems in Canada, Belgium, or other bilingual nations to realize that the United States would be well advised to avoid such a situation. Despite the lack of political courage among a few Representatives and Senators who represent border States, it is high time that Congress act on this matter.

This bill eliminates the existing Federal mandate for bilingual ballots; however, it does not make bilingual ballots illegal. Therefore, a State may continue to provide election ballots

in more than one language, but only if the State so chooses. Additionally, H.R. 123 requires that all citizenship naturalization ceremonies be conducted entirely in English. The legislation does not prohibit Members of Congress, Federal Employees, and Federal officials from communicating orally with others in a foreign language. Sensible exemptions are allowed under this bill for teaching of languages, national security issues, international relations, trade and commerce, public health and safety, rights of victims of crimes or criminal defendants, and for census purposes.

Mr. Chairman, this Member strongly urges his colleagues to vote in favor of H.R. 123.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in opposition of H.R. 123, the misnamed English Language Empowerment Act. Mr. Chairman, English-only laws, especially eliminating ballots in other languages, will disconnect millions of Americans from their Government. Denying citizens minority language assistance in voting will not force or encourage them to learn English. On the contrary, it will lead to less integration or inclusion of these citizens in mainstream society.

According to the U.S. Bureau of the Census, over 97 percent of Americans can speak English. Research has illustrated that today's immigrants are learning to speak English even faster than previous generations. Publications and information materials in other languages allow those who are learning, but not yet fluent in English, the opportunity to participate in our democracy by making informed decisions. Laws to make English official in all governmental services and departments is an avoidance and dismissal of the fact that above all institutions, our Government should respect the differences in our social mosaic. Providing multi-lingual services promotes participation by all persons in this country and recognizes that people who contribute to our tax base should have access to services for which they are eligible.

Mr. Chairman, another concern of mine is that as we force non-English speaking Americans to learn the English language, we hinder their efforts to learn English by eliminating funding for bilingual education programs. Rest assured, Mr. Chairman, that I will continue to preserve our American heritage, however, I cannot deny that the American heritage has been enriched by the culture of other nations.

Mr. Chairman, I urge my colleagues to defeat this divisive bill. I yield back the balance of my time.

The CHAIRMAN pro tempore. All time has expired for general debate.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 3898 is considered as an original bill for the purpose of amendment and is considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 3898

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "English Language Empowerment Act of 1996".

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, the common thread binding individuals of differing backgrounds has 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 enactment of this title should be used for 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

"Sec.

"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. Rule of construction

"168. Affirmation of constitutional protections

"169. Definitions

"§ 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 151 of title 28) obtain appropriate relief.

"§ 165. Reform of naturalization requirements

"(a) FLUENCY.—It has been 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 contravenes such provisions (such as by requiring the use of a language other than English for official business of the Federal Government).

"§ 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 languages 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, income tax 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:

"6. Language of the Federal Government 161".

SEC. 103. PREEMPTION.

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

SEC. 104. 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 202".

(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), 3(a), 3(b), 3(c), 4(d), 5, 6, and 13, by striking "or in contravention of the guarantees set forth in section 4(f)(2)";

(2) in paragraphs (1)(A) and (3) 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 (1)(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 denials 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

(4) in paragraph (5) of section 4(a), by striking "or (in the case of a State or subdivision which sought a declaratory judgment under the second sentence of this subsection) that denials 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".

The CHAIRMAN. No other amendment shall be in order except those printed in House Report 104-734 or pursuant to the order of the House of today.

The amendments printed in the report may be considered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, except as specified in the report, and shall not be subject to a demand for division of the question.

Pursuant to the order of the House of today, the amendment numbered 1 printed in the report by the gentleman from California [Mr. CUNNINGHAM] may be offered as modified.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on amendment, and reduce to 5 minutes the minimum time for electronic voting on any postponed

question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes.

It is now in order to consider amendment No. 1 printed in House Report 104-734, as modified under the previous order of the House.

AMENDMENT, AS MODIFIED, OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Chairman, I offer an amendment, as modified.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. CUNNINGHAM: Page 1, line 4, insert before "English" the words "Bill Emerson."

Page 6, after line 5, insert the following (and redesignate any subsequent paragraphs accordingly):

"(2) to limit the preservation or use of Native American languages;"

Page 7, after line 3 insert the following (and redesignate any subsequent subparagraph accordingly):

"(B) requirements under the Individuals with Disabilities Education Act;"

Page 7, line 20, strike "documents that utilize" and insert "using".

Mr. CHAIRMAN. Pursuant to House Resolution 499, the gentleman from California [Mr. CUNNINGHAM] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from California [Mr. CUNNINGHAM].

□ 1415

Mr. CUNNINGHAM. Mr. Chairman, is there someone in opposition to the amendment to claim the time?

The CHAIRMAN. Is the gentleman from California [Mr. BECERRA] claiming the time?

Mr. BECERRA. Mr. Chairman, while I do not oppose this particular amendment, I ask unanimous consent to control the time in opposition to this amendment. I understand that this request has been worked out with the majority.

The CHAIRMAN. Without objection, the gentleman from California [Mr. BECERRA] will control the 5 minutes in opposition to the amendment.

There was no objection.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself 1 minute.

The Chairman, I think we have agreement on this particular amendment. It clarifies that the bill does not affect native American languages or the Individuals with Disabilities Education Act, that are in IDEA, the special education program, that we want to make sure that children in special education can communicate in this way, and it excludes that.

The intent of H.R. 123 is not to hinder the preservation of native American languages. It is to encourage fluency in the language of American opportunity, English.

This is a technical change that eliminates the limiting reference to documents. This resolves a committee dis-

pute over whether coins labeled "E Pluribus Unum" are documents, and would be authorized.

Mr. Chairman, I reserve the balance of my time.

Mr. BECERRA. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I consider this legislation basically an insult to the English language and also un-American because basically it violates free speech and also discourages diversity, which I think is a hallmark of our American tradition.

The legislation has nothing to do with protecting the English language. English is a wonderful language that has survived for years in various places. To think that the language of Shakespeare has to have government help to survive.

How ironic that our Republican friends on the other side want to use government involvement to preserve the English language, which is why I think it is an insult to the language. I consider it un-American because the legislation only has two purposes: first, to make it difficult for government to communicate with its citizens; and, second, to discourage the use of other languages. Contrary to whatever my colleagues might say on the other side, that is the real purpose of this bill.

Mr. Chairman, when I say making it difficult for government to communicate with citizens, why is it that in my office that I cannot hand out a brochure on this bill in another language? I have people that come into my office that speak Spanish, Italian, various Indian dialects, a whole panoply, really, of people that speak various languages. I should be able to speak to them, write to them, communicate with them however I please, in any language that helps them if they are citizens, which they are. It does not make sense, it is against free speech.

Second, Mr. Chairman, this bill discourages the use of other languages in public and private places. Do not get the idea that the opposite is true. Let me give Members an idea. I never learned Italian, in part because my grandparents did not want me to, but it would be a great asset to me and to my children to know Italian. But if you put out this notion, this symbol, if you will, that people should only speak English, which is what this is about, it discourages diversity, it discourages people from learning other languages and using them. We should be doing the opposite. This is a global economy. People should use languages as an asset. In this country with so many different traditions, we should be encouraging diversity, not discouraging it.

Mr. BECERRA. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, despite the red hot rhetoric of those who are trying to score cheap political points, the truth is this. Diversity does not divide our Nation. Bilingualism

does not burden our bureaucracy. Using Spanish or Polish or German to contact a constituent, collect taxes or cast a ballot does not lead to confusion. It enhances communication. It adds color and clarity and dignity to our ideas. That brings us closer together.

English-only laws disenfranchise Americans who pay taxes, play by the rules and send their children off to war.

Speaker NEWT GINGRICH often says that words have power. Therefore, by the Speaker's own logic, if you deny specific groups of Americans the ability to use words that are part of their culture, you strip them of their power. Poll taxes and literacy taxes which once stripped African-Americans of their God-given rights have now been reborn, renamed and retargeted to strike at other minority groups.

English only is the Jim Crow of the 1990's. Americans of all backgrounds are its victim. Latinos are certainly its primary targets but English-only is also a threat to Polish and Italian Americans, to Chinese and Ukrainian Americans.

In fact, Mr. Chairman, English only is a threat to America itself. It represents a rejection of America's past. There was a time when immigrants were once called upon to create a culture, not just to conform to it. English only strips America of its future as well. After all, what awaits us if we deny certain voters a role in their government, if we deny certain students the chance to learn? We deny them the chance to pursue their potential and contribute to America. We deny America of its hope.

Mr. Chairman, the United States did not achieve greatness because we all speak with one voice. Our country is great because we can, if we wish, speak with many voices.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. I thank the gentleman for yielding me this time.

Mr. Chairman, this bill is long overdue. I have a question for my colleagues in this Chamber. When you take a look at economic statistics and notice who is earning the lowest income, you will find that the people who are not speaking English, or who are not fluent in English, are at the bottom. Why do you want to keep the people at the bottom of the income scale? Give the people a chance. Give the people a chance to earn a decent income. But first you have to give them a chance to learn the English language.

Everyone knows that the English language is the language of opportunity in the United States. I had a hearing on this bill over 3 years ago, when we were still the minority. Do you know who the strongest supporters are of this bill? The new Americans. We had Latinos from all over America, especially California, come in. They are all for this legislation, because they want their kids to have a chance, a

chance that they may not have had. So we are speaking for the new Americans here.

Mr. Chairman, I am not accusing anyone, but I get suspicious sometimes when I hear the politicians get up and speak. They are so out of step with the people they say they represent that it is night and day. I often think that the politicians want to keep these people down, keep them under their thumb.

I think it is about time we liberate the people. Let us give them a chance to learn the English language so they can compete in America. Teddy White, and Arthur Schlesinger both have said that, as we come to the 21st century, the greatest fear they have for our country is that America is breaking up into squabbling ethnic groups. Winston Churchill said a common language is a Nation's most precious inheritance. We want to hand this common language on to our children and to our grandchildren, and to all groups in America.

Mr. Chairman, there are many quotes from distinguished speakers on this issue, but the most insightful quote of all, I think, comes from Linda Chavez. She said, and I quote: For the overwhelming majority of immigrant children, learning English was the first and most crucial step on the road to becoming an American.

Is that not true?

Mr. BECERRA. Mr. Chairman, I yield such time as he may consume to the gentleman from Guam [Mr. UNDERWOOD].

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

MODIFICATION OFFERED BY MR. UNDERWOOD TO THE AMENDMENT OFFERED BY MR. CUNNINGHAM

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that the pending amendment offered by the gentleman from California [Mr. CUNNINGHAM], the chairman of the subcommittee, be modified by the form that I have placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. UNDERWOOD to the amendment offered by Mr. CUNNINGHAM: In the amendment, strike "Native American languages" and insert "Native Alaskan or Native American languages (as defined in the Native American Languages Act)."

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman from California on behalf of the linguistically liberated people from Guam.

Mr. Chairman, I rise today to clarify my intent in offering a second degree amendment to the Cunningham amendment. As a result of my amendment to the manager's amendment, indigenous languages of Native Alaska, native America and the Pacific will be affirmed and exempted from the English-only bill.

The Cunningham amendment clarifies that the provisions of the bill do not affect native American languages. I appreciate the intent of Congressman CUNNINGHAM in offering his

amendment and in raising this important issue. Under the Cunningham amendment, however, Native Alaskan is not exempted, and it is not clear which definition of native American is used.

My second degree amendment clarifies that the bill does not affect Native Alaskan or native American languages as defined under the Native American Languages Act. Under the Native American Languages Act, the term "Native American" means an Indian, Native Hawaiian, or native American Pacific Islander.

My second degree amendment ensures that indigenous languages to the United States are not prohibited from being spoken or written in our communities. The amendment is an affirmation of indigenous languages and their contribution to our society. I am pleased with Congressman CUNNINGHAM's willingness to accept this second degree amendment, and for his intent in offering his amendment.

Mr. BECERRA. Mr. Chairman, I yield 30 seconds to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the gentleman very much for yielding me this time.

Mr. Chairman, I only wanted to make the point with regard to the very important matter which just preceded this, that of these 300 plus so-called foreign languages that we have heard about, almost half of them are native languages, indigenous languages to the original people of the United States, languages that were here hundreds of years before English.

Mr. BECERRA. Mr. Chairman, I yield the balance of my time to the gentleman from Oregon [Ms. FURSE].

The CHAIRMAN. The gentlewoman from Oregon [Ms. FURSE] is recognized for 30 seconds.

Ms. FURSE. Mr. Chairman, as someone who came to this country speaking what is termed the Queen's English and when I learned American, I want to point out in an English phrase what this legislation embodies: That phrase is cutting off one's nose to spite one's face.

This country is made up of diversity. This country is big enough to include all the languages and all the people. Let us not cut off our noses to spite our faces.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. CUNNINGHAM] is recognized for 2 minutes.

Mr. CUNNINGHAM. Mr. Chairman, it is not an English-only bill. It is an official language of the Government bill. If it were an English-only bill, it would apply not only to government but to private businesses, to churches, to neighborhoods and homes, and the bill does not do that.

The gentlewoman talks about diversity. We encourage diversity and we encourage other languages, as in my own children. H.R. 123 does not apply to homes and churches, and neighborhoods, and communities, to public health, and safety, national security, international relations, the teaching of languages, the census, certain civil

lawsuits, rights of crime victims or criminal defendants, or oral communication by the Federal Government.

Mr. Chairman, when talking about diversity, the census study shows that there are going to be 20 million Americans that either do not speak English or are limited English-proficient. What hope does that person have or that family? None. In my own district, I can walk precincts and go in entire blocks where no one in that house except maybe the child that is going to school speaks English. No one. What help does that child have when they go home on geometry or chemistry? None. It is because the Government has subsidized and sent information, and there is no intent to ever learn English. Some of the people there have been there since 1986 where we waived the rights for illegal coming in. Some of those same individuals have never even left that block, you talk about imprisonment. All we are doing is saying that we want the Government to operate in the official language. I would say that the State and the local have got full right to communicate. In many instances in this bill we do not prohibit the Members from communicating with their constituents. I appreciate Members' support for the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CUNNINGHAM], as modified.

The amendment, as modified, was agreed to.

The CHAIRMAN. The Chair is advised that the amendments numbered 2 through 4 will not be offered.

It is now in order to consider amendment No. 5 printed in House Report 104-734.

□ 1430

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SERRANO

Mr. SERRANO. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. SERRANO:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "English Plus Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) English is the primary language of the United States, and all members of the society recognize the importance of English to national life and individual accomplishment.

(2) Many residents of the United States speak native languages other than English, including many languages indigenous to this country, and these linguistic resources need to be conserved and developed.

(3) This Nation was founded on a commitment to democratic principles, and not on racial, ethnic, or religious homogeneity, and has drawn strength from a diversity of languages and cultures and from a respect for individual liberties.

(4) Multilingualism, or the ability to speak languages in addition to English, is a tremendous resource to the United States because such ability enhances American competitiveness in global markets by permitting improved communication and cross-cultural understanding between producers and suppliers, vendors and clients, and retailers and consumers.

(5) Multilingualism improves United States diplomatic efforts by fostering enhanced communication and greater understanding between nations.

(6) Multilingualism has historically been an essential element of national security, including the use of Native American languages in the development of coded communications during World War II, the Korean War, and the Vietnam War.

(7) Multilingualism promotes greater cross-cultural understanding between different racial and ethnic groups in the United States.

(8) There is no threat to the status of English in the United States, a language that is spoken by 97 percent of United States residents, according to the 1990 United States Census, and there is no need to designate any official United States language or to adopt similar restrictionist legislation.

(9) "English-only" measures, or proposals to designate English as the sole official language of the United States, would violate traditions of cultural pluralism, divide communities along ethnic lines, jeopardize the provision of law enforcement, public health, education, and other vital services to those whose English is limited, impair government efficiency, and undercut the national interest by hindering the development of language skills needed to enhance international competitiveness and conduct diplomacy.

(10) Such "English-only" measures would represent an unwarranted Federal regulation of self-expression, abrogate constitutional rights to freedom of expression and equal protection of the laws, violate international human rights treaties to which the United States is a signatory, and contradict the spirit of the 1923 Supreme Court case *Meyer v. Nebraska*, wherein the Court declared that "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."

SEC. 3. GOVERNMENT POLICIES.

The United States Government should pursue policies that promote English as the common language of the United States and that—

(1) encourage all residents of this country to become fully proficient in English by expanding educational opportunities and informational resources;

(2) conserve and develop the Nation's linguistic resources by encouraging all residents of this country to learn or maintain skills in a language other than English;

(3) respect the treaties with and the customs of Native Americans, Native Alaskans, Native Hawaiians, and other peoples indigenous to the United States and its territories;

(4) continue to provide services in languages other than English as needed to facilitate access to essential functions of government, promote public health and safety, ensure due process, promote equal educational opportunity, and protect fundamental rights; and

(5) recognize the importance of multilingualism to vital American interests and individual rights, and oppose restrictionist language measures.

The CHAIRMAN. Pursuant to House Resolution 499, the gentleman from New York [Mr. SERRANO] will be recognized for 30 minutes and a Member in

opposition will be recognized for 30 minutes.

Mr. CUNNINGHAM. Mr. Chairman, I rise in opposition, and I ask unanimous consent that 15 minutes of the 30 minutes I control be controlled by the gentleman from Florida [Mr. CANADY].

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. CANADY] will control 15 minutes and the gentleman from California [Mr. CUNNINGHAM] will control 15 minutes in opposition.

The Chair recognizes the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Chairman, I yield myself 5 minutes.

(Mr. SERRANO asked and was given permission to revise and extend his remarks.)

Mr. SERRANO. Mr. Chairman, the discussion we are having today is a classic example of how a nonissue becomes somewhat of an issue in this House. It seems that everyone is saying, on that side of the aisle, that there is a major problem with the English language in this country; that somehow people do not want to learn to speak English; that children are running around this Nation speaking only other languages and not English, and that somehow, unless we here today and later on in the other House protect the English language, the language and the Nation will somehow cease from being the great language and the great Nation that they are today and become something that we will not recognize.

What is interesting about this nonissue being made into somewhat of an issue is that it is totally false. The fact of life is, as has been said on this floor, that 97 percent of Americans, according to the Census Bureau, speak English; that people who come to this country, incidentally, whether with documents or without documents, are coming here for one specific reason. They want to make a new life for themselves and for their children. They leave behind their country, in many cases they leave behind members of their family. Now, does it make any sense that the first statement they hear upon arriving in our country is that they do not want to speak English?

I can tell my colleagues through a personal example that in the Hispanic and the Puerto Rican community when people sit around a dinner table and the issue of language comes up, it is never a plot against the English language, it is a lament about the fact that the children and the grandchildren no longer speak Spanish. Whether it be rap music or rock or soul or the latest dance craze, television, "Nick" during the day or "Nick at Night," whether it is school or the street, English empowers and takes over everyone's life so that English becomes, in fact, the common language.

What we are saying here today is that we want to make it the official

language so that I cannot communicate with the foreign minister from Mexico in Spanish or the new president from the Dominican Republic who will be writing to me, as I know he will, in Spanish. I will have to write to him back in English, unless I break rules of this House.

We are sending a message to the world that if they want to speak to us or write to us, they must do it in our language because we are too arrogant to deal with them.

This is a misguided concept and one that is not necessary. My amendment in the nature of a substitute, English Plus, says that English only is unnecessary. It recognizes that English is the language of this land. It encourages all residents and citizens to speak English. It asks Government to help each one of us to learn to speak English, but it also says, my amendment, that we recognize that there are other languages in this country, and that rather than running away from them and being nervous about them, we should recognize them as a resource for our country.

The message should be, sure, there are some of us who speak Spanish and Japanese and French and German, other languages. We will learn to speak English, we will function in English, but if we maintain that second language, we use it as a symbol to the world that we are ready to deal with them; that we are not in a phobia about languages.

What my amendment simply says is that we recognize who we are as a people, but we recognize the diversity in our country and we strengthen that diversity by supporting English as our common and main language, as the language of this country, but also not suggesting that to speak another language, to read another language is a problem.

Now, I could have delivered for Members this speech, whether they think it is good or bad, in Spanish totally, and I could write it in Spanish and I could read it back in Spanish. I do not think the fact that I am bilingual, that I listen to music and lyrics in two languages, that I read literature in two languages has in any way hurt me at all. On the contrary, I think, at times, I may be an asset to this House because I know what people are saying in Latin America. I do not know the translation, I know exactly what they are saying in Latin America and how they are saying it.

Let us not run away from the strength of this country. Let us support this amendment and make English Plus the way of the land.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, American society has developed on the melting pot theory. We are a nation of immigrants from diverse backgrounds and cultures who have come together as one people, the American people.

Learning to communicate in English is one of the most important ways in which this coming together, the transformation from the many to one, takes place. Of necessity, each of us or our forefathers have had to learn English in order to succeed. As Americans, we all value our heritage, but we also recognize that as Americans, we must become proficient in English if we are to fully participate in all facets of American life.

The 1975 bilingual ballot amendments to the Voting Rights Act have had the effect, whether intended or not, of encouraging minority language dependency and therefore self-imposed segregation, both politically and culturally.

English is our common language of discourse. In recognition of this fact, now more than ever, the Federal Government has a responsibility to look for things to bring us together as a nation and unify us rather than encouraging further separation along ethnic lines. Ballots are the recognized formal instrument for citizen participation in the electoral process. The ballot's highly official nature gives great weight to all that is written on the ballot. Present this information in English, and the message is unmistakable that English is the official language of our shared public life. It is the language Americans use that affects the future of our Nation as a whole.

A ballot in two or more languages delivers a very different message. It sanctions other languages as coequal to English in the process that determines the future of our Nation. It says that the highest authorities in the land place no special value on the English language as we participate in the central act of democratic self-government.

In addition, the Federal mandate requiring bilingual ballots is both ineffective and expensive. The county registrar for Yuba County, CA, Mrs. Frances Farey, testified before the Judiciary's Subcommittee on the Constitution that in 16 years she received only one request for a bilingual ballot. She testified that for just three elections the county has spent over \$46,000 to comply with the Federal bilingual ballot requirements.

According to statistics from the Census Bureau, voter participation and registration rates by Hispanic voters have in fact decreased, decreased since this Federal mandate was first imposed in 1975. In addition, bilingual ballots are expensive. The Congressional Budget Office estimates that repealing the Federal bilingual ballot mandate will save State and local governments between \$5 and \$10 million for each election. Finally, as I have stated earlier, bilingual ballots are divisive and harmful to our society as a whole.

The Serrano substitute strips the bilingual ballot repeal from this important legislation. I urge my colleagues to reject government-sanctioned and enforced multiculturalism and to vote against the Serrano substitute.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, some of my colleagues, including my friend the gentleman from New York, JOSÉ—I am sorry, should it be JOSEPH—SERRANO, may be surprised to hear this, but I rise to say that I think that H.R. 123 might be a good bill. I would like to propose maybe that we should have a few other amendments to make this bill even better than it is.

I propose that the bill be amended to require that all of our embassies use English as their only language, an amendment also requiring our embassies here in Washington to speak only English.

I propose that we have an amendment barring any Federal money to be paid to interpreters in this Nation.

I propose that we have an amendment requiring that we remove the words "E pluribus unum" off our dollar bills.

I propose that we amend our rules so that when we adjourn we do not say "sine die," or is that "sina dei"?

I propose an amendment that we forbid U.S. companies from doing business in countries where they do not speak English.

I propose an amendment barring the President and Members of Congress from visiting nations where English is not the official language.

And since we are legislating an official language, how about an official religion to go along with it? Come to think of it, why do we not just get rid of the first amendment altogether?

Mr. Chairman, without these amendments, I urge my colleagues to vote against this bill until we get it just right.

We all know that this bill is just as ridiculous as the amendments I just proposed. I urge my colleagues to vote against it and let us get on with the work that our constituents sent us here to do. Meantime, let us vote to support the Serrano amendment.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentlewoman from the great State of Kansas [Mrs. MEYERS].

(Mrs. MEYERS of Kansas asked and was given permission to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in strong support of H.R. 123 and in opposition to this substitute. Every immigrant who has come to this country has known that English is the language we speak here. This bill would just reinforce that fact.

Since the Census Bureau reports that 47 percent of the foreign born population do not speak English well or at all, it seems that this fact needs to be reinforced.

Now, if any of us wanted to move to France or Japan, we would look awfully silly complaining about having to learn their local language. Why is it

somehow a horrible violation of human rights to insist that people living here, and especially people who move here deliberately from elsewhere, learn our language?

Federal statutes require right now that every applicant for naturalization must demonstrate an understanding of the English language, including an ability to read, write and speak words in ordinary usage in the English language.

Now, that is tremendously important. Why are we even debating this? It is in the statute right now. There are special exemptions for those physically unable to do so or those over 50 years of age who have resided in this country for 20 years or more.

We are threatening no one by declaring that the official language of this nation of immigrants is English. With so many cultures and so many traditions, none of which do we seek to suppress or denigrate, we need to coalesce around common values. Language is one of these, and so today I hope that we pass this bill making English the official language of this Government.

The bill specifically exempts communications that address health or safety. These are communal concerns. Uniting all Americans with the English language is not anti-immigrant.

Mr. Chairman, I urge my colleagues to vote for H.R. 123.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON], a great Hispanic American from New Mexico, with an interesting name.

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Texas.

(Mr. COLEMAN asked and was given permission to revise and extend his remarks.)

Mr. COLEMAN. Mr. Chairman, I rise in support of the Serrano amendment and of course in opposition to that embarrassing legislation known as "English only."

□ 1445

Mr. RICHARDSON. Mr. Chairman, if this bill passes, I would be unable to effectively communicate with 60 percent of my constituents. Hispanic Americans make up 40 percent in my district; native Americans, the first Americans, 20 percent.

Mr. Chairman, I wonder what is going to happen with the cities of Los Angeles, San Francisco, San Diego, Santa Fe? They ought to start thinking about changing their names. What about Dodgerville for Los Angeles?

Mr. Chairman, this is facetious, but realistically what we are talking about is a wedge issue that is not necessary. I think the author of this bill is well-intended and he is a good guy. But, Mr. Chairman, English is not threatened as our primary language. Ninety-seven

percent of the population in this country speak English. Newly arrived want to learn English. That is happening.

Bilingual voting ballots are critical for minority populations. Basically what we are doing is totally unconstitutional. It is going to make government inefficient and ineffective. English-only restricts access to services and government.

But, most importantly, this is against our traditions and this is bad business. Forty percent of all commercial decisions in the United States are done in another language. Tourism is critically important. Just think of the spirit of the Olympics right now in Atlanta. We are telling the billions watching the Olympics that English is the only language and the rest of the languages are not important. The most important business in the Olympics is translation service. That is not the message that we want to send to the rest of the world.

Mr. Chairman, English-only will divide this country. It is divisive, it is negative, and it should be rejected.

At a time when intolerance among ethnic groups has become one of the major threats to peace on Earth, and when the global economy requires multilingual skills, America, the land of opportunities, equality and freedom, wants to pass a bill that would jeopardize the very essence of what historically has united this great Nation—tolerance and respect for our differences.

The English Language Empowerment Act of 1996, will not unite or empower America. Instead, it will aggravate racial and ethnic tensions and will hurt our economy.

If we start telling people the language they should speak, we are entering a very dangerous path that could lead to us dictating to Americans the religious and political beliefs they should practice. This will only spark resentment and increase discrimination among ethnic groups causing a tremendous social distress.

If our residents are not learning English fast enough, it is not because we are teaching them in their native language. The problem is that we have failed to provide enough resources to increase the number of English classes so that people can learn our common language.

According to recent estimates, only 13 percent of the demand for English as a second language classes is being met and over 45,000 students are on the waiting lists in major cities like Los Angeles.

This bill does nothing to address this problem. English-only does not improve educational opportunities. Instead, it focuses on prohibiting the Federal Government from using languages other than English when conducting official business.

Yet, this bill will not only increase tensions among ethnic groups and jeopardize the well-being of our economy, but most importantly, it will endanger one of the most sacred American ideals—democracy for all.

Title II of the English Language Empowerment Act of 1996, would repeal a Federal law requiring bilingual ballots for many non-English speaking voters.

Since the founding of our Nation, many Americans have been deprived of their alien-

able right to participate in the democratic process by negating, either legally or illegally, their right to vote. Prior to the Civil War, mainly male property owners who were over 21 years of age were enfranchised. After the war, tactics such as fraud, economic blackmail and violence including murder were used to discourage and prevent people of color to exert their right to vote. Some States made voting difficult by designing complex balloting procedures as well as requiring literacy tests.

Decades of popular outcry have forced Congress to pass several laws and amend the Constitution twice in order to protect the voting rights of all Americans. In response to real evidence of discrimination against racial minorities at the polling place, Congress passed the Voting Rights Act of 1965. This act, as amended in 1975, contains bilingual voting provisions that guarantee that no American is denied the fundamental right to vote because of a lack of fluency in English.

Years of struggle by the American people as well as previous congressional efforts to make the ideal of universal suffrage a reality in America will be rolled back by the English Language Empowerment Act of 1996. This act would strip non-English speaking voters of their right to have a voice in the political process by repealing the bilingual voting provisions from the Voting Rights Act. In my district alone, this bill will directly affect 60 percent of the population, which is either Hispanic or native American.

The bilingual voting requirements are a valuable, inexpensive and inclusive tool that ensures that the sacred constitutional right to vote, which is the very foundation of democracy, is enjoyed by all.

Mr. Chairman, I submit the following for the RECORD:

English is not threatened as our primary language: According to the Census Bureau, 97% of the US population speaks English. Furthermore, on 0.06 percent of federal documents are in languages other than English, according to the General Accounting Office (GAO). Newcomers to our country are learning English faster than ever before. In fact, recent estimates indicate that only 13% of the demand for English-as-a-Second-Language (ESL) classes in being met—waiting lists in some major cities exceed 40,000.

Bilingual voting ballots are critical for minority language populations: Title II would have a devastating impact on the rights of language minority populations to participate fully in the democratic process. Removing language barriers is a targeted, low-cost, common sense solution to achieving informed participation, considering the complex language of ballot propositions and voting issues.

Native Americans and Alaskan Natives, Puerto Ricans, The People of Guam and other U.S. territories, and elderly naturalized citizens will be particularly impacted.

According to the Government Accounting Office, the average cost of providing written assistance is minuscule, costing an average of 2.9% of election expenses or less.

Also, according to the Justice Department, since 1975, voter registration and voter turnout have increased substantially as a direct result of existing minority language provisions.

English-only is unconstitutional and makes government inefficient and ineffective: The Arizona "English-only" initiative has been found to be unconstitutional by the Ninth Circuit Court in *Yniguez v. Arizonans for Official English*. According to the Courts,

it violates the First Amendment right to free speech. The 9th Circuit Court found that employees' knowledge of diverse languages made government more efficient and less costly. The Arizona law and legislation pending in Congress would outlaw communication between elected officials and their constituents in any language but English.

English-only restricts access to services and government: Millions of tax-paying citizens and residents would be unable to access and communicate with their government. That would include residents of Puerto Rico, Native American reservations and U.S. territories in the Pacific, whose right to communicate in a native language is protected by treaty or custom. English-only has nothing to do with improving education or educational opportunities. Instead of facilitating learning and communication, proponents of English-only focus on prohibiting the use of other languages.

This is contrary to the American tradition and is divisive: It is not the English language that unites us, but rather our democratic system based on our rights established by the Constitution of the United States. President Franklin Delano Roosevelt once said, "We are a nation of many nationalities, many races, many religions—bound together by a single unity, the unity of freedom and equality."

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, for the past week and a half we have celebrated the centennial Olympics in Atlanta—a celebration at which over 70 different languages are spoken. Yet, while that celebration of spirit and diversity continues this legislation sends the wrong global message. Don't come visit us, don't trade with us, if you can't speak English. This legislation is a solution to a problem that does not exist and has not existed for the last 200 years.

The strength of our language is its diversity. If you study linguistics, then you know that English is really two languages of Germanic and Frankish origin. That is the strength of our language—its dynamism. It has absorbed thousands of words from other languages. The coffee you drank this morning is an Arabic word. Most of our vocabulary is actually Latin. Our medical terms are Greek absorbed wholesale.

Knowledge and command of English is important. Every immigrant to this country understands the economic motivation for learning English. Without it they may survive, but they will not thrive.

As today's world becomes increasingly integrated and inter-dependent it is short-sighted and ignorant to believe that policies of isolationism and protectionism will serve America in the 21st century. They limit our ability to interact in the growing world market place, they bolster ethnic and racial tension and they diminish the character and strength that America is known for world wide—our diversity.

Lastly, Mr. Chairman this bill is unconstitutional. In 1923 the Supreme Court found a similar case unconstitutional. The court said,

The protection of the Constitution extends to all, to those who speak languages as well as those born with English on the tongue. Perhaps it would be advantageous if all had ready understanding of our ordinary speech, but this cannot be coerced by methods which conflict with the Constitution. . . .

The American language needs no defense or protection. Those who promote this type of legislation are the "Down on America" crowd. They are threatened by change. They are the voice of exclusion and peddle a divisionism that is truly un-American. Discrimination based on language is as strong as that based on race.

I refuse to be Down on America. I believe in the dynamic liveliness of America and our culture. Our culture is the gift of all the rich cultures that built this Nation. Why do you think people around the world look to America, listen to our music, watch our films, follow our news? Yes, let's promote English—but, let us not divide America.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, "From many, one". It does not say, "From many, more". It says that we may have diversity, but we have to have a common ground, a common language, that meeting place.

Now anyone who feels that that is some kind of antiquated idea, all we have to do is go look to our friends to the north and look at the strife in Canada caused by people who are divided based on the languages they use because they do not have the common bond that we have practiced for so long in America and which has created the cherished experience we call the American way of life.

Mr. Chairman, I just wonder why people hide behind a term like "multiculturalism" when they do not want to admit what it really means. I live on the Mexican border. I live in an environment where I see people speak different languages. But I also see what happens to people when they do not have that common language of English to be able to move them up.

Mr. Chairman, I see those that are deprived of equal access to economic opportunity and those who would do that for political gain.

Now, I want to present into the RECORD a grand jury report done about a school district in my county that verified there was a conscious effort done in the name of multiculturalism to make sure that the children in that school district did not learn English, did not have access to the common language.

Mr. Chairman, the only way I can find any justifications for this is that there are people out there who want to divide us, who want to separate us for whatever reasons. Maybe it is easier to manipulate them politically, maybe it is easier to isolate them for economic reasons. But I think that we have got to recognize that all we are saying here today is: Let us not divide us. Let us

not make more from many. Let us remember that we need that common ground, that one where we all can meet.

Mr. Chairman, I submit the following for the RECORD:

GRAND JURY,
COUNTY OF SAN DIEGO,
San Diego, CA, June 18, 1992.

Hon. ARTHUR W. JONES,
Presiding Judge of the Superior Court, County
of San Diego, San Diego, CA.

Re Grand Jury Report No. 5, "San Ysidro School District".

DEAR JUDGE JONES: Forwarded herewith is Grand Jury Report No. 5 as referenced above.

This investigation was conducted by the Education Committee of the Grand Jury within the authority granted under California Penal Code Sections 925 and 933.5.

Sincerely,

Richard B. Macfie, Foreman.

Enclosure.

SAN YSIDRO SCHOOL DISTRICT

(A REPORT BY THE 1991-92 SAN DIEGO COUNTY
GRAND JURY)

AREA OF CONCERN

Complaints of improprieties committed by the Trustees of the San Ysidro School District Board and other administrators have attracted the attention of the past three consecutive San Diego County Grand Juries. In monitoring responses to previous Grand Jury recommendations, the 1991-92 Grand Jury has found the performance of the District Board of Trustees to be as ineffective as previously reported and the schools within the District to be suffering accordingly. After several months of review, this Grand Jury finds that previous recommendations to the District Board of Trustees have been ignored and that drastic actions by higher authority are essential to proper support of administrators, teachers, students and parents.

Grand Juries sit for a twelve-month period and can, and have repeatedly, recommended effective intervention to aid the children in San Ysidro. Another Grand Jury report that does not initiate immediate remediation by higher authority will only reinforce the perception that the San Ysidro District Board of Trustees is as "untouchable" as they claim to be. For those in control at the higher levels of education to imply that nothing can be done to give the children of the community some hope for the future, is an inane posture for government to assume, when the future of more than 3,000 children is ignored.

BACKGROUND

San Ysidro is a twenty-nine square mile portion of the City of San Diego, which lies north of Tijuana, Mexico. Caught in the middle of these two large and rapidly growing cities—Tijuana and San Diego—the community is economically, politically, linguistically, socially and geographically isolated. It is often mistaken for an independent subdivision.

San Ysidro constitutes a school district separate and independent from the San Diego Unified School District, which includes all other public schools within the City of San Diego. The San Ysidro School District consists of five elementary schools and one middle school. Graduates of San Ysidro Middle School attend high schools in adjacent school districts. The schools have an approximate enrollment of 3,700 students, and they represent a population which is 92% Hispanic.

Politically, San Ysidro is comprised of 5,336 registered voters, out of a total adult population (18 and over) of 13,414. The District Board of Trustees, the only elected body in the San Ysidro community, consists

of five members who serve staggered terms of four years. The School District is the largest employer in the community.

Over a period of several years, the San Diego County Grand Juries have received an uninterrupted flow of complaints alleging malfeasance and/or incompetence on the part of the majority of the School District Trustees and some administrators and teachers. Complaints have been received from parents. These have included numerous allegations of wrongdoing, including violations of State law (violations of the Brown Act and Education Code), and of Federal Law (employment discrimination) and of failure to support mandated objectives for the education of the school population. Additionally, the District has been involved in excessive and expensive litigation in recent years as a result of its unlawful personnel actions.

METHODOLOGY OF INVESTIGATION

Through its Education Committee, the Grand Jury has visited facilities and heard testimony from Board Members, administrators, teachers, parents and students within the San Ysidro School District. The committee attended board meetings and PTA meetings and held discussions with County and State Education Department personnel. The Grand Jury has heard sworn testimony from numerous witnesses during ten days of formal hearings on San Ysidro school issues. Information thus generated, confirming the findings of previous Grand Juries, has resulted in a clear picture of conditions of inappropriate, inadequate actions taken by certain members of the Board of Trustees, some of whom misunderstand their purpose.

FINDINGS

The 1991-1992 Grand Jury concurs with previous juries in that serious problems exist within the San Ysidro School District. In general, the Jury has found that the children of San Ysidro are innocent victims of a philosophical power struggle which permeates the School Board, school administration, the teachers' union and the PTA. At issue, beneath a veneer of educational rhetoric, is which shall dominate the school system: the preservation of Mexican cultural and Spanish language proficiency or assimilation of Mexican-born and other American children into the North American communication and economic systems.

The two philosophies are addressed as if they are mutually exclusive. Currently, proficiency in Spanish with the preservation of Mexican culture, at the expense of English learning, is the governing philosophy. Those who disagree do not enjoy the normal position of loyal opposition. Administrators and teachers who do not support the majority Board position are demoted or discharged, if legally possible.

Dissenters who have tenure are merely tolerated in an outcast status. A small group of administrators and teachers enjoy the political/philosophical favor of the Board majority and have a special status which is tantamount to ex-officio Board membership. This almost unbelievable situation persists because the Board of Trustees is essentially a town council, perpetuated by a combination of intimidated voters, apathetic non-voters and resident non-citizens.

Specifically, the Grand Jury has received evidence and testimony that:

1. The Board of Trustees is a de facto town council with extraordinary influence over numerous facets of life within the San Ysidro community of San Diego. Certain members of the Board exert a pervasive influence over resident voters which exceeds that normally attributed to elected officials. The Trustees' attention and efforts are extended far beyond the educational purposes of the School District.

2. Some Trustees routinely violated the spirit, if not the letter, of the Brown Act by conducting majority meetings in closed sessions outside of the time and location of scheduled board meetings, such as through a group called Equality, Justice and Education (EJE).

3. Health and safety needs of children are not being met:

a. Playgrounds are badly maintained and present a hazard;

b. The District has one certified nurse serving the total school population.

4. The Trustees have conducted personnel transactions, such as hirings, firings, promotions and demotions, without acceptance of counsel from the Superintendent of Schools or from any committee or panel of educational professionals or parents. Some of the results of these practices are:

a. There have been five superintendents over the past twelve years.

b. Non-Hispanic teachers and administrators are not afforded equal opportunities by the District Board Trustees.

c. During the 1990-91 year, the District Board of Trustees demoted three elementary school principals, fired the middle school principal and failed to renew contracts of fourteen probationary teachers. Several of the teachers were bilingual. The District now has eleven teachers working with emergency credentials. These actions were taken without the concurrence of the Superintendent. The three demoted principals have subsequently received judgments totaling \$300,000.00. The fired principal received a judgment of more than \$200,000.00. The District has paid out at least \$1,000,000.00 in judgments and legal fees arising from the ill-conceived and often illegal personnel actions of the Trustees.

d. The same improprieties that occurred with personnel in past years continue to exist. During the 1991-92 school year, several administrators at the District's central office have received notices of reassignment.

e. Well-qualified bilingual probationary teachers, who happen to be non-Hispanic, are being terminated.

f. Several outstanding tenured staff members, including a mentor teacher, have been given unsatisfactory evaluations with no clear justification for such action.

g. There have been attempts to initiate recall of Trustees in recent years. Each recall has been challenged by Board counsel before reaching a ballot. The Trustees authorized more than \$5,000.00 from the general fund to be used to verify signatures in the recent 1992 recall efforts. These recall attempts have proven costly and divisive to the staff, students and community.

h. Some personnel assignments initiated and directed by the Trustees appear to reflect nepotism. When queried on this subject, a Trustee said, "favoritism, yes; nepotism, no". A Trustee's son was promoted from Vice-Principal of the Middle School to Principal in mid-term, April 3, 1992. The established selection procedures were not followed.

5. The Board of Trustees, as the only elected body in San Ysidro, has been instrumental in increasing the political and cultural isolation of the community and has retarded integration of children into an English-speaking American society and economy. The almost universally Hispanic ethnicity of the student population makes the English language transition a most difficult objective for the school system. The opposition of the majority of the Trustees to this objective virtually guarantees its failure.

6. The Board has failed to direct or support proper use of funds provided for bilingual education. In several instances, students were placed in the Bilingual Program or

English-Only Program, based on space availability, with no regard for parental request or children's needs. We found no transition evaluation for students exiting the Bilingual Program and moving into an English-Only Program. We found no clearly-defined District-wide bilingual curriculum in place.

7. The Board has failed to direct or support compliance with mandated accommodations for the educationally and physically disabled. There is no program for the Severely Emotionally Disturbed (SED) within the District, even though students have been identified. The District's solution is to hire individual aides for some SED students.

8. The Resource Specialist Program (RSP) teacher is used to provide services to non-Special Education Students. This is in violation of the Education Code.

9. The District has violated the rights of Special Education Students' Individualized Education Program (IEP). Every identified Special Education student must have an IEP.

10. Special Education students are misplaced in the Alternative Learning Program (ALP).

11. Reports of child endangerment have been received. At least thirty-nine students from the San Ysidro Middle School were placed on Home Study without due process.

a. Approximately twenty-five students were suspended for more than five consecutive days, which is in violation of the Education Code. Alternatives to suspension were not considered or applied.

b. Complaints of corporal punishment within the District have not been properly investigated.

c. Complaints concerning unprofessional disciplinary methods used at the Middle School have been reported.

12. Complaints of racial discrimination have been made by non-Hispanic students and staff. This involved the inappropriate placement of students and staff. Students complain of racial slurs, name calling and double standards in dress code.

13. The District does not have an Earthquake Preparedness Plan in place. Classrooms are not equipped with required supplies.

14. Complaints were levied by parents and staff members against an administrator for contracting the services of a psychologist who was not credentialed by the State of California.

a. The Student Assistant Team (SAT) was not involved in identifying students who might require the services of a psychologist.

b. Parents of students seen by this psychologist were not contacted, nor were parent-consent forms signed, as is required.

15. The current President of the Board of Trustees, who is an employee of Casa Familiar, could be in direct conflict of interest, if the District incorporates the Casa Familiar BRAVO Dropout Prevention Program proposed by the President.

16. The Board of Trustees *DOES NOT* take advantage of available in-service training.

17. *Test scores of the San Ysidro students continue to be the lowest in the State of California.*

CONCLUSIONS

Over the years, the Board, as an elected body, has proven to be highly politicized, serving its own agendas and abrogating the educational rights and privileges of the children of San Ysidro. Children have neither the maturity nor the right of franchise by which they can make informed decisions concerning their future. Students are at the mercy of two groups of self-involved and self-important adults, both dedicated to their own objectives rather than the smooth integration of children into the mainstream of American society and the U.S. economy.

One group is preoccupied with maintaining its position of political power in the community through election to the school board. From this and other positions it controls within the school district, this group exerts a pervasive influence over the community which exceeds by far that normally exercised by elected school officials. The other group, for the most part, is made up of members, admittedly or otherwise, of a movement known as EJE who occupy positions on the Board, in administration, in teaching and in the teachers' union. Some are parents of students. These are advocates of a particular course of bilingual education which puts the highest priority on development of a capability in Spanish, at the expense of teaching English. They believe in this with a dedication and zeal which are most threatening to any who dare to disagree. The net result has been and continues to be children unable to communicate. Many of these students drop out after entering high school.

The symbiotic alignment of these groups allows them to maintain complete control over everything and everyone within the School District. Non-conformists are demoted, fired or otherwise eliminated from the system. With very few exceptions, non-Spanish speakers are purged from the system, regardless of qualifications or performance. So are those bilingual teachers who consider English proficiency a matter of urgency.

Those who favor a "laissez faire" solution to the San Ysidro problem—that is, letting the voters correct the situation—do not understand the unique nature of this small, isolated, predominantly Hispanic community. Many of the residents are not citizens. Many of the citizens are not registered voters. Many of the more informed and/or affluent residents have removed their children from the District Schools and placed them elsewhere, legitimately or otherwise, to ensure their preparation for high school. Many of the residents are intimidated by the ruling coalition. Many have testified before the Grand Jury about vicious retribution for campaigning for any opposition. Only the bravest of the residents dare to oppose.

Some of the problems appear to stem from violations of State laws, and partial solutions may result from actions initiated by the District Attorney and/or State educational licensing authorities. However, if the situation in San Ysidro is to be corrected permanently, approval of pending legislation and the intervention of the State Superintendent of Schools will be required.

There is no logical reason for a separate school district in San Ysidro. San Ysidro is within the City of San Diego and should have the management and resource capabilities of the San Diego Unified School District available to support its children's educational needs. As an alternative, the District could be merged into the South Bay or Chula Vista School Districts. The heart of the matter is that the children need a system run by professionally capable and idealistically balanced leadership. They don't have it now, and the controlling political interests in San Ysidro are not about to provide it. In the meantime, more aggressive participation in seeking a solution by the County Superintendent of Schools, the Councilman representing San Ysidro and the appropriate State Legislators might better convey to the State Superintendent the urgent need for decisive action.

It is the conclusion of this Grand Jury that the Trustees of the San Ysidro School Board are fully aware of the deleterious effects on education of their policies and practices. They need only observe the dismal test scores (in both English and Spanish). However, they are either unable or unwilling to

make remedial changes. The Jury further considers that the Board can and will prevent solutions by other persons or agencies as long as it exists in its present form. It should be noted that many of these conclusions are totally consistent with those of prior Grand Jury reports, even though attained through completely independent studies.

The fact that the Board is elected is immaterial. Letting nature take its course will not lead to correction at the hands of the voters. Despite the strong protests of many parents and teachers, the combination of an attitude which comes from a patronage system and voter apathy will perpetuate the status quo unless outside authorities take action. There is a clear need for legal authority to rescue an oppressed minority—the school children—and protect their rights under the law.

There are those in San Ysidro who argue that no one, including the Grand Jury, should interfere in matters that involve only the residents of San Ysidro. The members of the Grand Jury do not agree with this line of reasoning. Citizens support legal intervention to protect children from clear and present danger of physical or emotional abuse at the hands of adults. Likewise, they should support intervention to eliminate the willful retardation of the educational process and the resulting economic disenfranchisement of the students.

The State Department of Education is mandated to take over any school district which is financially bankrupt. There is pending legislation (SB 171 Focus School) which will mandate State intervention for an academically at-risk school district. The San Ysidro School District with the lowest test scores in California would certainly be a candidate for State intervention. The San Ysidro School District on the brink of financial bankruptcy is already educationally bankrupt.

RECOMMENDATIONS

The Grand Jury recommends that:

County Board of Supervisors

#92/120: Exert all possible influence through established governmental liaison to:

- Support whatever proposed legislation would facilitate intervention by state and/or local authorities in situation such as that in the San Ysidro School District.

- Petition the California Superintendent of Schools to intervene immediately in the operation of schools in the San Ysidro School District.

San Diego County District Attorney

#92/121: Investigate alleged violations of State laws by Trustees, administrators and teachers for possible prosecution and/or accusation.

San Diego County Superintendent of Schools

#92/122: Petition the California Superintendent of Schools to intervene in the operation of San Ysidro schools and to conduct whatever audits and investigations are required to validate and cause correction of serious deficiencies and code violations.

#92/123: Assist the San Ysidro Superintendent of Schools in any way possible to minimize the harmful effects of current practice.

San Diego City Council

#92/124: Address the San Ysidro School District situation as a serious problem within its city.

#92/126: Exert all possible influence on the California Superintendent of Schools to take urgent measures to correct the situation in the San Ysidro School District.

#92/126: Support legislation which would permit timely corrective action in situations such as that in the San Ysidro School District.

Councilman, Eighth District, City of San Diego

#92/127: Demonstrate active involvement in the San Ysidro School District problem and express concern publicly for the critical situation which exists for the children and their future. Bring public awareness to the fact that this is a serious situation but not a racial issue.

While the Grand Jury has no jurisdiction over the officials listed below, the following recommendations are submitted with the request that they receive consideration (these recommendations are also subjects of separate correspondence).

The Grand Jury recommends that:

Secretary of Education

#92/128: Require a thorough audit of federally funded categorical programs within the San Ysidro School District to include:

- Bilingual Education
- Special Education
- Independent Study
- Student Home Study
- Alternative Learning Program

California superintendent of schools

#92/129: Assign a trustee to oversee operations of the San Ysidro School District until serious deficiencies and violations of the Education Code are corrected.

#92/130: Investigate and evaluate the use of health aides in lieu of certified nurses by the District.

#92/131: Direct the Commission on Teacher Credentialing, through its Legal and Professional Standards Division, to review allegations of misconduct by a San Ysidro School administrator and teachers and examine irregularities in selection and appointment practices.

#92/132: Conduct a fiscal audit of categorically funded programs, to include:

- Bilingual Education
- Special Education
- Independent Study
- Student Home Study
- Alternative Learning Program

Mr. SERRANO. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Chairman, there is an old saying: "If it ain't broke, don't fix it." There is a new saying here today: "If it ain't broke, break it." There is really no rational reason for this bill.

In Dade, Broward, and Palm Beach Counties in Florida, there are 700,000 Cuban-Americans, and I have great respect for the two Republican Cuban-Americans that represent that area. If they get a letter in Spanish, if they answer it in Spanish they have broken the law, and under that bill we can now sue them.

A Democrat can come along and sue the gentleman from Florida [Mr. DIAZ-BALART] or the gentlewoman from Florida [Ms. ROS-LEHTINEN], and it is absolutely ludicrous.

Mr. Chairman, there is no reason for this bill. It disenfranchises a lot of very good Americans, and I strongly support the Serrano amendment, and strongly do not support the final bill. I urge my colleagues: Please vote against it.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as has been mentioned for more than 200 years our Nation has

been a melting pot of cultures and nationalities united by one common bond—our English language.

When our ancestors came to America, they came to this country knowing they had to learn English to survive.

Today, our melting pot has become a patchwork quilt of cultures, isolated because they cannot speak English. They aren't assimilating into our society like our ancestors did.

Our current bilingual policies are shredding the common bond that has made our Nation great. Today you can get a drivers license if you don't speak English. You can get forms to vote. You can apply for Social Security and welfare, all in scores of different languages. And bilingual education classes allow immigrant children to never learn English.

By making it easy for those who come to America, we have ripped the heart out of our national unity. We have shredded our common bond, leaving behind the legacy of our ancestors—new and old—who worked so hard to learn English.

Now, opponents of official English will demonize the bill. They are wrong. We want you to speak your own languages, and celebrate your cultures. But English—our common thread—must be the official language.

Mr. Chairman, my district is one of the most diverse districts in the Nation. In West Bloomfield more than 60 different ethnic groups attend schools and in Farmington, 45. Administrators, teachers, and the students themselves say making English our common language is the only way they can get along. It creates a common bond across ethnic lines that each student shares.

Testimony after testimony show that people must speak English to be successful. A quote by a Houston farmer Ernesto Ortiz says it best. "My children learn Spanish in school so they can grow up to be busboys and waiters. I teach them English at home so they can become lawyers and doctors."

English is overwhelmingly supported by the American public. A recent USA Today poll found 97 percent of Americans feel English should be the official language. And more than 23 States have laws making English official, including one signed by then Governor, now President Clinton.

Oppose these weakening amendments. Support our common bond. Help make English as our official language. Oppose the Serrano substitute.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman for yielding.

I love all the concern on this side of the aisle today for the divisiveness of this issue when it was just yesterday that this side of the aisle was not willing to make the distinction between legal residents and illegal aliens, such that they shut off 300,000 legal residents of this country from rights of their citizenship.

Today, my colleagues on the other side are talking about the divisiveness of this issue. The reason they are talking about divisiveness is because this is a divisive issue. This bill plays directly to the politics of fear and prejudice for which this Congress has become so well-known. A politics of divide and conquer.

Mr. Chairman, this is reminiscent of the Patrick Buchanan campaign to define which people are more American than the others. Or should I say which people are more white, are more white than other Americans?

This is playing politics that the Republican Party knows very well: Create an enemy to solve all our country's anxieties and fears. We saw it begin with the gay bashing. Then it proceeded to the welfare bashing. Then the last 2 days we have seen it with the welfare bashing and the immigrant bashing when they knocked off all the legal residents who were taxpaying residents of my State who can go and fight in our wars and yet they are going to be denied the rights of their citizenship based upon the bill my Republican colleagues passed yesterday.

If they do not like the way they look, if they do not like the way they sound, then they are not Americans. All I have to say to my colleagues is they should be careful with all these hot button issues that they are pushing because no one should wonder when the churches start burning in the South and the race riots start breaking out in Los Angeles where all these hot button issues have led us to, and that is fanning the flames of intolerance that this country cannot afford at this time.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself 30 seconds to ask the gentleman from Rhode Island a question. Has he ever volunteered for service? Has he ever volunteered to go fight those wars himself? I thought not.

The CHAIRMAN. The House will be in order. The gentleman from Rhode Island is not under recognition. No Member has been recognized.

Does the gentleman from New York seek recognition?

Does the gentleman from Florida seek recognition?

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I rise in support of H.R. 123 and in opposition to the Serrano amendment.

POINT OF ORDER

Mr. SERRANO. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SERRANO. My impression was that Members had risen to deal with the issue of the gentleman's comments, and I want to know if those Members have been entertained at all, or if the gentleman from Rhode Island had any opportunity to speak about a very personal statement that was made upon his life and his commitment to this country.

The CHAIRMAN. The Chair perceived that the gentleman from Rhode Island was attempting to engage the gentleman from California in debate, and not asking that his words be taken down.

Mr. SERRANO. In that case, Mr. Chairman, if that is the ruling of the Chair, is it still in order for this gentleman to ask that the gentleman's words be taken down?

The CHAIRMAN. The gentleman should have made that demand at the time. Intervening business has gone on. It is too late at this particular point.

The gentleman from Oklahoma [Mr. ISTOOK] is recognized for 2 minutes.

Mr. ISTOOK. Mr. Chairman, I rise in support of H.R. 123 and in opposition to the amendment by the gentleman from New York [Mr. SERRANO].

Frequently, I am asked what kind of name is "Istook"? People say, Is it Indian? Is it Estkimo? No, it is Hungarian. I am proud of my Hungarian ancestry.

□ 1500

My father's parents came to the United States during the first quarter of this century. They Americanized the name. Originally Istook had one "o." When they became U.S. citizens they marked the occasion, they marked the change by adding the second "o" as it has now.

They came through Ellis Island. They are a part of the immigration saga of America. And when they became U.S. citizens, they received their certificate of naturalization, which my father had framed and now displays proudly in his home.

My father grew up speaking two languages: Hungarian at home, but every place else, English. How glad I am that his parents, my grandparents, did not isolate my father by denying him the training and encouragement to focus upon English rather than focusing upon Hungarian, even though he spoke that at home.

Like so many people, I am proud of my ancestry. The part of Hungary where we came from is the Transylvania region. A lot of people do not realize it is a real place. Transylvania now is part of Romania. I get a kick out of telling people that I am literally by blood half Transylvanian. It is fun. There are lots of great things about our heritage, fun and serious.

But the important thing is, I am not hyphenated American. None of us really are. We are all American. If we believe that we are Americans, if we believe that what binds us together is what we have in common, then it must include the common language, and that common tongue is English.

Mr. SERRANO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I am troubled by the comments by my friend from California, Mr. CUNNINGHAM, about the integrity and commitment of the gentleman from Rhode Island, Mr. KENNEDY. I do not think anyone could question the

commitment either of the gentleman or his family to this country.

I would simply say that I think we have to watch our words. I served, and I served with many Hispanics who did not speak English. Some of them never came back from the Vietnam war and died while speaking only Spanish. I think that the gentleman does a disservice when he questions Mr. KENNEDY.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. PASTOR].

Mr. PASTOR. Mr. Chairman, it is a very interesting debate that we are having today. The legislation we are discussing, not the amendment, but the base bill, is probably unconstitutional. All it does is prohibit a Federal official from communicating with a constituent in another language, other than English. This bill does not do anything to teach one English word to anyone or provide education in English.

The author of this bill has said this is a symbol, a symbol that will unite us together. Mr. Chairman, symbols mean different things to different people. The symbolic gesture of this bill to many Americans will symbolize intolerance, will symbolize arrogance. I ask my colleagues to support the Serrano amendment and vote against the bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise in support of the bill, H.R. 123, and oppose the substitute. We are hearing a lot of nonsense, I believe, about all the terrible things this bill would affect. What does this bill really affect?

Let me tell my colleagues, it really affects official business, and official business is defined. Official business is defined as governmental actions, documents or policy which are enforceable with the full weight and authority of the Federal Government. With some examples and exceptions, that is all it is. The bill also says that we will not discourage or prevent the use of languages other than English in any non-official capacity.

What does nonofficial capacity mean? It means informal advice, direction, assistance, which cannot be enforced against the United States. So individual government employees can provide unofficial translations or instructions, so long as there is no cost to the government and no adverse effect on their ability to perform their official duties.

So this bill will not affect informal, nonofficial advice, informal translations. It is not going to affect counter service at the immigration office. It is not, and I repeat, it is not anything having to do with Members of Congress because we cannot individually bind the government. We can do it as a body but not alone.

So your newsletters are safe. You can say whatever you want. Your town meetings are safe because you cannot bind the government. Your constituent

letters, your radio shows are safe because you cannot bind the government. Pure and simple, only those actions which are enforceable against the government, which bind the government, are covered, nothing else.

This is just good common sense. It is what we would all expect for an official English bill. This is not English only. This is official English.

I urge approval of the bill.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from Puerto Rico, Mr. CARLOS ROMERO-BARCELÓ, former Governor.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Chairman, we have been talking here about different things because we are opposing the bill. I do not think there is a single Member in Congress or in the Senate that opposes English as the common language of the Nation. I think everybody is in agreement with that. That is not an issue.

The bill, however, has several statements. One of them is that it forbids a government official from communicating in writing with his constituents. This is the problem. This is the real problem here.

I presented an amendment in the committee that was voted 18 to 18, so it did not pass, that would amend this bill and allow any government official to communicate with a constituent in English, either orally or in writing, if it was to make the government work more efficiently, and that was not allowed. Not only that, it was not even allowed by the Committee on Rules to be brought to the floor.

This is the purpose of this law, is to prevent public officials from communicating with their constituents in any language other than English in writing.

Now, what is the freedom of speech? Is freedom of speech only to speak in English? Can we not speak in another language? Would that be a violation? Would that be against the law? Can that be made against the law? And you are doing it because you are depriving the Federal officials from writing, communicating in writing with a constituent. I think this is absurd, to say that the freedom that is most valued in this Nation, the freedom that is most valued throughout the world, the reason why this Nation is most respected and more admired throughout the world is because of the freedom of speech. Now here in this Congress, which is supposed to protect our rights, you are trying to infringe upon those rights and affect the rights of even the government itself to communicate with the constituents to serve them better. I think this is absurd, and this law should be voted down.

Mr. CUNNINGHAM. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. KING].

Mr. KING. Mr. Chairman, I rise in support of H.R. 123 and in opposition to

the amendment of my good friend, the gentleman from New York [Mr. SERRANO].

Mr. Chairman, for the first 180 years of our Nation, we were bound together by a common language. Immigrants came to this country knowing they had to learn English. They knew that they had to learn English to become part of the American mainstream. They maintained their own culture, their own identity, their own religion, their own ethnic values, their own beliefs, but they were bound together by that common language. That was the glue that created the great American stained glass window of many cultures with one language.

Twenty-five years ago we went away from this. Prior to that, I had grown up in New York City as did Mr. SERRANO. I saw the various ethnic groups come and become absorbed and learn English, become part of the American mainstream. But we have gotten away from that in the past 25 years.

I was hoping today we would have an intelligent debate over why people should be voting in a foreign language. Instead we are here talking about churches being burned and gays being bashed. To me that shows the weakness of the argument on the other side. Rather than address the merits of the issue, they are resorting to name calling and ad hominem attacks. I am not talking about Mr. SERRANO, because he and I have had this debate many times. I certainly respect his views. I respect his beliefs. I respect his integrity.

But too many of the voices from the other side today have resorted to vicious name calling. To me that just undermines and underlines the basic weakness of their argument. It shows that they cannot defend their point intellectually so they have to resort to the ad hominem attacks.

I urge the adoption of this bill because I believe we do want to bring all people together. We want to stand together as one. We want to have English as our common language.

Mr. SERRANO. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I have one of those names that can be pronounced three different ways. I think in Italy still a fourth.

I have been moved by some of the speeches I have heard here today on both sides of the aisle. I do not come to be critical or to pound the table because I lack an argument. I did not intend to speak but I am speaking now because I thought back to the period when my immigrant grandparents came to this country in the early 1900's. Then we had an even larger percentage of people in this country who were foreign born than we do today. And we did not need the kind of legislation which has been presented to us here. I think we all understood, as we do today, that we have to learn English in order to participate fully in our society.

I thought we did the right thing in the early 1900's, allowing this melting pot that has gotten a little lumpy to actually proceed to integrate still another generation into our Nation. I do not think we need this legislation.

I am supporting the alternative being carried by Mr. SERRANO because I do not think we have lost confidence in ourselves. I hope not. I still believe that we all understand that we can integrate all of these different voices and languages into the American pattern, this crazy quilt, without the kind of legislation that is being portrayed today as our salvation.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. BRYANT].

(Mr. BRYANT of Tennessee asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Tennessee. Mr. Chairman, I have been involved in a committee and I have missed part of the debate, but the part that I have heard about in this debate concerns me because I keep hearing about how this bill will cause disunity, how it will break up this country, even such illogical statements that it might cause church burnings and things of this nature. To me that flies in the face of logic.

I cannot imagine anything that would hold this country together, that would pull the different peoples of this country together any more than having a common language. The voices from the other side stand up and say, we do not need this law. We have not needed this. We have never had to do this before. So why do we need it now?

As the gentleman from New York, Mr. KING, so eloquently said, for over 180 years we all came together and we assimilated. He compared this language, this common language of English, which people learned because they had to learn it, because they had to learn it to socialize, to have business contacts, to have debate. Could you imagine this floor if we all spoke different languages trying to debate this bill? We all speak English here on this floor because that is what we all understand. But for 180 years this is what we did.

We assimilated perfectly. Mr. KING described it as the glue that held this stained glass window together. I could not think of a better description.

About 25 years ago, we started going in a different direction in this country. We started moving toward where the law required bilingual ballots and bilingual warnings in all types of things in the official government. Keep in mind here, we are talking about only official language. We are not saying you cannot speak other languages. We are saying for official language purposes of this United States, it will be English.

So for the last 25 years, we have gone through this. I submit to my colleagues that a good part of the distrust, the mistrust in this country, the

division that exists today is caused by things like this. I urge my colleagues not to vote for this amendment but to support the underlying bill, H.R. 123.

□ 1515

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from New York for yielding this time to me, and I too was in a hearing in the Committee on the Judiciary, as a member of the Committee on the Judiciary, but felt moved to come and really clear the air, for there seems to be accusations that we are making ad hominem comments and accusations against those who would raise this bill as a vital bill to the national security interests.

Well, as a member of the Committee on the Judiciary, I have come to uphold the Constitution, to recognize that there is a freedom of expression, a first amendment right, that we are not threatened in our national security or any of our concerns by those who would speak a different language, but love this flag.

Just as we would not discriminate against those who do not speak another language other than English, that they can be employed across this Nation, should we not discriminate against those who started first from a land that speaks another language but still love this flag and want to have the opportunity to be American citizens.

It would seem that my colleagues on the other side of the aisle, if they were truly concerned about unity, would support the Serrano bill, as I am, for it emphasizes the commonality of our language, the importance of multilingualism, the importance of opposing the imposition of unconstitutional language policies, and it supports the views that this Nation's strength lies in our diversity.

Would my colleagues want me as a member of the Committee on the Judiciary and this Congress to deny American citizens the right to understand the Federal election ballot? This is what the bill that is on the floor does right now. It says that if individuals speak a language, English, but yet cannot read in English, and they have the opportunity and the right to vote as a citizen, they cannot have a bilingual ballot, a total elimination of provisions of the Voter Rights Act of 1965.

Mr. Chairman, this is an unconstitutional bill. Support the Serrano bill. I cannot hold to the fact that America would disgrace itself with this kind of legislation on the floor.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I rise in support of H.R. 123 and in opposition to the amendment. Those who

support bilingualism in the United States of America no doubt are well motivated. They care about immigrants and they care about their fellow man, and thus they want to make it easier for them not to learn how to speak English.

Well, my colleagues are not doing anybody a favor by making it easier for them not to learn English. People all over the world are struggling to teach their children English and struggling how to learn English because they know that is the key that unlocks the door to opportunity. Those people who are making it easier for our own people, people who live in this country, not to speak English are doing them a great disservice.

I have a large number of Asians in my district, people who are American citizens who are of Asian descent. When they come to me and ask me my advice on how to make sure they can do well and their children can do well, I always advise them: "Make sure your children learn how to speak English," and I have never had one of them disagree with me.

I will tell my colleagues this much: Those people in the Hispanic community who are being led down this downward path by people who care about them are going to resent it in the end when their children do not have the opportunity of other Americans because they are locked out of the American system because they cannot speak English.

We care. We are the ones who care about every American citizen when we do not give them an easy way out, but we say, "Become part of America, we love you, we have caring in our heart. That's why you should learn to speak English and that's why we are doing you a disservice by making it easier for you to exist in our society without being able to communicate, without being able to be fully part of the economic system."

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding the time. It is hard to respond in just 2 minutes because I continue to hear people say we want these folks to learn English. We cannot have ethnic enclaves. We do not want kids to grow up only speaking a native language that is not the language of this country.

My God, have my colleagues ever seen a child on the playground who does not understand English very well and how they yearn to be able to socialize with their classmates as quickly as possible? If my colleagues have not seen it, then I urge them to come to some of the schools in Los Angeles or San Francisco or Chicago or New York or anywhere in this country, and they will see the eyes of these kids just yearning to learn, and it is not just the eyes of the children they can look at. Look at the eyes of their parents who see that success comes when they learn

English. And then look at Los Angeles that has had to turn to 24-hour, round-the-clock teaching of English as a second language because there is such a backlog of people hoping to take these classes. Then go to New York City, where they have to give out lottery tickets so that they can get a space in a class to learn English, and then realize that these folks are there to learn English.

In fact, the studies show that people today are learning English at a rate that is four times as fast as people a hundred years ago were learning English. That makes sense because technology makes it easier for folks to acquire the English language.

Please do not say that folks who come to this country and have said, "I'm here legally, and I'm about to become a U.S. citizen when I qualify after 5 years," please do not tell these folks that they do not wish to learn English because our colleagues have just denigrated every reason they took to forgo their country's nationality and come to this country and make it their new place and their children's place.

These folks want to learn. Recognize that, and unfortunately this bill does not do what our colleagues say. Their intent is good. Their bill is bad. Forget about the bill. Let us live with intent. We can all agree with it. Let us all have English in this country. But this bill does not do it.

Mr. CUNNINGHAM. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, this is a very important bill. Its intent is good; I agree with the gentleman, and its substance is good. We must have English as the official language. We are a great country, and the people of this country draw strength in many different roots, but we are one Nation under God. We need to have English spread throughout the land. We are not doing anyone a favor by encouraging them in essence not to learn English.

This bill will provide some added incentive, I think, to do that without being unduly punitive to anyone, but English is the language of this country, and I think it is very, very important that we act today as the House and adopt this bill and send a clear message to the country so that we can help people help themselves.

Mr. SERRANO. Mr. Chairman, I yield 1 minute to the gentleman from Guam [Mr. UNDERWOOD].

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Chairman, we are confronted with a bill which has great objectives, the learning of English and use of English as the primary language of government. It also makes the claim that national unity is promoted and that speakers of other languages will be empowered, but the vehicles used in this legislation clearly do not match the intent.

The legislation is supposed to promote English, but no funds are given

for English teachers or classrooms. Instead, it restricts the behavior of elected officials and agencies, and instead of empowering non-English speakers, it disenfranchises them by taking away the opportunity to cast an informed ballot.

As an educator, I took it for granted that the best way to learn was to encourage people and not discourage them. I took it for granted that when one wanted people to feel a sense of unity, they included them and not excluded them. But this is not the approach utilized in this legislation. If we wanted to characterize this legislation in terms of a carrot and stick, it is all stick and not much carrot.

Mr. Chairman, if there is a problem with people speaking English, let us teach it to them, and let us stop this very, very bad bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, as an educator, I have long advocated that foreign languages be taught our students in kindergarten, but that does not mean they should also be taught English. They should, in kindergarten. We have made major mistakes in our language policy in the schools over the last 20 years. Some have said, "But in bilingual ballots you are simply fulfilling equal protection of the laws." That is absolute nonsense. Let us look at the situation.

Ethnic groups in this country are not limited to Chinese, not limited to Hispanics, which was the original *Valeo v. Nickles* case in California. In the 1970 census there were 96 mother tongues where languages other than English were primary languages in households where many of our fellow citizens were raised; 1980, 387 non-English language possibilities. In the Los Angeles-Long Beach schools there are 70 languages. We cannot pick just one or two languages if we are really going to have equal protection of the laws.

The only way to carry out the 14th amendment and its equal protection of the laws is to learn English. That is the access for all students of all backgrounds, rich and poor, when they come to this Nation, when their parents come to this Nation. Such a national policy would not stop a friend or a relative who speaks the primary language of the citizen from writing out instructions, helping them with the ballots, helping them learn English. All of that has been historically done in this country by ethnic groups from various countries, and we need to have that spread across the land. Such groups have been readily available with each immigrant wave.

What such a policy would stop is the illusion that for every language group in a nation, a government agent must be employed or some form of government assistance must be made available to aid all members who understand English less well than their native language. Presumably the natural-

ized citizens had to learn some English in order to receive citizenship.

Before this Nation goes the way of Quebec or engages in the bitter language quarrels of India, I recommend that we adopt the English language in this bill.

Mr. SERRANO. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

(Ms. ROS-LEHTINEN asked and was given permission to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Chairman, as a naturalized American who has benefited from multi-language instruction, I rise in support of the amendment.

Mr. SERRANO. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. ROYBAL-ALLARD].

(Ms. ROYBAL-ALLARD asked and was given permission to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from New York [Mr. SERRANO].

Mr. Chairman, I rise in strong support of the English Plus Act, which provides a common-sense approach to the national language debate.

The English-plus substitute reaffirms that English is the primary language of the United States. It also acknowledges that in today's expanding global economy, multilingualism must be factored into any formula for economic success. Encouraging the use of world languages is critical if the United States is to remain a world economic leader.

The strength of our economy increasingly depends on trade and international business. More than 40% of large corporations in the United States hire bilingual employees to communicate, negotiate, and market American goods and services.

The English Plus Act combines two objectives. It establishes English as the primary language of our country, while at the same time recognizing the importance of multilingualism for the future success of the United States.

I urge my colleagues to stand united behind The English Plus Act, and vote for the Serrano substitute.

Mr. SERRANO. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, as my mother, an immigrant from Lithuania, learned as a young girl in East St. Louis, IL, learning English was crucial to success. She became a bilingual translator in court as a young girl, and of course today I have the honor to serve in the House of Representatives as a first-generation American and the son of that Lithuanian immigrant. Every immigrant American that I have met in my life understands one basic fact in this country. Proficiency in English is crucial to success. But this amendment is less about helping Americans, this bill is less about helping Americans to succeed, than it is about pointing out our differences in color and culture and language.

□ 1530

This bill is unnecessary and divisive. America is a nation of immigrants. We will not be stronger because of this divisive bill. Support the amendment offered by the gentleman from New York [Mr. SERRANO]. Celebrate our diversity. Welcome to those who come to our country to join in our culture, learn our language, and help them succeed.

Mr. CUNNINGHAM. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, at the outset let me say I agree with some but not all of the findings of the substitute offered by my friend, the gentleman from New York [Mr. SERRANO]. I know the gentleman is well-intentioned, but his substitute goes in the opposite direction of the bill itself.

I would again acknowledge that we are a nation of immigrants, no doubt about it. Our history has been shaped by many cultures, religions, languages from around the world. We are proud of our Nation's ability to assimilate people from around the world in one cohesive society. On that, the gentleman and I agree.

But it is our common language that binds us together as a nation, and it is the English language which empowers newcomers to the access of the American dream. First, the substitute states that English is the primary language of the United States. If that is the case, then the opponents should have no problem designating English as the official language in statute.

Second, the substitute implies that the supporters of H.R. 124 believe the Nation was founded on racial, ethnic, and religious homogeneity. Not true. We recognize the diversity in this country, and so state in the findings to H.R. 123.

Third, the substitute, H.R. 123, recognizes the importance of multilingualism in the context of international relations and national security. There are exceptions for each of those situations in the bill already.

Fourth, the substitute talks about a threat to the status of English. That is not the issue. The issue is are we going to continue down the road of a Balkanized, piecemeal language policy, program by program, with 320 languages in this country? Or are we going to establish a national, commonsense, common language policy of the Federal Government which 23 States have already established as the official policy, and over 80 nations, and the President of United States, when he was governor of Arkansas?

Fifth, the substitute mischaracterizes H.R. 123 as an English-only bill. It is not an English-only bill. It is an official language of the Government bill. If it were an English-only bill, it would apply not only to the Government but to private businesses, churches, neighborhoods, and homes. H.R. 123 does not apply to homes, churches, neighborhoods, communities, public health, safety, national security, international relations, or the teaching of languages.

My friend, the gentleman from California [Mr. BECERRA], asked me to recognize that the bill decouples bilingual education. It has nothing to do with the bilingual education issue.

I would say to my friends that the intention of this bill is to empower people, empower our American children, because there is a growing need to educate children in the English language, and the tendency has gone otherwise.

Mr. SERRANO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, if one wants to know how much people want to learn to speak English, they should come to my district in the Bronx, or anywhere else throughout the Nation, and find out what happens when an English-as-a-second-language class is offered. The line of immigrants and of recent arrivals and people who have been here for a while in front of those schools, trying to get into those programs, is something that would be hard to be believed. The biggest problem in that area is that we do not have enough slots to fit all the people who want to learn to speak English.

This is a nonissue. This should not be on the floor. But since it is, we should approve my amendment and speak about the future, not some problems we have had in the past.

PARLIAMENTARY INQUIRY

Mr. CUNNINGHAM. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CUNNINGHAM. If we wanted to accept by unanimous consent the Gutierrez amendment, which was dropped, would the gentleman agree to that?

Mr. BECERRA. Excuse me, Mr. Chairman?

Mr. CUNNINGHAM. The Gutierrez amendment that was dropped, would the gentleman agree to that, which allows Members of the House to send out their information?

Mr. SERRANO. No, we could not.

The CHAIRMAN. Under the rule, that amendment could not be considered at this time in the Committee of the Whole, even of unanimous consent.

Mr. SERRANO. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. LAFALCE].

(Mr. LAFALCE asked and was given permission to revise and extend his remarks.)

Mr. LAFALCE. Mr. Chairman, I rise in the strongest possible support of the Serrano substitute.

Mr. Chairman, I strongly support the English Plus Act, the substitute offered by the esteemed gentleman from New York [Mr. SERRANO], which celebrates English as the primary language of this diverse Nation. This substitute is a far better approach than the proposed English-only bill, which in my judgment, is unconstitutional, unnecessary, unwise, inefficient, and un-American.

It is unconstitutional because it impedes freedom of speech and would ultimately lead to disenfranchising U.S. citizens. American

citizens have the right to express themselves as they choose. Certainly government does not have the right to intrude on such a personal freedom, as this bill would, and I cannot condone such action. I am particularly concerned that the bill removes the requirement for multilingual ballots in communities with significant numbers of people whose primary language is not English. This is troubling both constitutionally and in a very practical sense: if there are no bilingual ballots, some citizens will no longer exercise their right to vote, but others will continue to do so, albeit in an unavoidably less-informed manner. How short-sighted can we be? Or is there a partisan political side to this issue, too?

The proposed English bill is also unnecessary. While the last census shows that there are at least 39 languages spoken in this country, it also shows that over 95 percent of the population speaks English. Only 3 percent of our citizens speak English either not well or not at all. It is clear that the English language is a major element of our American culture. English is alive and flourishing and does not need an act of Congress to continue to do so. In fact, research shows that current generations of language-minorities are learning English even faster than previous generations did.

It is also unwise, because it is divisive and mean-spirited. The proposal seeks to divide communities across ethnic lines. Rather than enhancing the development of language skills, which the United States should do to improve our economic competitiveness and to conduct diplomacy, this head-in-the-sand approach goes in exactly the wrong direction. In its zeal to achieve linguistic homogeneity, the majority runs roughshod over one of our Nation's strongest assets, our cultural diversity.

An English-only rule pertaining to governmental functions is also incredibly inefficient. Think of the many ways that citizens come into contact with the Government—at the post office, the IRS for tax forms and assistance, the Social Security Office, and the courts, to name a few. Imagine the difficulties our citizens would have if we forbid the use of other languages in government forms, instructional materials, and the like.

Last, but certainly not least, this bill is also un-American because it runs directly contrary to our international goals and foreign policies. America's entire history has been to open our door to other cultures, and to encourage strong cultural identities within our own country. This bill, in effect, says that this historical approach was incorrect. I disagree.

Rather, I agree with so many of my colleagues, including a large number on the majority side, who have urged other countries, to respect ethnic minorities inside their borders. For instance, there is strong sentiment within these walls that the Serbs who rule what is left of Yugoslavia should not run roughshod over Albanians, Muslims and other ethnic minorities who live there. Nor have we been shy about warning the government in Russia against unfair treatment of ethnic minorities within that nation's borders.

Mr. Chairman, I urge our colleagues to consider the best interests of the American people and to support the Serrano substitute, the English Plus Act. The substitute is a balanced approach that recognizes English as the primary language of the United States and encourages its usage. But, most important, it also respects the many ways in which

multilingualism has contributed to this country by fostering communication and greater understanding not only within the United States, but among nations throughout the world.

I urge my colleagues to support the Serrano substitute.

Mr. SERRANO. Mr. Chairman, I yield the remainder of my time to the gentleman from Florida [Mr. DIAZ-BALART], a gentleman who is a living example of why this bill is not necessary; a gentleman who came from Cuba, learned to speak English, while maintaining his native tongue, and is an asset to this country.

The CHAIRMAN. The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Chairman, I thank the gentleman from New York [Mr. SERRANO] for yielding time to me.

Mr. Chairman, it is fascinating how a vantage point affects one's view. One of the most difficult challenges that I face, that my wife and I face, with two young boys that we are raising is, for their own benefit, to do everything in our power so they will retain the Spanish language. It is extraordinarily difficult, despite the fact that they even joke with me often that every perhaps four or five words I say "Español." reminding them of the necessity, of the importance, that they keep a second tongue; for their own benefit, for their cultural enhancement and enrichment, for their economic competitiveness in the future, how important it is that they retain a second tongue.

The gentlewoman from Florida. Ms. ILEANA ROS-LEHTINEN, my dear colleague, sitting here with her young daughter, Amanda, I know she faces the same challenge. How often do I hear ILEANA with her daughters say, "Español." Why? Because in this great country, Mr. Chairman, the pressures, the incredible forces for assimilation, for acculturation, for acceptance of the primary language of English is extraordinary. I do not think it has ever been equaled in the history of mankind, that power, the power of English in this culture, which is spreading across, through Hollywood and the other instruments, that the American culture has, spreading across. And now with technology, it is spreading across the world.

To think of what is under attack in the United States, English? No. A study in our community in south Florida just showed that in the first generation here of people who are arriving on our shores, they are losing Spanish at an alarming rate, so much so that our competitiveness in south Florida is being undermined, and our ability to be effective in the international economy.

So I think it is impossible, it is really difficult to understand the viewpoint that what is threatened is not the second and third languages that we should be encouraging our children to learn in this country, for their own benefit and for our economic future, but rather, what is threatened is the English language? I am confused.

Let us not be confused, Mr. Chairman, with regard to what this bill is doing. People have often, speakers before us, have referred often, time and time again, to bill 123. What we have before us is bill 3898. It is a combination of bill 123, offered by the gentleman from California [Mr. CUNNINGHAM], which I may say, with all respect, and I want to reiterate that I not only do not impugn but would never doubt the intentions and the good faith of my dear friends who disagree with me on this issue.

But I will say that I have never seen a bill such as 123, half of the legislation before us, that seeks to do so much to address so little, because the problem before us is with regard to that legislation, that part of the bill, the invisible problem, the invisible problem, Mr. Chairman.

But there is another aspect to this legislation, which is H.R. 351, which was incorporated into 3898. And there we are not talking about a problem to address an invisible problem, an unnecessary bill. No. There we are talking about an unfortunate, unwarranted, unwise, uncalled for constitutional regression.

Our constitutional Republic, Mr. Chairman, is not perfect, but it is perfectible. After 189 years of Republic, almost 200 years after the founding of our Republic, Mr. Chairman, this Congress stood tall in 1965 and granted the right to vote to black citizens. That was 1965. Ten-years later, after passing the Voting Rights Act of 1965, the Congress extended protections to American citizens who are not proficient in English in the Voting Rights Act, and said that citizens that are not proficient in English have a right to understand what they are voting on. That was what was done through the amendments of 1975 to the Voting Rights Act.

Let it be clear that this bill before us today eliminates the protections of 1975 for linguistic minorities in the United States. This is a vote not only on the issues that have been debated before, this is a vote on destroying a significant portion of the Voting Rights Act.

When we hear about 85 percent issues, I just want to make two points, because my friend, the distinguished gentleman from California [Mr. CUNNINGHAM] made the point previously about the fact this is an 85-percent issue. I would say perhaps it is an 85-percent issue to declare English as the official language, such as was done in Florida. That would not have been half as controversial, by the way, declaring English as the official language. But that is not what we are doing. We are putting a bunch of restrictions.

I want to say, if I may, even if it were an 85-percent issue, Democracy not only requires governing by the majority, but it is respect for the minority. I say that that portion, the Voting Rights Act portion of this legislation, which constitutes aggression on lin-

guistic minorities in this country, is anti-Democratic, anti-Democratic, and it constitutes congressional regression. That is why I oppose it.

Mr. CUNNINGHAM. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

The CHAIRMAN. The gentleman from Georgia [Mr. GINGRICH] is recognized for 5½ minutes.

Mr. GINGRICH. Mr. Chairman, I thank the gentleman from California for yielding time to me.

Mr. Chairman, I think we are at a very important turning point for America. This is a country whose doors have always been open, and should always be open to people from across the world. We are a nation of immigrants. Our greatness in part comes from our ability to be a melting pot, to draw from everywhere and to allow people to pursue happiness, to allow people to live under the rule of law, to protect their unalienable rights, and to have everyone be equal before the law.

This is a truly remarkable civilization. I agree with Max Lerner's great work on America as a civilization, that we are in fact a unique civilization, partially derived from Europe, partially derived from Africa, partially derived from America, partially derived from Asia, but ultimately, a unique tribute to the concept that we have been endowed by our Creator, and that we represent the greatest extension of freedom to the widest range of people in the history of the world.

But there is a key part of that, and this bill is one step in that direction. The key part is very simple: Is there a thing we call American? Is it unique?

□ 1545

My Ph.D. is in European history. I believe in studying other countries. I believe in learning other languages. But I believe we start here with America, and we need to learn here about America.

I want to say unequivocally that while I cherish every person who comes from anywhere, who comes here legally and seeks to pursue happiness, and I hope all of them decide to stay and become American citizens, but I want them to become American. And part of becoming American involves English. It is vital historically to assert and establish that English is the common language at the heart of our civilization.

One does not have to look far to see the dangers. Look north to our friends in Canada and the challenge of separatism in Quebec. Look to the Balkans, look to the continuing tensions in Belgium, a country which has mostly avoided violence and has mostly done a good job but has a very complex and very structure relationship between its Fleming and Walloon populations. Then ask yourself, in an America where there are over 80 languages taught in the California schools as the primary language, not as the secondary

language but as the primary language, in a country where in Seattle there are 75 languages being taught, in Chicago there are 100; this is not bilingualism, this is a level of confusion which if it were allowed to develop for another 20 or 30 years would literally lead, I think, to the decay of the core parts of our civilization.

This bill is a very modest bill. It says English is the official language of the Government. The Government. You can speak any language you want in your homes, you can speak any language you want in private life, you can campaign in any language you want, but all Americans should have access to their government in their common language.

It says the Government has an affirmative obligation to preserve and enhance the role of English as the official language of the U.S. Government, and that such obligations shall include encouraging greater opportunities to learn the English language. I believe it is important to understand that we need every citizen and, frankly, in the long run every person who comes here to learn English. We need to be willing to say it proudly and simply and not with hostility but with a sense of joy: Yes, we want you to come; yes, we want you to immigrate; and, yes, we want you to become American, but there are standards.

For me one of those standards occurred with the naturalization ceremony. Naturalization ceremonies normally involve people of many countries with many language backgrounds, and part of the great joy of seeing them stand there and, in whatever quality of English they have mastered, repeating in English their Pledge of Allegiance, indicating in English their new commonality. They may come from Thailand, from Nigeria, from Paraguay, but when they are in that room becoming American, they are joined together by their Pledge of Allegiance and they are joined together by their new common language.

They leave that room as Americans, not hyphenated Americans, not partial Americans, not semi-Americans. At that moment they are citizens of the United States, under the protection of our law, living within our Constitution, and their rights have been endowed by their Creator. That is the framework this bill seeks to continue.

This bill is a very simple bill, a very modest bill. I would urge Members to vote no for the substitute, which, frankly eliminates any effective steps, and vote yes on final passage. The Bill Emerson English Language Empowerment Act is the right direction and the right bill, and the additions from the Committee on the Judiciary are very helpful. These are modest steps in the direction of reinforcing and reasserting the greatest civilization ever to provide freedom to the human race.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from New York [Mr. SERRANO].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 250, not voting 6, as follows:

[Roll No. 389]

AYES—178

Abercrombie	Gejdenson	Nadler
Ackerman	Gephardt	Neal
Andrews	Geren	Oberstar
Baldacci	Gibbons	Olver
Barcia	Gonzalez	Ortiz
Barrett (WI)	Gordon	Orton
Becerra	Green (TX)	Owens
Beilenson	Gutierrez	Pallone
Bentsen	Hall (OH)	Pastor
Berman	Harman	Payne (NJ)
Bishop	Hastings (FL)	Pelosi
Blumenauer	Hefner	Poshard
Boniior	Hilliard	Rahall
Borski	Hinchev	Rangel
Boucher	Holden	Reed
Brown (CA)	Hoyer	Richardson
Brown (FL)	Jackson (IL)	Rivers
Brown (OH)	Jackson-Lee	Roemer
Bryant (TX)	(TX)	Ros-Lehtinen
Bunn	Jacobs	Rose
Cardin	Jefferson	Roybal-Allard
Chapman	Johnson, E. B.	Rush
Clay	Johnston	Sabo
Clayton	Kanjorski	Sanders
Clyburn	Kaptur	Sawyer
Coleman	Kennedy (MA)	Schiff
Collins (IL)	Kennedy (RI)	Schroeder
Collins (MI)	Kennelly	Schumer
Condit	Kildee	Scott
Conyers	Klecza	Serrano
Costello	Klink	Skaggs
Coyne	LaFalce	Skeen
Cummings	Lantos	Slaughter
de la Garza	Levin	Spratt
DeFazio	Lewis (GA)	Stark
DeLauro	Lofgren	Stokes
Dellums	Lowey	Studds
Deutsch	Luther	Stupak
Diaz-Balart	Maloney	Tanner
Dicks	Markey	Tejeda
Dingell	Martinez	Thompson
Dixon	Mascara	Thornton
Doggett	Matsui	Thurman
Dooley	McCarthy	Torres
Doyle	McDermott	Torricelli
Durbin	McHale	Towns
Edwards	McKinney	Velazquez
Engel	Meehan	Vento
Eshoo	Meek	Visclosky
Evans	Menendez	Volkmer
Farr	Millender	Ward
Fattah	McDonald	Waters
Fazio	Miller (CA)	Watt (NC)
Fields (LA)	Minge	Waxman
Filner	Mink	Williams
Flake	Moakley	Wilson
Foglietta	Mollohan	Wise
Frank (MA)	Moran	Woolsey
Frost	Morella	Wynn
Furse	Murtha	Yates

NOES—250

Allard	Boehner	Clement
Archer	Bonilla	Clinger
Armey	Bono	Coble
Bachus	Brewster	Coburn
Baesler	Browder	Collins (GA)
Baker (CA)	Bryant (TN)	Combest
Baker (LA)	Bunning	Cooley
Ballenger	Burr	Cox
Barr	Burton	Cramer
Barrett (NE)	Buyer	Crane
Bartlett	Callahan	Crapo
Barton	Calvert	Cremeans
Bass	Camp	Cubin
Bateman	Campbell	Cunningham
Bereuter	Canady	Danner
Bevill	Castle	Davis
Bilbray	Chabot	Deal
Bilirakis	Chambliss	DeLay
Bliley	Chenoweth	Dickey
Blute	Christensen	Doolittle
Boehlert	Chrysler	Dorman

Dreier	Kasich	Quinn
Duncan	Kelly	Radanovich
Dunn	Kim	Ramstad
Ehlers	King	Regula
Ehrlich	Kingston	Riggs
English	Klug	Roberts
Ensign	Knollenberg	Rogers
Everett	Kolbe	Rohrabacher
Ewing	LaHood	Roth
Fawell	Largent	Roukema
Fields (TX)	Latham	Royce
Flanagan	LaTourette	Salmon
Foley	Laughlin	Sanford
Forbes	Lazio	Saxton
Fowler	Leach	Scarborough
Fox	Lewis (CA)	Schaefer
Franks (CT)	Lewis (KY)	Seastrand
Franks (NJ)	Lightfoot	Sensenbrenner
Frelinghuysen	Lincoln	Shadegg
Frisa	Linder	Shaw
Funderburk	Lipinski	Shays
Galleghy	Livingston	Shuster
Ganske	LoBiondo	Sisisky
Gekas	Longley	Skelton
Gilchrest	Lucas	Smith (MI)
Gillmor	Manton	Smith (NJ)
Gilman	Manzullo	Smith (TX)
Gingrich	Martini	Smith (WA)
Goodlatte	McCollum	Solomon
Goodling	McCrery	Souder
Goss	McHugh	Spence
Graham	McInnis	Stearns
Greene (UT)	McIntosh	Stenholm
Greenwood	McKeon	Stockman
Gunderson	McNulty	Stump
Gutknecht	Metcalf	Talent
Hall (TX)	Meyers	Tate
Hamilton	Mica	Tauzin
Hancock	Miller (FL)	Taylor (MS)
Hansen	Molinari	Taylor (NC)
Hastert	Montgomery	Thomas
Hastings (WA)	Moorhead	Thornberry
Hayes	Myers	Tiahrt
Hayworth	Myrick	Torkildsen
Hefley	Nethercutt	Traficant
Heineman	Neumann	Upton
Herger	Ney	Vucanovich
Hilleary	Norwood	Walker
Hobson	Nussle	Walsh
Hoeckstra	Oxley	Wamp
Hoke	Packard	Watts (OK)
Horn	Parker	Weldon (FL)
Hostettler	Paxon	Weldon (PA)
Houghton	Payne (VA)	Weller
Hunter	Peterson (MN)	White
Hutchinson	Petri	Whitfield
Hyde	Pickett	Wicker
Inglis	Pombo	Wolf
Istook	Pomeroy	Young (AK)
Johnson (CT)	Porter	Zeliff
Johnson (SD)	Portman	Zimmer
Johnson, Sam	Pryce	
Jones	Quillen	

NOT VOTING—6

Brownback	McDade	Peterson (FL)
Ford	Obey	Young (FL)

□ 1607

Messrs. EWING, LIGHTFOOT, LEWIS of California, EVERETT, HOSTETTTLER, HEFLEY, and BEVILL changed their vote from "aye" to "no."

Mr. MARKEY changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. NEY) having assumed the chair, Mr. HANSEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R.

123) to amend title 4, United States Code, to declare English as the official language of the Government of the United States, pursuant to House Resolution 499, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR.

SERRANO

Mr. SERRANO. Mr. Speaker, I offer a motion to recommit.

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. SERRANO. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SERRANO moves that the House recommit the bill to the Committee on Economic and Educational Opportunities with instructions to report the bill forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "English Plus Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) English is the language of the United States, and all members of the society recognize the importance of English to national life and individual accomplishment.

(2) Many residents of the United States speak native languages other than English, including many languages indigenous to this country, and these linguistic resources need to be conserved and developed.

(3) This Nation was founded on a commitment to democratic principles, and not on racial, ethnic, or religious homogeneity, and has drawn strength from a diversity of languages and cultures and from a respect for individual liberties.

(4) Multilingualism, or the ability to speak languages in addition to English, is a tremendous resource to the United States because such ability enhances American competitiveness in global markets by permitting improved communication and cross-cultural understanding between producers and suppliers, vendors and clients, and retailers and consumers.

(5) Multilingualism improves United States diplomatic efforts by fostering enhanced communication and greater understanding between nations.

(6) Multilingualism has historically been an essential element of national security, including the use of Native American languages in the development of coded communications during World War II, the Korean War, and the Vietnam War.

(7) Multilingualism promotes greater cross-cultural understanding between different racial and ethnic groups in the United States.

(8) There is no threat to the status of English in the United States, a language that is spoken by 97 percent of United States residents, according to the 1990 United States Census.

(9) "English-only" measures would violate traditions of cultural pluralism, divide communities along ethnic lines, jeopardize the provision of law enforcement, public health, education, and other vital services to those whose English is limited, impair government efficiency, and undercut the national interest by hindering the development of language skills needed to enhance international competitiveness and conduct diplomacy.

(10) Such "English-only" measures would represent an unwarranted Federal regulation of self-expression, abrogate constitutional rights to freedom of expression and equal protection of the laws, violate international human rights treaties to which the United States is a signatory, and contradict the spirit of the 1923 Supreme Court case *Meyer v. Nebraska*, wherein the Court declared that "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."

SEC. 3. GOVERNMENT POLICIES

The United States Government should pursue policies that promote English as the language of the United States and that—

(1) encourage all residents of this country to become fully proficient in English by expanding educational opportunities and informational resources;

(2) conserve and develop the Nation's linguistic resources by encouraging all residents of this country to learn or maintain skills in a language other than English;

(3) respect the languages of Native Americans, Native Alaskans, Native Hawaiians, and other peoples indigenous to the United States and its territories;

(4) continue to provide services in languages other than English as needed to facilitate access to essential functions of government, promote public health and safety, ensure due process, promote equal educational opportunity, and protect fundamental rights;

(5) recognize the importance of multilingualism to vital American interests and individual rights, and oppose restrictionist language measures; and

(6) require Presidential campaigns and Federal Elections be conducted in English.

□ 1615

Mr. CUNNINGHAM (during the reading). Mr. Speaker I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. NEY). Is there objection to the request of the gentleman from California?

Mr. BONIOR. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will read.

The Clerk concluded the reading of the motion to recommit.

The SPEAKER pro tempore. The gentleman from New York [Mr. SERRANO] is recognized for 5 minutes in support of his motion to recommit.

Mr. SERRANO. Mr. Speaker, the debate today has been at times painful for some of us because, as was stated on the floor on many occasions, this debate takes what is really a nonissue, this fear that somehow the English

language is going to be lost to all of us as our common bond, and puts it on the floor of this House as one of those issues that questions people's patriotism.

So, of course, if we go throughout this country and tell people that somehow the American flag is in danger of being burned, people react in a certain way to that against burning of flags. If we tell them that the only way we are going to save our schools is by praying in school, people will react to that in a positive way. If we tell them that because other languages are spoken in this country at any given time, and recent times, that the English language is in danger of disappearing, therefore, the country is in danger of disappearing as the country that we know.

But the fact of life is that some people much brighter than I, than many of us, somewhere interestingly enough in my city on Madison Avenue in an advertising agency decided that this is one of those hot button issues that touches people, confuses them, and gives them what they think is a solution to their problems.

That does not talk about poverty in America. It does not talk about the working middle-class struggling to pay a mortgage and send their children to school. It does not talk about taxes. It does not talk about the environment. It does not speak to any of the real issues in this country. It says that because I and other people speak another language and relate to constituents in a language other than English, that somehow we are in danger.

That is a misguided, foolishly patriotic approach to a nonissue, but it has worked. Up to now it has worked. People have reacted to it. People who have been members of the Armed Forces, who are in late years, honestly and emotionally believe that if we allow other languages to live side by side with the English language, or in a second category to English, that somehow we are going to lose our country.

On many of these issues, my brothers and sisters, I place myself as an example. I think in two languages. I write and read Spanish and English. I can deliver this presentation in Spanish as well as in English. I do not think that any of what I do in two languages has ever been a problem for me or a problem for this country.

When I served in the Armed Forces of this country during the Vietnam war, I served with young men who could not speak a word of English who had just arrived here and were drafted or who came from Puerto Rico to serve. Many were volunteers. Many of those young men never came back. They were lost in the battlefields of Vietnam, as they were in Korea and the Second World War and the First World War, and their last words were in Spanish to their God, to their parents. They never spoke English.

Yet, Mr. Speaker, this bill says that if the Veterans Administration wants to service them, it cannot service them

in a language other than English. It says that I cannot communicate with them in a language other than English. It says that if the Ambassador of Mexico or the new President of the Dominican Republic writes to me in Spanish, I can only answer on the public payroll in English. This is the way to promote ourselves throughout the world?

My recommittal amendment, proposal says two things: That we recognize that English is the language of this country, and that we ask government and its citizens to involve themselves in learning to speak it better every day.

Then it says something else which I think is important. It says that if someone is a candidate for President and receives Federal matching funds, especially if they are going out there and saying that English should be the official language, that they should not use any public funds to advertise in a language other than English.

I have written to one of the Presidential candidates who has seven Spanish commercials in the can to go in Texas and in California and New York pretty soon. As the insurgent, I have written to him twice and asked him to respond and he has not responded.

But in fact, in fact, all Presidential candidates have done that. I think that we would be taking a proper stand if we say, since election campaigning with Federal dollars is an act of government, and since English will be the official language of government, then do not go around saying, "Vote para mi in estos elecciones." Say it in English and run the risk of losing New York, Florida, California, New Mexico, Arizona, and Texas.

Mr. Speaker, let me just close by saying when Hispanics sit around the dinner table and the issue of language comes up, it is never an assault on the English language. It is a lament on the fact that the children and the grandchildren no longer speak Spanish. This is a nonissue.

The SPEAKER pro tempore. Is the gentleman from California [Mr. CUNNINGHAM] opposed to the motion?

Mr. CUNNINGHAM. Mr. Speaker, yes, I am opposed to the motion.

The SPEAKER pro tempore. The gentleman from California [Mr. CUNNINGHAM] is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, there are people on both sides of the issue that believe strongly that they are in the right on this thing. First of all, the gentleman from New York [Mr. SERRANO], my friend, is a good example of a bilingual citizen, but unfortunately in this land many are not, and that is what we are trying to help.

I would also like to thank my friend for his service to this country in Vietnam, and I recognize that and I laud that.

I also thank my friend for being my friend, and he knows I mean that sincerely. We are friends with a difference of opinion on this issue.

Mr. Speaker, I would say, first of all, that some of the amendments that the gentleman was talking about were actually made in order were withdrawn, and we asked to accept them and they would not accept their own amendments back.

Mr. Speaker, I would say that this is a version of the same vote that we just had and it still goes in the wrong direction. It does nothing to address the piecemeal language approach of the past and it encourages a continued policy of printing documents in many languages.

I would like to state, first of all, and I have got four pages here of people that support it, and I would like to mention a few: The AARP, the American Association of Women, the American Legion, California NEA, Daughters of the American Revolution, Federation of Women's Clubs, Heritage Foundation, Islamic Society of North County, and many, many others.

But let me tell my colleagues more about what is good about this bill. First of all, Bill Emerson created this bill, worked with the gentleman from Wisconsin [Mr. ROTH], and there was not a mean bone in Mr. Emerson's body. It has over 200 cosponsors on this. I think they are a very well-meaning group of people who believe in this bill and what it stands for.

□ 1630

Yes, over 80 percent of the American people support it. I do not think they are mean spirited. They see a problem that we can help with. The English language unites us as a nation of many different immigrants and, just like the Speaker said, at the swearing in, you see people from all over the world united when they are sworn in under the English language. That is in the bill.

We are better able to move about and interact within our society itself. With 123 languages spoken in the United States, we need to declare English as the official language.

Let me close with a quotation from one of our witnesses, Maria Lopez-Otin:

From the immigrant's standpoint, knowledge of English is critically important to success in American society, and discussions about immigration, bilingual education or English as a second language are but distractions from the issue at hand, the merits of English as the official language of the United States. And on that point, on whatever level you consider, education, employment, politics, a social grounding in English is imperative. Now, does this mean rejection of our roots, our heritage, our original language? Of course not. What it means is that as Americans, we cannot hope to reach our fullest potential unless we speak the language, and that language is English.

The SPEAKER pro tempore (Mr. NEY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of final passage.

The vote was taken by electronic device, and there were—ayes 171, noes 257, not voting 5, as follows:

[Roll No. 390]

AYES—171

Abercrombie	Furse	Murtha
Ackerman	Gedjenson	Nadler
Andrews	Gephardt	Neal
Baldacci	Gibbons	Oberstar
Barcia	Gonzalez	Olver
Barrett (WI)	Gordon	Ortiz
Becerra	Green (TX)	Orton
Beilenson	Gutierrez	Owens
Bentsen	Hall (OH)	Pallone
Berman	Harman	Pastor
Bishop	Hastings (FL)	Payne (NJ)
Blumenauer	Hefner	Pelosi
Bonior	Hilliard	Peterson (MN)
Borski	Hinchey	Poshard
Boucher	Holden	Rahall
Browder	Hoyer	Rangel
Brown (CA)	Jackson (IL)	Reed
Brown (FL)	Jackson-Lee	Richardson
Brown (OH)	(TX)	Rivers
Bryant (TX)	Jacobs	Roemer
Bunn	Jefferson	Rose
Cardin	Johnson, E. B.	Roybal-Allard
Chapman	Johnston	Rush
Clay	Kanjorski	Sabo
Clayton	Kaptur	Sanders
Clyburn	Kennedy (MA)	Sawyer
Coleman	Kennedy (RI)	Schroeder
Collins (IL)	Kennelly	Schumer
Collins (MI)	Killee	Scott
Condit	Klecza	Serrano
Conyers	Klink	Skaggs
Costello	LaFalce	Slaughter
Coyne	Lantos	Spratt
Cummings	Levin	Stark
de la Garza	Lewis (GA)	Stokes
DeFazio	Lofgren	Studds
DeLauro	Lowe	Stupak
Delums	Luther	Tanner
Deutsch	Maloney	Tejeda
Dicks	Markey	Thompson
Dingell	Martinez	Thurman
Dixon	Mascara	Torres
Doggett	Matsui	Towns
Dooley	McCarthy	Velazquez
Doyle	McDermott	Vento
Durbin	McHale	Visclosky
Edwards	McKinney	Volkmer
Engel	Meehan	Ward
Eshoo	Meek	Waters
Evans	Menendez	Watt (NC)
Farr	Millender	Waxman
Fattah	McDonald	Williams
Fazio	Miller (CA)	Wilson
Fields (LA)	Mink	Wise
Filner	Moakley	Woolsey
Flake	Mollohan	Wynn
Foglietta	Moran	Yates
Frost	Morella	

NOES—257

Allard	Bliley	Chabot
Archer	Blute	Chambliss
Armey	Boehler	Chenoweth
Bachus	Boehner	Christensen
Baesler	Bonilla	Chrysler
Baker (CA)	Bono	Clement
Baker (LA)	Brewster	Clinger
Ballenger	Bryant (TN)	Coble
Barr	Bunning	Coburn
Barrett (NE)	Burr	Collins (GA)
Bartlett	Burton	Combest
Barton	Buyer	Cooley
Bass	Callahan	Cox
Bateman	Calvert	Cramer
Bereuter	Camp	Crane
Bevill	Campbell	Crapo
Bilbray	Canady	Cremeans
Bilirakis	Castle	Cubin

Cunningham	Istook	Quillen
Danner	Johnson (CT)	Quinn
Davis	Johnson (SD)	Radanovich
Deal	Johnson, Sam	Ramstad
DeLay	Jones	Regula
Diaz-Balart	Kasich	Riggs
Dickey	Kelly	Roberts
Doolittle	Kim	Rogers
Dornan	King	Rohrabacher
Dreier	Kingston	Ros-Lehtinen
Duncan	Klug	Roth
Dunn	Knollenberg	Roukema
Ehlers	Kolbe	Royce
Ehrlich	LaHood	Salmon
English	Largent	Sanford
Ensign	Latham	Saxton
Everett	LaTourette	Scarborough
Ewing	Laughlin	Schaefer
Fawell	Lazio	Schiff
Fields (TX)	Leach	Seastrand
Flanagan	Lewis (CA)	Sensenbrenner
Foley	Lewis (KY)	Shadegg
Forbes	Lightfoot	Shaw
Fowler	Lincoln	Shays
Fox	Linder	Shuster
Frank (MA)	Lipinski	Sisisky
Franks (CT)	Livingston	Skeen
Franks (NJ)	LoBiondo	Skelton
Frelinghuysen	Longley	Smith (MI)
Frisa	Lucas	Smith (NJ)
Funderburk	Manton	Smith (TX)
Galleghy	Manzullo	Smith (WA)
Ganske	Martini	Solomon
Gekas	McCollum	Souder
Geren	McCrery	Spence
Gilchrest	McHugh	Stearns
Gillmor	McInnis	Stenholm
Gilman	McIntosh	Stockman
Goodlatte	McKeon	Stump
Goodling	McNulty	Talent
Goss	Metcalf	Tate
Graham	Meyers	Tauzin
Greene (UT)	Mica	Taylor (MS)
Greenwood	Miller (FL)	Taylor (NC)
Gunderson	Minge	Thomas
Gutknecht	Molinari	Thornberry
Hall (TX)	Montgomery	Thornton
Hamilton	Moorhead	Tiahrt
Hancock	Myers	Torkildsen
Hansen	Myrick	Torricelli
Hastert	Nethercutt	Traffant
Hastings (WA)	Neumann	Upton
Hayes	Ney	Vucanovich
Hayworth	Norwood	Walker
Hefley	Nussle	Walsh
Heineman	Obey	Wamp
Herger	Oxley	Watts (OK)
Hilleary	Packard	Weldon (FL)
Hobson	Parker	Weldon (PA)
Hoekstra	Paxon	Weller
Hoke	Payne (VA)	White
Horn	Petri	Whitfield
Hostettler	Pickett	Wicker
Houghton	Pomboy	Wolf
Hunter	Pomeroy	Young (AK)
Hutchinson	Porter	Zeliff
Hyde	Portman	Zimmer
Inglis	Pryce	

NOT VOTING—5

Brownback	McDade	Young (FL)
Ford	Peterson (FL)	

□ 1648

Mr. MINGE and Mr. SCHIFF changed their vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. NEY). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CUNNINGHAM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 259, noes 169, not voting 5, as follows:

[Roll No. 391]

Allard	Gillmor	Nethercutt
Archer	Gilman	Neumann
Armey	Goodlatte	Ney
Bachus	Goodling	Norwood
Baessler	Gordon	Nussle
Baker (CA)	Goss	Obey
Baker (LA)	Graham	Oxley
Ballenger	Greene (UT)	Packard
Barr	Greenwood	Parker
Barrett (NE)	Gunderson	Paxon
Bartlett	Gutknecht	Payne (VA)
Barton	Hall (TX)	Peterson (MN)
Bass	Hamilton	Petri
Bateman	Hancock	Pickett
Bereuter	Hansen	Pombo
Bevill	Harman	Porter
Bilbray	Hastert	Portman
Bilirakis	Hastings (WA)	Poshard
Billey	Hayes	Pryce
Blute	Hayworth	Quillen
Boehlert	Hefley	Quinn
Boehner	Hefner	Radanovich
Bono	Heineman	Ramstad
Brewster	Herger	Regula
Browder	Hilleary	Riggs
Bryant (TN)	Hobson	Roberts
Bunning	Hoekstra	Rogers
Burr	Hoke	Rohrabacher
Burton	Holden	Roth
Buyer	Horn	Roukema
Callahan	Hostettler	Royce
Calvert	Houghton	Salmon
Camp	Hunter	Sanford
Campbell	Hutchinson	Saxton
Canady	Hyde	Scarborough
Castle	Inglis	Schaefer
Chabot	Istook	Seastrand
Chambliss	Johnson (CT)	Sensenbrenner
Chenoweth	Johnson (SD)	Shadegg
Christensen	Johnson, Sam	Shaw
Chryslers	Jones	Shays
Clement	Kanjorski	Shuster
Clinger	Kasich	Sisisky
Coble	Kelly	Skelton
Coburn	Kim	Smith (MI)
Collins (GA)	King	Smith (NJ)
Combest	Kingston	Smith (TX)
Condit	Klug	Smith (WA)
Cooley	Knollenberg	Solomon
Cox	Kolbe	Souder
Cramer	LaHood	Spence
Crane	Largent	Spratt
Crapo	Latham	Stearns
Cremeans	LaTourette	Stenholm
Cubin	Laughlin	Stockman
Cunningham	Lazio	Stump
Danner	Leach	Talent
Davis	Lewis (CA)	Tanner
Deal	Lewis (KY)	Tate
DeLay	Lightfoot	Tauzin
Dickey	Lincoln	Taylor (MS)
Doolittle	Linder	Taylor (NC)
Dornan	Lipinski	Thomas
Dreier	Livingston	Thornberry
Duncan	LoBiondo	Thurman
Dunn	Longley	Tiahrt
Ehlers	Lucas	Torkildsen
Ehrlich	Manton	Traficant
English	Manzullo	Upton
Everett	Martini	Volkmer
Ewing	Mascara	Vucanovich
Fawell	McCollum	Walker
Fields (TX)	McCrery	Walsh
Flanagan	McHugh	Wamp
Foley	McInnis	Watts (OK)
Forbes	McIntosh	Weldon (FL)
Fowler	McKeon	Weldon (PA)
Fox	McNulty	Weller
Franks (CT)	Metcalf	White
Franks (NJ)	Meyers	Whitfield
Frelinghuysen	Mica	Wicker
Frisa	Miller (FL)	Wolf
Funderburk	Molinari	Young (AK)
Galleghy	Montgomery	Zeliff
Ganske	Moorhead	Zimmer
Gekas	Myers	
Gilchrest	Myrick	

NOES—169

Abercrombie	Berman	Brown (OH)
Ackerman	Bishop	Bryant (TX)
Andrews	Blumenauer	Bunn
Baldacci	Bonilla	Cardin
Barcia	Bonior	Chapman
Barrett (WI)	Borski	Clay
Becerra	Boucher	Clayton
Beilenson	Brown (CA)	Clyburn
Bentsen	Brown (FL)	Coleman

Collins (IL)	Jacobs	Pelosi
Collins (MI)	Jefferson	Pomeroy
Conyers	Johnson, E. B.	Rahall
Costello	Johnston	Rangel
Coyne	Kaptur	Reed
Cummings	Kennedy (MA)	Richardson
de la Garza	Kennedy (RI)	Rivers
DeFazio	Kennelly	Roemer
DeLauro	Kildee	Ros-Lehtinen
Dellums	Klecza	Rose
Deutsch	Klink	Roybal-Allard
Diaz-Balart	LaFalce	Rush
Dicks	Lantos	Sabo
Dingell	Levin	Sanders
Dixon	Lewis (GA)	Sawyer
Doggett	Lofgren	Schiff
Dooley	Lowey	Schroeder
Doyle	Luther	Schumer
Durbin	Maloney	Scott
Edwards	Markey	Serrano
Engel	Martinez	Skaggs
Ensign	Matsui	Skeen
Eshoo	McCarthy	Slaughter
Evans	McDermott	Stark
Farr	McHale	Stokes
Fattah	McKinney	Studds
Fazio	Meehan	Stupak
Fields (LA)	Meek	Tejeda
Filner	Menendez	Thompson
Flake	Millender-	Thornton
Foglietta	McDonald	Torres
Frank (MA)	Miller (CA)	Torricelli
Frost	Minge	Towns
Furse	Mink	Velazquez
Gedjenson	Moakley	Vento
Gephardt	Mollohan	Visclosky
Geren	Moran	Ward
Gibbons	Morella	Waters
Gonzalez	Murtha	Watt (NC)
Green (TX)	Nadler	Waxman
Gutierrez	Neal	Williams
Hall (OH)	Oberstar	Wilson
Hastings (FL)	Olver	Wise
Hilliard	Ortiz	Woolsey
Hinchey	Orton	Wynn
Hoyer	Owens	Yates
Jackson (IL)	Pallone	
Jackson-Lee	Pastor	
(TX)	Payne (NJ)	

NOT VOTING—5

Brownback	McDade	Young (FL)
Ford	Peterson (FL)	

□ 1657

Mr. JACKSON of Illinois changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1700

GENERAL LEAVE

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, on rollcall 387, the conference report to accompany the bill, H.R. 3603, the Agriculture Appropriations Act for Fiscal Year 1997, I inadvertently voted "yea." I intended to vote "nay."

FEDERAL EMPLOYEE REPRESENTATION IMPROVEMENT ACT OF 1996

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 782) to amend title 18 of the United States Code to allow members of employee associations to represent their views before the U.S. Government, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employee Representation Improvement Act of 1996".

SEC. 2. REPRESENTATION BY FEDERAL OFFICERS AND EMPLOYEES.

(a) EXTENSION OF EXEMPTION TO PROHIBITION.—Subsection (d) of section 205 of title 18, United States Code, is amended to read as follows:

"(d)(1) Nothing in subsection (a) or (b) prevents an officer or employee, if not inconsistent with the faithful performance of that officer's or employee's duties, from acting without compensation as agent or attorney for, or otherwise representing—

"(A) any person who is the subject of disciplinary, loyalty, or personnel administration proceedings in connection with those proceedings; or

"(B) except as provided in paragraph (2), any cooperative, voluntary, professional, recreational, or similar organization or group not established or operated for profit, if a majority of the organization's or groups's members are current officers or employees of the United States or of the District of Columbia, or their spouses or dependent children.

"(2) Paragraph (1)(B) does not apply with respect to a covered matter that—

"(A) is a claim under subsection (a)(1) or (b)(1);

"(B) is a judicial or administrative proceeding where the organization or group is a party; or

"(C) involves a grant, contract, or other agreement (including a request for any such grant, contract, or agreement) providing for the disbursement of Federal funds to the organization or group."

(b) APPLICATION TO LABOR-MANAGEMENT RELATIONS.—Section 205 of title 18, United States Code is amended by adding at the end the following:

"(i) Nothing in this section prevents an employee from acting pursuant to—

"(1) chapter 71 of title 5;

"(2) section 1004 or Chapter 12 of title 39;

"(3) section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b);

"(4) chapter 10 of title 1 of the Foreign Service Act of 1980 (22 U.S.C. 4104 et seq.); or

"(5) any provision of any other Federal or District of Columbia law that authorizes labor-management relations between an agency or instrumentality of the United States or the District of Columbia and any labor organization that represents its employees."

Mr. CANADY of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. NEY). Is there objection to the original request of the gentleman from Florida?