

appreciate our differences. When members of our society cannot speak a common language, misunderstandings arise. Furthermore, the individuals who do not speak the language of the majority miss out on many opportunities to advance in society and achieve the American Dream.

The English Language Unity Act of 2013 requires the establishment of a uniform language requirement for naturalization and requires that all naturalization ceremonies be conducted in English. I want to empower new immigrants coming to our nation by helping them understand and become successful in their new home. I believe that one of the most important ways immigrants can achieve success is by learning English.

There is enormous popular support for English as the official language according to polling that has taken place over the last few years. A large majority of Americans support making English the official language of the United States. There is also widespread and bipartisan support for this legislation, and I hope that you will join me this Congress in supporting the English Language Unity Act of 2013.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 464

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 Unity Act of 2013”.

SEC. 2. FINDINGS.

Congress finds and declares the following:

(1) The United States is comprised of individuals from diverse ethnic, cultural, and linguistic backgrounds, and continues to benefit from this rich diversity.

(2) Throughout the history of the United States, the common thread binding individuals of differing backgrounds has been the English language.

(3) Among the powers reserved to the States respectively is the power to establish the English language as the official language of the respective States, and otherwise to promote the English language within the respective States, subject to the prohibitions enumerated in the Constitution of the United States and in laws of the respective States.

SEC. 3. ENGLISH AS OFFICIAL LANGUAGE OF THE UNITED STATES.

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

“CHAPTER 6—OFFICIAL LANGUAGE

“§ 161. Official language of the United States 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 functions of Government to be conducted in English

“(a) OFFICIAL FUNCTIONS.—The official functions of the Government of the United States shall be conducted in English.

“(b) SCOPE.—For the purposes of this section—

“(1) the term ‘United States’ means the several States and the District of Columbia; and

“(2) the term ‘official’ refers to any function that—

“(A) binds the Government;

“(B) is required by law; or

“(C) is otherwise subject to scrutiny by either the press or the public.

“(c) PRACTICAL EFFECT.—This section shall apply to all laws, public proceedings, regulations, publications, orders, actions, programs, and policies, but does not apply to—

“(1) teaching of languages;

“(2) requirements under the Individuals with Disabilities Education Act;

“(3) actions, documents, or policies necessary for national security, international relations, trade, tourism, or commerce;

“(4) actions or documents that protect the public health and safety;

“(5) actions or documents that facilitate the activities of the Bureau of the Census in compiling any census of population;

“(6) actions that protect the rights of victims of crimes or criminal defendants; or

“(7) using terms of art or phrases from languages other than English.

“§ 164. Uniform English language rule for naturalization

“(a) UNIFORM LANGUAGE TESTING STANDARD.—All citizens should be able to read and understand generally the English language text of the Declaration of Independence, the Constitution, and the laws of the United States made in pursuance of the Constitution.

“(b) CEREMONIES.—All naturalization ceremonies shall be conducted in English.

“§ 165. Rules of construction

“Nothing in this chapter shall be construed—

“(1) to prohibit a Member of Congress or any officer or agent of the Federal Government, while performing official functions, from communicating unofficially through any medium with another person in a language other than English (as long as official functions are performed in English);

“(2) to limit the preservation or use of Native Alaskan or Native American languages (as defined in the Native American Languages Act);

“(3) to disparage any language or to discourage any person from learning or using a language; or

“(4) to be inconsistent with the Constitution of the United States.

“§ 166. 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.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 4, United States Code, is amended by inserting after the item relating to chapter 5 the following new item:

“CHAPTER 6. OFFICIAL LANGUAGE”.

SEC. 4. GENERAL RULES OF CONSTRUCTION FOR ENGLISH LANGUAGE TEXTS OF THE LAWS OF THE UNITED STATES.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following new section:

“§ 8. General rules of construction for laws of the United States

“(a) English language requirements and workplace policies, whether in the public or

private sector, shall be presumptively consistent with the Laws of the United States.

“(b) Any ambiguity in the English language text of the Laws of the United States shall be resolved, in accordance with the last two articles of the Bill of Rights, not to deny or disparage rights retained by the people, and to reserve powers to the States respectively, or to the people.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, is amended by inserting after the item relating to section 7 the following new item:

“8. General Rules of Construction for Laws of the United States.”.

SEC. 5. IMPLEMENTING REGULATIONS.

The Secretary of Homeland Security shall, within 180 days after the date of enactment of this Act, issue for public notice and comment a proposed rule for uniform testing English language ability of candidates for naturalization, based upon the principles that—

(1) all citizens should be able to read and understand generally the English language text of the Declaration of Independence, the Constitution, and the laws of the United States which are made in pursuance thereof; and

(2) any exceptions to this standard should be limited to extraordinary circumstances, such as asylum.

SEC. 6. EFFECTIVE DATE.

The amendments made by sections 3 and 4 shall take effect on the date that is 180 days after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 67—DESIGNATING APRIL 5, 2013, AS “GOLD STAR WIVES DAY”

Mr. BURR (for himself and Mr. SANDERS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 67

Whereas the Senate honors the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of Gold Star Wives of America, Inc. is to provide services, support, and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, Gold Star Wives of America, Inc. was organized with the help of Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of Gold Star Wives of America, Inc. was held on April 5, 1945;

Whereas April 5, 2013, marks the 68th anniversary of the first meeting of Gold Star Wives of America, Inc.;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting the freedom of the people of the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 5, 2013, as “Gold Star Wives Day”;

(2) honors and recognizes—

(A) the contributions of the members of Gold Star Wives of America, Inc.; and

(B) the dedication of the members of Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe Gold Star Wives Day to promote awareness of—

(A) the contributions and dedication of the members of Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

SENATE CONCURRENT RESOLUTION 5—EXPRESSING THE SENSE OF CONGRESS THAT JOHN ARTHUR “JACK” JOHNSON SHOULD RECEIVE A POSTHUMOUS PARDON FOR THE RACIALLY MOTIVATED CONVICTION IN 1913 THAT DIMINISHED THE ATHLETIC, CULTURAL, AND HISTORIC SIGNIFICANCE OF JACK JOHNSON AND UNDULY TARNISHED HIS REPUTATION

Mr. MCCAIN (for himself, Mr. REID, and Mr. COWAN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 5

Whereas John Arthur “Jack” Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights;

Whereas, after being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White titleholder, Tommy Burns;

Whereas Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World;

Whereas the victory by Jack Johnson over Tommy Burns prompted a search for a White boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the “great white hope”;

Whereas, in 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada;

Whereas Jim Jeffries lost to Jack Johnson in what was deemed the “Battle of the Century”;

Whereas the defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially motivated murder of African-Americans nationwide;

Whereas the relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites;

Whereas, between 1901 and 1910, 754 African-Americans were lynched, some simply for being “too familiar” with White women;

Whereas, in 1910, Congress passed the Act of June 25, 1910 (commonly known as the “White Slave Traffic Act” or the “Mann

Act”) (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce “for the purpose of prostitution or debauchery, or for any other immoral purpose”;

Whereas, in October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter;

Whereas Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an “immoral purpose” in violation of the Mann Act;

Whereas the Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson;

Whereas Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of “prostitution and debauchery”;

Whereas, in 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison;

Whereas Jack Johnson fled the United States to Canada and various European and South American countries;

Whereas Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915;

Whereas Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas;

Whereas Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title;

Whereas Jack Johnson served his country during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas Jack Johnson died in an automobile accident in 1946;

Whereas, in 1954, Jack Johnson was inducted into the Boxing Hall of Fame; and

Whereas, on July 29, 2009, the 111th Congress agreed to Senate Concurrent Resolution 29, which expressed the sense of the 111th Congress that Jack Johnson should receive a posthumous pardon for his racially motivated 1913 conviction: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it remains the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

Mr. MCCAIN. Mr. President, I come to the floor to speak about a resolution I have submitted which calls on the President of the United States to posthumously pardon the world's first African-American heavyweight champion, John Arthur “Jack” Johnson. I am proud to be joined in this effort by my friend, the majority leader, HARRY REID and the Senator from Massachusetts Mr. COWAN.

I would point out that the majority leader of the Senate was once an excellent fighter himself, of great skill and agility, which he continues to display here as majority leader of the Senate.

I would also like to thank him for his commitment to the sport of boxing and for joining me again in attempting to do justice for a man who was done a great injustice.

For my colleagues who may not be familiar with the story of the late Jack Johnson, he is considered by many to be the most dominant athlete in boxing history. Arthur John Johnson was born in Galveston, TX, in 1878 to parents who were former slaves. At an early age, he realized his talent for the sweet science. In order to make a living, Johnson traveled across the country fighting anyone willing to face him. But he was denied repeatedly, on purely racial grounds, a chance to fight for the world heavyweight title. For too long African-American fighters were not seen as legitimate contenders for the championship. Fortunately, after years of perseverance, Johnson was finally granted an opportunity in 1908 to fight the then-reigning title holder, Tommy Burns, in Sydney, Australia. Even though the fight lasted 14 rounds, Johnson handily defeated Burns to become the first African-American heavyweight champion of the world.

Jack Johnson's success in the ring, and sometimes indulgent lifestyle outside of it, fostered resentment among many and raised concerns that his continued dominance in the ring would somehow disrupt what was then perceived by many as a racial order. So as history tells us, a search for a Caucasian boxer who could defeat Johnson began. This recruitment effort became known as the search for the “Great White Hope.” The so-called hope arrived in the person of former champion Jim Jeffries, who returned from retirement to fight Johnson in 1910. Johnson went on to defeat Jeffries, and as a shameful consequence race riots broke out in several cities as many sought to avenge Jeffries' defeat.

Following the loss of the “Great White Hope,” the Federal Government launched an investigation into the legality of Johnson's relationships with Caucasian women. At that time the Mann Act, which was enacted in 1910, outlawed the transport of Caucasian women across State lines for the purpose of prostitution or debauchery or for “any other immoral purpose.” Using the “any other immoral purpose” clause as a pretext, Federal law enforcement officials set out to get Jack Johnson.

On October 18, 1912, the Federal Government got their man. On that day, Johnson was arrested for transporting his Caucasian girlfriend across State lines in violation of the Mann Act. However, the charges were subsequently dropped when the Caucasian female, whose mother had originally tipped off Federal officials, refused to cooperate with authorities. She later married Jack Johnson.

Not to be outdone, the Federal authorities remained persistent in their determination to persecute Johnson, persuading a former scorned Caucasian