in the interior, and in its processing of immigration applications. It only took 19 temporary visa holders to slip through the system to unleash the horror of the September 11 attacks, and the pending proposal would shelve many of these problems of legal and illegal aliens—many of whom have never gone through a background check—through our border security system over the next decade, in effect, flooding a bureaucracy that is already drowning.

It is a recipe for disaster, and 6,000 National Guardsmen without the power to enforce our immigration laws and arrest illegal aliens are not going to make the difference between success and failure. Our Nation’s experience shows that amnesty does not—does not work. They encourage illegal immigration. They open our borders to terrorists. Our experience shows that we cannot play games with our border security or American lives could be lost.

I urge my colleagues to do likewise.

Mr. INHOFE. Madam President, I ask unanimous consent that the amendment (No. 4064), as modified, be placed on the Senate amendment list.

Mr. INHOFE. Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I ask for the regular order.

The PRESIDING OFFICER. The Senator’s amendment is pending.

AMENDMENT NO. 4064, AS MODIFIED

Mr. INHOFE. Madam President, I ask unanimous consent that the amendment be modified with the changes that are at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 4061), as modified, is as follows:

On page 522, line 22, strike “the alien—” and all that follows through page 296, line 5, and insert “the alien meets the requirements of section 312.”

On page 592, line 3, strike “either—” and all that follows through line 15, and insert “the alien meets the requirements of section 312.”

On page 614, after line 5, insert the following:

SEC. 7. ENGLISH AS NATIONAL LANGUAGE

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

“CHAPTER 6—LANGUAGE OF THE GOVERNMENT

“Sec. 161. Declaration of national language

“162. Preserving and enhancing the role of English as the national language of the United States of America. Unless otherwise authorized or provided by law, no person has a right, entitlement, or claim to have the Government of the United States or any of its offices or officials to communicate, perform or provide services, or provide materials in any language other than English. If exceptions are made, that does not create a legal entitlement to additional services in that language or any language other than English. If any forms are issued by the Federal Government in a language other than English, prospective United States citizens shall complete the English language version of the form and the English language version of the form is the sole authority for all legal purposes.”

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


SEC. 767. REQUIREMENTS FOR NATURALIZATION.

(a) FINDINGS.—The Senate makes the following findings:

a. Under United States law (8 U.S.C. 1423(a)), lawful permanent residents of the United States who have immigrated from foreign countries must, among other requirements, demonstrate an understanding of the English language, providing English a special status of equal rights, entrepreneurs, and artists.

b. The Department of Homeland Security shall, at its sole discretion, determine that prospective citizens demonstrate the knowledge of the English language and United States history and government for the purpose of redesigning said test.

(b) DEFINITIONS.—For purposes of this section only, the following words are defined:

(1) KEY DOCUMENTS.—The term “key documents” means the documents that established or explained the foundational principles of democracy in the United States, including the United States Constitution and the amendments to the Constitution (particularly the Bill of Rights), the Declaration of Independence, the Federalist Papers, and the Emancipation Proclamation.

(2) KEY EVENTS.—The term “key events” means the critical turning points in the history of the United States (including the American Revolution, the Civil War, the world wars of the twentieth century, the civil rights movement, and the major court decisions and legislation) that contributed to extending the promise of democracy in American life.

(3) KEY IDEAS.—The term “key ideas” means the ideas that shaped the democratic institutions of the United States, including the notion of equal justice under the law, freedom, individualism, human rights, and a belief in progress.

(4) KEY PERSONS.—The term “key persons” means the men and women who led the United States as founding fathers, elected officials, inventors, pioneers, advocates of equal rights, entrepreneurs, and artists.

(c) GOALS FOR CITIZENSHIP TEST DESIGN.—The Department of Homeland Security shall establish as goals of the testing process designed to comply with provisions of (8 U.S.C. 1423(a)) that prospective citizens:

a. demonstrate a sufficient understanding of the English language for usage in everyday life;

b. demonstrate an understanding of American common values and traditions, including the principles of the Constitution of the United States, the Pledge of Allegiance, respect for the flag of the United States, the National Anthem, and voting in public elections;

c. demonstrate an understanding of the history of the United States, including the key events, key persons, key ideas, and key documents that shaped the institutions and democratic heritage of the United States;

d. demonstrate an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States; and

e. demonstrate an understanding of the rights and responsibilities of citizenship in the United States.

(d) IMPLEMENTATION.—The Secretary of Homeland Security shall implement changes to the testing process designed to ensure compliance with (8 U.S.C. 1423(a)) not later than January 1, 2008.

Mr. INHOFE. Madam President, I ask unanimous consent to add as cosponsors several Senators, including the distinguished senior Senator from West Virginia, Senator BYRD, and Senators ALEXANDER and KYL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, this is, I believe, a very significant amendment. We have had an opportunity to talk to people who had problems. In addition to making English the national language, we also unify some of the applications in terms of legalized immigration.

I have had the honor of speaking at naturalization ceremonies. It is a very warm thing to know that these people come in and do it the legal way, the right way; wherein they have to, and they do, learn the language. We have some language in here that Senator ALEXANDER had suggested that I think makes this a better bill, and I think Senator KYL and Senator SESSIONS also have this language. So it goes beyond that.

Basically, what it does is it recognizes the practical reality of the role of English as our national language. It states explicitly that English is our national language, providing English a status in law that it has not had before. It clarifies the entitlement to receive Federal documents and services in languages other than English. It declares that any rights of a person or services or materials in languages other than English must be authorized or provided by law. It recognizes the decades of unbroken court opinions that civil rights laws protecting against national origin and discrimination do not create rights to Government services and materials in languages other than English, and it enhances the authority of this Act to redesign, as I talked about in trying to make those more uniform.

I think Senator ALEXANDER wants to make a few comments. I would only say that this is something that is more significant probably to the American people than it is inside this Chamber. I know there is opposition to this. There are some people who don’t believe that English should be our national language. If you look at some of the recent polling data, such as the Zogby poll in 2006, it found that 77 percent of Americans, including 77 percent of Hispanics, believed that English should be the national language of Government
operations. A poll of 91 percent of foreign-born Latino immigrants agreed that learning English is essential to succeeding in accordance with the United States, according to the 2002 Kaiser Family Foundation poll.

Also, we heard the other day, when President Bush made his very eloquent statement, he said:

An ability to speak and write the English language, English allows newcomers to go from picking crops to opening grocery stores, from cleaning offices to running offices, from a life of low-paying jobs to a diploma, a career, and a home of their own.

So I believe this is something very significant that we are doing today that people have talked about now for four decades that I know of, and I believe it should be popular. I yield to the Senator from Arizona. The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I wish to compliment the Senator from Oklahoma for his work, for bringing it to the Senate floor, and for doing something I think is very important and that I think unifies us.

What are some of the things that do unify our country? Well, I think language unifies us. Senator ALEXANDER, who will speak in a moment, was responsible also for working with Senator INHOFE to include provisions in this amendment that help us to recognize the importance of our national language and the importance—not just for our new immigrants but for all Americans—of speaking this language that is our national language. So an amendment that recognizes that it is our national language is very positive for both immigrants and nonimmigrants alike. I would also like to make a point about what this amendment is not. This is not an English-only amendment. That is an important point. We do speak a lot of different languages in this country, but English is our national language, and I think we can all agree on those great principles.

So this expression by the Senate is an important one, and I compliment all of those who helped to work on it, and for bringing it to the Senate floor I thank Senator INHOFE.

Mr. INHOFE. I thank the Senator for his comments. I yield to Senator ALEXANDER.

Mr. ALEXANDER. Madam President, the distinguished Senator from Tennessee has been a leader in this field going back to his days as the Secretary of Education and Governor. Ten minutes would be fine. I think that is acceptable to Senator ALEXANDER.

I would like to remind Senators we are trying to move the bill along. The next Senator in line is Senator AKAKA, who will speak very briefly. If he does not come, we will move the amendment to the floor. I thank the Chair, and I yield to Senator ALEXANDER.

Mr. ALEXANDER. Madam President, could I be notified when I have 60 seconds left?

The PRESIDING OFFICER. The Senator will be notified.

Mr. ALEXANDER. I thank Senator INHOFE, the Senator from Oklahoma, who was looking at the original motto of the United States, which is above the President’s chair: e pluribus unum, “one out of many.” In our antecedent language of Latin because he has done a very good job, I think, of helping to say what the body as a whole would like to say, and I hope this is something all Senators can agree on.

Here is what the Inhofe amendment, of which I am proud to be a cosponsor, does. No. 1, it states the obvious: that English is the national language of the United States. But in so stating, it does not prevent those who are today receiving Government services in other languages from continuing to do so. We can have those discussions at another time.

The second thing it does is it adopts an idea that has been suggested by Senator GRASSLEY, the Senator from Iowa, on another occasion during the debate on this bill; that for those immigrants who are here in the country illegally but who may be able to adjust to a legal status under the way this bill is finally written, it establishes a clear English language requirement for them to become lawful permanent residents.

The third thing it does is it establishes clear goals for the tests that immigrants take to become new American citizens, so that they know English, our common language, and so that they know our legal system. That test is currently being redesigned by the Department of Homeland Security. In doing so, this part of the Inhofe amendment picks up language that had been offered before by Senator RZAD, Senator KENNEDY, Senator HAYES, Senator ADAMS, Senator LIEBERMAN, Senator KOBLE, Senator HARRIS, Senator BYRD, Senator INES, Senator DODD, as we worked to create summer academies for outstanding students and teachers of American history.

It should surprise no one that the Senate would pass a resolution stating that our national language is English. I can remember being at an education meeting in Rochester in the late 1990s, when someone asked: What is the rationale for common schools? And Albert Shanker, the late president of the American Federation of Teachers, said the public schools, the common schools of America were created to help largely immigrant children learn reading and writing and English and mathematics with the hope they would go home and teach their parents.

So for a long time, we have tried to help new citizens learn our common language so we can speak to one another, and that has been English. Since 1996, our naturalization laws have required new citizens to know English and be able to pass tests in English.

The Senate, at the beginning of the immigration debate, put a value on the English language by approving an amendment that said that the federal government would offer $500 grants paid for out of visa fees by those who are legally here, who are seeking to become prospective citizens. In other words, we want to help people learn English.

The same amendment said that if you become fluent in English, we will cut a year off the time you have to wait to become a lawful, new citizen from 5 years to 4 years.

I remember when I was Education Secretary for this country 15 years ago, when I went to the Southwest United States and someone told me: Well, you will probably find a lot of people who
object to learning English. But I found just the reverse. I found a lot of men and women in the Southwest United States who were upset with me because they didn’t have enough help to learn English. They wanted to learn the national language, the common language of the government.

The Inhofe amendment is in that spirit. I have always believed that the luckiest children in our country are those who speak more than one language, whether it is Spanish or Chinese-Spanish, after Spanish, is the most widely spoken language in our country—but that one of those languages must be English, and children should learn it as quickly as is practical.

The second part of the Inhofe amendment should not surprise anyone because it incorporates language Senator Sessions had offered to try to make certain that the U.S. history test that new immigrants take if they wish to become citizens includes the key documents and key events and key ideas of our founding documents. As I mentioned, that has broad support on both sides of the aisle here, with the Democratic leader, as well as the Republican leaders. Senator Sessions, Senator Kyl, and others, having been involved in that.

Finally, it should be no surprise that the Senate, in the middle of a debate on a very important subject, finds talking about our common language, our national language, English, an important matter, and talking about U.S. history an important matter. In many ways, there is nothing more important to discuss if we are talking about immigration because the greatest accomplishment of our country is not our diversity, even though that is a magnificent part of our country. It is that we have taken all that diversity and molded it into one nation on something other than our ancestry.

We have this enormous advantage in the world today, an advantage France and Germany don’t have. People have a hard time thinking of how to become German, how to become French, how to become Italian, how to become Chinese, how to become Japanese. But if you come to this country and you want to become a citizen, you must become an American and you must learn our common language. That is a part of it, and it has been for 200 years.

The second part of the Inhofe amendment says: New immigrants have a responsibility to enter the mainstream of American life. That means learning English and learning about our democratic system of government.

We heard just the other day in a speech given by our President that it is necessary in order to unify us and to leave all the obstacles that are out there. I thank not just the obvious ones who have been speaking already, but Senator McCain and Senator Graham have been a very important part in making changes, along with Senator Alexander and the occupant of the chair, the junior Senator from Florida. At this time, I would like to hear from Senator Graham. I yield to him whatever time he desires.

The Inhofe amendment is a very carefully constructed amendment to try to make sure that we are heard properly in this country. We value every language. We value every ancestry. We value every background that is here. It is what makes our country so special because our children grow up speaking more than one language. But we need to be able to speak with one another, and we need to understand those principles which we debate here in the Senate. Just look at this debate on immigration. We are debating four great principles with which we all agree, but we apply them in different ways. They are the rule of law; they are laissez faire, about our free market; they are education opportunity, giving everybody a fair chance at the starting line; and pluribus unum, the idea that we are one nation from many.

This amendment is as important as any amendment which is being offered because it helps take our magnificent diversity and make it something even more magnificent. It recognizes that only a few things unite us: our principles, found in our founding documents, and our common language. We are proud of where we have come from, where our ancestors have come from, but to make this land of immigrants truly one country, we must have and honor our national language, our common language, and that language is English.

The PRESIDING OFFICER (Mr. MARTÍNEZ). The Senator from Oklahoma.

Mr. INHOFE. First of all, I do appreciate as always the very eloquent Senator Sessions, Senator Sessions, Senator Kyl, and others, having been involved in that.

Finally, it should be no surprise that the Senate, in the middle of a debate on a very important subject, finds talking about our common language, our national language, English, an important matter, and talking about U.S. history an important matter. In many ways, there is nothing more important to discuss if we are talking about immigration because the greatest accomplishment of our country is not our diversity, even though that is a magnificent part of our country. It is that we have taken all that diversity and molded it into one nation on something other than our ancestry.

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The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, just to put this debate in perspective for myself and myself alone, I wish I could speak an additional language. It would make me a better person. I think I would enjoy that experience. I know enough German just to be dangerous. I lived 4½ years in Germany, and I picked up a little of the language, but I was always somewhat embarrassed that all my German friends probably spoke better English than I, and several times a week it would be great for our country if our young people could learn additional languages because we live in a global economy and a global world, and it would make America a better place.

However, what makes America a special place and what is the key to success in America, from an economic and social perspective, is to master or be competent in the English language. While personally I do not think it is a good idea to be able to speak another language—I think it would make me a better person, it would change my life for the better—when it comes to our Nation, it is important that we focus as a nation on those things which unify us, and our common language is English. We need to understand that and promote that because if you are coming to America or you are here now, your life will be tremendously enhanced if you are fluent in the English language. Opportunities will exist for you that will not exist otherwise.

I know there are many people in this body from different places in the world, and some have parents or grandparents who may have not spoken or written the language, but that one of those languages must be English. Some may have died not speaking a word of English, and their lives were just as valuable as anybody else’s life, but we are trying, as a Government, to make a policy statement. That is a policy statement—but not change the law at the same time.

The goal of this amendment is to say English is the national language of the United States. That is true. I would encourage every American to learn another language, get your kids enrolled in taking Spanish or some other language because they will be more successful in a global economy. From an individual level, we would be better off if every American could master additional languages other than English. But from a national perspective, to make sure we maintain our national unity and our common sense of being one nation, it is important that we emphasize the need to assimilate into America by mastering the English language. Senator Sessions has made a statement that needs to be made. I congratulate him.

What does this amendment do, and what is it intended to do? This amendment says: The Government of the United States shall preserve and enhance the role of English as the national language of the United States of America.

That is a good policy statement. From an individual perspective, we should learn as many languages as possible, but from a national perspective, we need to promote assimilation in our society. The best way to assimilate into our society is not to abandon your native tongue but to also learn English.

Mr. DURBIN. Will the Senator yield for a question?

Mr. GRAHAM. I certainly will.

Mr. DURBIN. Mr. President, I would like to first commend the Senator from South Carolina, and I have spoken in the well here on the floor about this issue. I am trying, as he is, to understand this issue from another’s point of view.
view because I am a lucky person. My mother was an immigrant to this country. When her parents came to this country from Lithuania, they did not speak English. My mother spoke both Lithuanian and English, and as a young girl was an interpreter in court so I learned to speak both languages very early. My mother spoke both languages, but I speak only English.

The Spanish language has become an important symbol for so many people in this country. It reflects on their heritage. It is a source of pride. They are proud to be Americans, but they are equally proud to have a heritage they might not understand English very well. My mother spoke both languages, but I speak only English.

Mr. GRAHAM. Let’s go back to the original question and incorporate it into the answer. The Senator asked me if I know of a case where the American Government provides a service in some language other than English that I find unjustified. The answer is that in my view, it is unjustified. We do provide, at the Federal level, bilingual ballots and other services outside of English for a reason, and I think those reasons are good.

The Senator from Oklahoma gave an example. I believe it is a Federal statute which makes sure that due process rights of people not sufficiently trained in understanding English are preserved. At some point in time—in 1978 or whenever it was—Congress came along and said: There will be services provided in a language other than English in a court setting. Not only do I think that is just, but I want to preserve it.

Here is the ultimate answer to the Senator’s question. If there is an example of an injustice in the Senator’s mind as an individual Senator, where the Government of our country is providing a service not in English, this will not remedy that injustice.

That is what I am trying to say. Providing this amendment for the Senator’s question would provide a service not in English. It doesn’t disturb the legal situation in this country by a statute, regulation, court decree or an Executive order conferring rights of people to receive services other than English. If I thought it did, I wouldn’t vote for it.

Mr. DURBIN. Mr. President, if I may ask the Senator to yield for a question, I wish there were a way to engage the Senator from Oklahoma because it is his amendment, and I would like to hear his response. I hold in my hand a publication from the Department of Justice which you can find on the Web site. I invite my colleagues to go to the Web site. They can read this official publication from the Department of Justice, and this is what they will learn. It is entitled, "Know Your Rights.”

Do you have trouble with English? Are you unable to speak, read, write, or understand English well? If so, you are limited in English proficiency. Federal agencies and organizations which get money from the Federal Government have to take reasonable steps to help people who have trouble with English. Sometimes when a government agency or organization does not provide a service because you are limited in English proficiency, they violate the law. This is called "national origin discrimination."

The Senator from Oklahoma gave an example. There is a Federal law that protects your civil rights. The law is called "Title VI of the Civil Rights Act of 1964."
It goes on with examples of possible discrimination. If you come to a hospital and you have limited English proficiency, they are supposed to be able to try to help you understand what your rights are and treat you.

Are you saying that the Inhofe amendment change that? If it doesn’t, why are we enacting this? If this is law which we are comfortable with and will live with—and it is currently law in the United States—why are we trying to change it? If we are eliminating a protection which is currently in the law, recognized by the Department of Justice, why are we eliminating it?

That is my question.

Mr. GRAHAM. Mr. President, I will give the Senator my answer and then yield to anyone. I know we need to wrap this up.

In my opinion, the phrase, “unless otherwise authorized or provided by law,” is a way to preserve that service. Simply stated, that language to me is intended to make sure that whatever service is provided in a language other than English, our Federal Government is not disturbed. If you want to disturb it, you would have to come back and do something else.

Mr. DURBIN. If that is not the case, what does this add? What does it change? What does it bring to the law that isn’t currently in the law?

Mr. GRAHAM. May I suggest why I think we need to do this and why I support Senator INHOFE. We have gone through a great debate in this country, which is long overdue. What does it mean to be an American? And what role unites us and what divides us? I think it is time for others to have a side-by-side. That is how I would like to proceed.

Mr. KENNEDY. Mr. President, I want to cooperate and have cooperated with the Senator. I think it is premature to establish a time on the Inhofe amendment. I don’t think it will be an undue period of time. But it would be difficult now to agree to a specific time. I hope we would be able to agree after a while. I welcome the change to continue this. I think this discussion has been enormously valuable and helpful. We can proceed in whatever way the leader wants to proceed. Right now, we would not be in a position to agree to a 1 hour time limitation on the Ensign amendment, half an hour on each side. But we will work to try to get a reasonable time, if that is the decision.

Mr. SPECTER. Mr. President, I suggest we proceed with the Ensign amendment. I agree. The discussion with Senator Graham, Senator Inhofe, and Senator Durbin are productive. Perhaps we could continue the discussion on an informal basis as we try to come to an agreement on language but meanwhile proceed to the Ensign amendment with the prospect of a vote today.

I yield the floor.

The PRESIDING OFFICER (Mr. Inakvson). The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3985

Mr. ENSIGN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. Ensign), for himself, Mr. Specter, and Mr. Inhofe, proposes an amendment numbered 3985.

Mr. ENSIGN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.
Mr. SPECTER. It is.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The amendment (no. 3964) was agreed to.

Mr. SPECTER. Mr. President, we have concluded the Vitter amendment a little earlier than expected. It would be appropriate now to proceed with the debate on the Inhofe amendment, with the prospect of later having a side-by-side. I urge my colleagues who wish to be heard on that subject to come to the floor so we can proceed.

Mr. President, while we are awaiting speakers to arrive on the Inhofe amendment, and since we have concluded the Vitter amendment early, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

Mr. INHOFE. Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, we are now going to the Inhofe amendment No. 4064. It is my understanding that we have between now and 4:15, with the time provided on my amendment and an alternative amendment that is proposed by Senator SALAZAR, and I would ask if that is correct.

The PRESIDING OFFICER. An amendment has not yet been proposed by the Senator from Colorado. However, the time between now and 4:15 is allocated to the Inhofe amendment and any Democratic amendment which might be proposed as an alternative.

Mr. INHOFE. Mr. President, I thank the Chair for that clarification. It could very well be, and it is my understanding that some others do have an alternative that they want to have considered.

Mr. President, this is an issue that has been with us for a long time. Due to the great history that is very often presented to this Chamber by the occupier of the chair, we went back into history and saw that for hundreds of years we have been trying, many of us, as I have tried, to make the English the national language. The last time we had a vote was 1983. In 1983, there was a—a, I don't remember who the author was at the time, but it was before I even came to the House. But that was 23 years ago. So 23 years it has taken, and I am as interested in that language as are you, Mr. President, and we think as a result of that, we have a bill that is actually better than ours was when it first started.

Mr. DURBIN. Mr. President, would the Senator yield for a question?

Mr. INHOFE. I yield.

Mr. DURBIN. First, I thank the Senator for his cooperation. I think we have had a very valuable dialogue, and the Senator from Oklahoma has made some important concessions. But I would like to make sure that, for the RECORD, I understand the intent and language of the amendment which he currently offers.

Has the Senator changed the version which referenced section 161: “Declaration of official language,” which shows on page 2 of the amendment?

Mr. INHOFE. Yes, that was changed. It was actually written up—when they wrote the word “national” in the wrong place. It is, “Declaration of national language.”

Mr. DURBIN. Thank you. May I ask the Senator if he would tell me whether it is his intention to in any way diminish any rights that currently exist under the laws of the United States of America which would provide individuals with materials or services in a language other than English?

Mr. INHOFE. Mr. President, I think it is very appropriate the Senator asks that question. We have had a chance to discuss that at some length with a large number of people, and I have spoken fast to my belief. Now, keep in mind I am one of the few people around here who is not a lawyer, but I would like to make sure that, for the record, I understand the intent and language of the United States and it is a statement of policy that English is the national language.

Mr. DURBIN. Mr. President, would the Senator yield for a question which I think would satisfy many?

Mr. INHOFE. Yes, that was changed.

Mr. DURBIN. If the Senator would yield, then—

Mr. INHOFE. Mr. President, let me ask if it would be all right, if you have a number of questions—I don't mind yielding, but I would just as soon yield on your time.

Mr. DURBIN. Mr. President, I would like to have the time for the questions and answers count against me.

So would the Senator say for the RECORD, is it your intention by this amendment to diminish the rights under the law of the United States relative to services or materials provided by the Government of the United States in any language other than English?

Mr. INHOFE. Mr. President, I would respond by saying I think the statement stands by itself, speaks for itself. It says, “unless otherwise authorized or provided by law.” We are a country of laws, and if there is anything that is inconsistent with that is an exception under section 162.

Mr. DURBIN. Reclaiming my time, Mr. President, that is the problem. This is what it comes down to. This is an easy question to answer: Yes, it is not my intention to diminish any rights under the law given to any person for services or materials provided by the Government of the United States. And if the Senator said yes to that question, it would put a lot of people at ease.

But let me tell you what I am afraid is at stake. In the language which the legal staff has prepared, I am afraid there is more to it. It is apparent that at least some believe you are going further than what you have indicated; that you are trying to diminish existing rights of the law. That is troubling Senator DURBIN. Right here in this amendment which we are talking about are rights that are over 400 years old, dating back to the 1646 Civil Rights Act. And if the Senator from Oklahoma wants to make a statement of policy that English is the language of the United States; it is a common and unifying language, then he will have 100 votes in the Senate. It will be an important statement. But when he goes on and adds this other language, this amendment raises questions.

I just gave the Senator a chance to clarify the rest of his language, and he didn't want to do it. I am afraid that is where we are going to have a parting of the ways.

I think it is valuable for us to establish that the English language is common and unifying in America and that success depends on it, and I believe that. As I have said many times on the Senate floor, I am the son of an immigrant. My mother came to this country; her parents struggled to learn English. She spoke both English and Lithuanian. I speak only English today. My life experience is not much different than most.

We had a recent survey that found an interesting statistic. The Pew Hispanic Center documents that about 80 percent of third generation Latinos in the United States speak English as their dominant language. Exactly zero percent speak Spanish as their dominant language. It suggests that what happened in my family is happening with most immigrant families.

So they know the obvious: Success in this country depends on mastering and speaking English. So if the Senator wanted to make that statement, that English is our common and unifying language in this country, we would join him.

Mr. INHOFE. Mr. President, let me respond.

Mr. DURBIN. I still have my time, and I would like to say this: When I asked him straightforwardly a question as to whether he wanted to diminish the rights of anyone in this country currently under law, which would include Presidential Executive Orders, I might say to the Senator and his legal staff that he wants to diminish, he would not give me an affirmative answer which I think would satisfy many on this side of the aisle.
I reserve the remainder of my time, and I yield back to the Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me first of all say no, it is not my intent, nor is it the intent of this amendment, to do that. This amendment is pretty straightforward. It does say "except otherwise authorized or provided by law." What that says to me is if there are some of these privileges out there that you believe are not in the law, then I would not be addressing those. I think we are talking about a matter of law, but I don’t know that. I would rather say if it is a matter of law, we are providing an exception. And I guess I would ask you the question, since I now have the floor, do you believe that some of these rights are entitlements?

Mr. DURBIN. Mr. President, I don’t know whose time this counts against.

Mr. INHOFE. It is mine.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. DURBIN. Mr. President, as I said earlier, this is dangerously close to debate in the Senate, and I am glad we are doing it. My feeling is this: When you say: What are you entitled to? Well, we are entitled to be protected from discrimination. That is an entitlement to every American. We are entitled to be protected from discrimination. And the 1964 Civil Rights Act says one of the things you cannot be discriminated against is your national origin, where you were born. We say in America, no, you cannot be discriminated against based on national origin. And based on that provision in the Civil Rights Act, we will provide, when it comes to essential services, appropriate language assistance to help those who are availing themselves of the services.

As I said earlier, in Chicago, that may be Polish or a Filipino dialect. But the point is what we have said is, yes, you are entitled not to be discriminated against.

Now, if the Senator wants to wipe away that entitlement, he should make it clear. But I am not sure that he wants to. If he does, I hope he will say so.

Mr. INHOFE. No, no. Mr. President, reclaiming my time, it is certainly not our intention. And I think what the Senator is saying is that language and national origin are the same thing. In fact, I am not saying that language and national origin are the same.

Let me go ahead and try to respond, even though I am speaking to lawyers and I am not one, with some court cases that I think might clarify things for all of us.

Mr. SALAZAR. Mr. President, would my friend from Oklahoma yield for a question?

Mr. INHOFE. Mr. President, let me hold off yielding until I get through with what I am about to say. I was going to mention these this morning, but I would like to go ahead and say where I believe we are today in responding to the question that has already been asked. I think it speaks for itself, but let me see after reading these cases whether you agree with that or not.

Mr. SALAZAR. Mr. President, again, if I may, I ask a question of my friend from Oklahoma.

Mr. INHOFE. All right. I would rather wait until I am through, but go ahead.

Mr. SALAZAR. This is not on the substance.

The PRESIDING OFFICER. The Senator from Colorado is recognized to ask a question.

Mr. SALAZAR. Mr. President, what I would like to do as we move forward in this discussion is also lay down the amendment that I have which I believe accomplishes the objectives which have been articulated by the Senator from Oklahoma and, hopefully, after the Inhofe statement, I can lay down my proposed amendment which I think addresses some of the questions we are talking about on the floor.

Mr. INHOFE. Mr. President, it is my understanding—we talked about this before the Senator came in—that we will have two amendments that we will be talking about the Salazar amendment and the Inhofe amendment. They will be side by side. There will be a vote at 4:15. That vote will take place on my amendment first and then on the Salazar amendment, is my understanding.

Mr. SALAZAR. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, I would like to get into some of the legal background. For the legal analysis, let me start by mentioning Wesley Newcomb Hohfeld who was the author of the seminal Fundamental Legal Conceptions, a powerful and enduring analysis of the nature of rights and the implications of liberty. Hohfeld noted that rights correlate to duties. A has a duty to B if B has a right against A. If A has no duty, that means B has no right and A has liberty, are the terms that he used. Such Hohfeldlian analysis applies here.

My amendment makes clear that nobody has a right or entitlement to sue the Federal workers or the Federal Government for services or materials in languages other than English. In Hohfeldian terms, the Federal Government has no duty to provide services or materials in languages other than English, but the Federal Government is free to do so. In other words, they are not compelled to do it, but they may do it, they have the authority to do that.

The question has been asked: How does this amendment affect the X program? Will the Federal Government be free to offer X service or material in Y language? The answer is, yes, the Federal Government is at liberty to offer, can offer, X services or whatever the program is, in whatever language seems to be appropriate, but the Federal Government only has the duty to offer X service and Y language if a statute creates that right.

In other words, we are talking about English as the national language. We are talking about certain exceptions that are written into law, and we have said on page 2 that I have read several times, "unless otherwise authorized or provided by law."

That means there are many cases where that would be the case. Again, such examples exist, such as the Voting Rights Act, which provides for bilingual ballots, and the Court Interpreters Act of 1978, which provides for translation services in the Federal courts.

Prior to 1978, there was no such act, and that was not the case. This does not change the decision in the change in law that took place in 1978.

For over 30 years, the courts have repeatedly rejected the attempts to equate a person’s language with their national origin in dozens of court cases. This is odd to me. It seems to me perhaps the other side is trying to say they are one and the same.

But the Federal courts have rejected the attempts to equate a person’s language with their national origin in dozens of court cases and court decisions going back more than 30 years. Therefore, any expansion of the concept of national origin to encompass a theory repeatedly rejected by the Federal courts must come explicitly from Congress. It must be a law. It must be something that Congress proposes and passes and not be imposed by a flawed or arbitrary interpretation of the law.

I will mention just three of the long, unbroken line of court cases spanning over 30 years. In 1983 the Second Circuit Court of Appeals determined in Sobelar-Perez v. Heckler, which the Supreme Court let stand, that there is no right to government forms in languages other than English.

In 1994 the Second Circuit Court of Appeals determined in Toure v. U.S. that there is no right to government deportation notices in languages other than English.

The most recent United States Supreme Court case in this area is Sandoval v. Alexander, the Alabama driver’s license case. Justice Scalia wrote the decision in Sandoval in 2001. The Supreme Court in Sandoval rejected the equation of language and national origin.

Indeed, the Federal courts have repeatedly considered and rejected the justifications of the failure to provide foreign language services and materials with a violation of the prohibition against national origin discrimination.
There is no support in the legislative history or judicial interpretations of title VI for the right or entitlement to Federal Government services or materials in languages other than English. Executive Order 13166 purported to interpret title VI, but it was written before the United States Supreme Court’s decision in Sandoval.

This amendment now clarifies in Federal statute the line of cases culminating in the United States Supreme Court decision in the Sandoval case. Here we are not asking whether there is any legal basis for Executive Order 13166 that purported to direct services and materials in languages other than English. I state it again clearly: There shall be no right or entitlement to services or materials in languages other than English. I ask unanimous consent additional material be printed in the RECORD.

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

INDEX OF FEDERAL REGULATIONS ON EXECUTIVE ORDER 13166

CABINET-LEVEL DEPARTMENTS


Energy

Department of Energy: ”Ensuring Access to Federally Conducted Programs and Activities by Individuals with Limited English Proficiency (LEP) Plan DRAFT”

EPA

EPA Factsheet.

HHS


Strategic Plan to Improve Access to HHS Programs and Activities by Individuals with Limited English Proficiency (LEP) Persons (December 14, 2000).


Proposed HHS Regulations as published in the Federal Register (August 30, 2000).

“Language Assistance to Persons with Limited English Proficiency (LEP)” U.S. Department of Health and
Human Services, Office for Civil Rights (September 26, 2000).

Appendix A: “Questions and Answers” (August 29, 2000).


Justice

Bush Justice Department issues reaffirmation of E.O. 13166 and a new set of Questions and Answers (October 26, 2001).


Commonly Asked Questions And Answers Regarding Executive Order 13166, Department of Justice (November 13, 2000).

Civil Rights Forum (Summer-Fall, 2000).

EO 13166 Implementation Plan (January, 2001).

Labor

REVISED Department of Labor Policy Guidance (May 25, 2003).

Department of Labor Policy Guidance.

Transportation


Treasury

Treasury Department issues EO 13166 regulations (March 7, 2001).

Department of Veterans Affairs


Subcabinet agencies

Corporation for National and Community Service Plan.


REVISED General Services Administration (2003).

General Services Administration.

FIN Institute of Museum and Library Services (August 7, 2003).

REVISED Institute of Museum and Library Services (April, 2003).

Institute of Museum and Library Services.

Legal Services Corporation (January, 2003).

National Aeronautics and Space Administration Language Assistance Plan for Accommodating Persons with Limited English Proficiency in NASA-Conducted Programs and Activities.


National Credit Union Federation (undated).

National Science Foundation plan.

Office of Special Counsel’s Plan for Agency Compliance With Executive Order 13166.

Pension Benefit Guaranty Corporation’s Plan for Agency Compliance With Executive Order 13166.

Mr. INHOFE. Mr. President, I know we can get bogged down. I suspect the reason this particular amendment that has been proposed numerous times in the past 23 years, and that it is going to get bogged down on a lot of technical questions, is that perhaps some people do not want this amendment, so they come up with all kinds of technical reasons to oppose it. But what we are doing is declaring—we are making a declaration—that English is the national language for the United States of America.

We are talking about exceptions, for example, the Court Interpreters Act. Before the Court Interpreters Act passed in 1978, defendants did not have a right to an interpreter. It was up to the Court’s discretion. The Court Interpreters Act provides already existing constitutional rights such as in the sixth amendment, the fifth amendment, the 14th amendment, amendments on due process. It is very important to know that is one of the many exceptions that is written into law. It is a very important exception.

You also have some exceptions found in the Voting Rights Act. Somebody mentioned this morning some disaster could take place in California, a tsunami or something such as that, and when that comes, obviously, if you are addressing Chinatown, it would be in Chinese. We know that. That protection is there.

I believe we have covered the legitimate concerns that are out there. I know not everyone will want this to happen who are going to vote against this. I understand that. That is what this is all about. It has been 23 years since we had an opportunity to vote for it or against it. Those of you who want to vote against it, you are going to have your opportunity at 4:15 today. In the meantime I agree with the Presidents—almost every President of the United States going back long before Teddy Roosevelt, one of the things he said is, “We must also learn one language and that language is English.” As we remember, President Bill Clinton in his State of the Union Message in 1999 got a standing ovation when he said that our new immigrants have a responsibility to enter the mainstream of American life. That means learning English and learning about our Democratic system of government.

I agree with that. I didn’t agree with everything that President Clinton said, but I certainly was one who stood and applauded during that State of the Union Message in 1999.

I think other Presidents have done the same thing as recently as a few days ago, when Senator Corker said that an ability to speak and write the English language, English allows newcomers to go from picking crops to opening a grocery, from cleaning offices to renting offices, from a life of low-paying jobs to a diplomat career and a home of their own.

This is an opportunity. We look at people who come to this country and, oddly enough, those individuals that I have spent many hours with—I say to my good friend from Colorado that when I was mayor of Tulsa, we had never had any kind of recognition of our Latin population. Yet it knew it was a very large population. I would say to you, at that time I used to be a commercial pilot in Mexico and I actually spoke the language fairly well at that time. It has been many years, 25, 30 years, I guess. But when I became a mayor I said: I know around here we are very rich in history and have a talented bunch of people who come here and are good citizens of our city of Tulsa. So I formed the Hispanic Commission of the city of Tulsa. This may or may not surprise you. Some of them were kind of in hiding, not even recognizing what they came out. We had the Cinco de Mayo and all the celebrations there. It is probably the most popular thing that has ever been done in the city of Tulsa.

I went back and talked to these people. I said: Do you agree with the polling data that shows very clearly that Hispanics want to have English as the national language? And they said yes. This is a group I have been dealing with since 1974.

I think it may be someone’s impression that certain extremist groups—and I am sure there are some extremist groups that have a large number of Latinos in them. They may be offended. They may not want to have this. That is fine. Let them exercise their influence on every voter, each of the 100 Members of this body. That is the way the system works.

But I will say this. Jumping from the one sentiment that the ones I have had experience with back in my city of Tulsa, the Hispanic population is very proud of the fact that they are going to learn English, and it should be our national language. As recently as 2 months ago, a Zogby poll, in March of 2006, found that 84 percent of Americans, including 77 percent of the Hispanics, believe English should be the official language of Government operations. In 2002, the Kaiser Family Foundation poll—which I think no one will argue—found 91 percent of the foreign-born Latino immigrants agreed that learning English is essential to succeeding in the United States. In 2002, there is also a Carnegie/Public Agenda poll that found by a more than 2-to-1 margin, immigrants themselves say that the United States should expect new immigrants to learn English.

My favorite poll is this one. In 2004, the National Council of LaRaza found that 86.4 percent or somewhat 10.9 percent—agreed that the ability to speak English is important to succeed in this country. That is a no-brainer. We all know that. There is not a country you go to where that is not true.

I would say this. There are 50 other countries around the world today that have English as their national language. In these countries, they expect you, when you come to their country, to learn English. But if you go to another country, if it is Italy or France or any other country, you are expected to be able to communicate in their language.
In 1988, G. Lawrence Research showed 87 percent favored English as an official language with only 8 percent opposed and 5 percent not sure. That was 1988. Very consistent; about the same numbers. A 1996, national survey by Luntz Research asked, “Do you think English should remain the official language of the United States?” and 86 percent of Americans supported making English the official language and only 12 percent opposed and only 2 unsure. That was 1996.

In the 1998, Public Opinion Strategies, showed 84 percent favored English as the official language, with only 12 percent opposed and 4 percent not sure.

In 2004 another Zogby poll, that was a different one than the one I quoted, but 92 percent of Republicans, 76 percent of Democrats, and 76 percent of Independents favored making English the national language. Again, that was a March poll of Zogby. It is consistent throughout.

You have some things working here. You have everybody wanting it, including the Latin community. You have more than half the States, 27 of the 50 States—27 States have accepted English as an official language, including Colorado, where I was born. Let’s see where Illinois is. Yes, Illinois. You don’t have a problem in Illinois. You already have it as a State concept that has been accepted.

So if you have 27 States, you have 51 other nations accepting English as the national language, you have all the polling data saying this is what people want, you have an exception made so no one is going to lose anything by doing it this way, then I can only come to the conclusion that you don’t want it as the national language.

That is fine. That is good. If that is the case, we are going to have a vote at 4:15 and make that determination.

Before I yield, let me ask how our time is coming along.

The PRESIDING OFFICER. The Senator from Oklahoma has 30 minutes remaining.

Mr. DURBIN. Will the Senator yield for a question?

Mr. INHOFE. I yield the floor at this point.

Mr. DURBIN. I yield. I think the floor is coming along.

Mr. DURBIN. I’ll take it on my time. The Senator made it clear. He has two parts of this amendment. The first part is, from a political point. Is English the common, unifying language of our Nation? The answer is yes. His conclusion is that you can’t succeed in America without being English proficient. If that’s his amendment, that vote would be 100-0.

It is the second part, the part you called the technical arguments, that we find troublesome. You said, in the course of explaining the amendment, that you didn’t want to take away any existing rights of people in law, in courthouses, for example, or going to vote, and I’m glad to hear that. But I want to ask you directly: Do you want to diminish any of the rights currently available to those living in our country under title VI of the Civil Rights Act of 1964, which prohibits discrimination based on national origin?

Mr. INHOFE. Do I personally want that? No, I don’t. This amendment doesn’t do that because it makes those exceptions, because what you are referring to is the law.

Mr. DURBIN. Let me ask you expressly and specifically, because you did refer to this. This was Executive Order 13166, issued by President Clinton, defines the same title VI of the Civil Rights Act that I referred to. The Executive Order said that agencies of our Government had to make efforts to provide their services and materials to people with limited English proficiency.

Is it your intention with your amendment to, in any way, diminish the responsibilities and rights created by Executive Order 13166?

Mr. INHOFE. It is my understanding. I say that Senator from Illinois, that the courts already have had some interpretations of that which perhaps are not the same as you are stating right now. What the courts have interpreted I stand behind, because that means it is law. That is what is being done in my amendment.

Mr. DURBIN. So will the Senator accept an amendment to his amendment which says that:

Nothing herein shall diminish or expand any existing rights of the law of the United States relative to services or materials provided by the Government of the United States in any language other than English?

Mr. INHOFE. You will have an opportunity to have that in your side-by-side amendment that will be voted on after mine. My answer is no because we have already massaged this language. A lot of people are supporting this. If I start changing things now, as you well know, Congress will start peeking and, and I won’t have the support I have right now. We will have an opportunity to vote on my amendment. Then we will have an opportunity to vote on whatever language you decide to put in, in your amendment.

Mr. DURBIN. I thank the Senator. Mr. OKA. I agree that English is the common language of our Nation. Everyone should learn it, just as I believe everyone should learn other languages, and more about the world around them. But I must oppose the Inhofe amendment because it does not merely encourage learning the English language. I am concerned that this amendment will have far-reaching consequences and eliminate the rights of many Americans.

First of all, the Inhofe amendment is unnecessary. English is the de facto official language of the United States. In fact, according to the 2000 census, only 9.3 percent of Americans speak both their native language and another language fluently.

Second, the Inhofe amendment is divisive. The sponsors of the amendment
Mr. SALAZAR. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself and Mr. DURBIN, Mr. KENNEDY, Mr. BINGAMAN, and Mr. REID, proposes an amendment numbered 4073.

Mr. SALAZAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

Notwithstanding any other provision:

SEC. 161. DECLARATION OF ENGLISH.

English is the common and unifying language of the United States.

SEC. 162. PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE.

The Government of the United States shall preserve and enhance the role of English as the common and unifying language of America. Nothing herein shall diminish or expand any existing rights under the law of the United States relative to services or materials provided by the government of the United States in any language other than English.

For the purposes of this section, laws defined as including provisions of the U.S. Code, the U.S. Code of Federal Regulations, Executive Orders, national languages.

(b) CONFORMING AMENDMENT.—The table of chapters for title I, United States Code, is amended by adding at the Language of Government of the United States of America.

Mr. KENNEDY. Mr. President, I yield 15 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Thank you, Mr. President.

Let me first say that the amendment I have sent to the desk is sponsored as well by Senators REID, DURBIN, BINGAMAN, and KENNEDY.

I would first like to start by reading the amendment in its basic entirety. I think that it reflects what it is we are talking about in the Chamber this afternoon. My amendment reads as follows:

English is the common and unifying language of the United States that helps provide unity for the people of the United States.

The government of the United States shall preserve and enhance the role of English as a common and unifying language of America.

The government of the United States shall relative to services or materials provided by the Government of the United States in any language other than English.

That is the essential and substantive part of the amendment which we are sponsoring today.

As I start to speak about this amendment, I want to say this amendment is a unifying amendment because it speaks to the common language of America. It unifies us from whatever particular language or background we come from.

It is my hope that when we complete this debate today we could have 100 Senators standing up in support of this amendment.

Let me say, for me—as we have approached this debate over immigration and as we approach this debate over official English and other aspects of amendments that have been proposed by my friend from Oklahoma—it has been also a time for me to reflect back to the history of America and to the history of my own family in this country. My family came in and founded the city of Santa Fe in 1508, 408 years ago. And the language that is still the language of my home—the language still spoken on our ranch 110 miles north of Santa Fe—is still the spoken language from the 12th and 13th centuries. It is a very old language.

I remember during those days when I was a young man going to school in the 1960s in Conejos County, in the southern part of Colorado, those who spoke Spanish in our school were punished because of the fact they spoke Spanish. I remember seeing the incident where the young people would have their mouths washed out with soap because of the fact they happened to be speaking a language other than English in the public school. I have seen these kinds of incidents through a lifetime of personal experience.

I think those kinds of incidents and those kinds of experiences run counter to what America is all about. America becomes richer and stronger because of our diversity. We have learned through the hard times of history that America is stronger when it stands together, when we find those issues that unite us as opposed to those issues that divide us.

We found those issues that divided us in the Civil War and over half a million Americans died in that war. We found those issues that divided us in the era of segregation that led to Brown v. Board of Education and led to the Civil Rights Act of the 1960s. Those acts were intended to bring us together as a country.

My fear is that the proposal which has been presented by my good friend from Oklahoma will serve to divide this country and not unite the country.

That is why the amendment I have offered, along with my colleagues, is intended to be an amendment that says we believe the English language is the common language of the United States and that it is a unifying language of the United States and we stand behind that language as the common language of America.

Let me also make a couple of observations regarding Senator INHOFE's amendment.

First, when you read the language itself and read the technical language of it, you have to ask yourself the question: Why is that language there?
You can read in the second part of the second page of his amendment essentially the language that says “no official will communicate, provide services, or provide materials in any language other than English.”

I know there have been exceptions written into the language to try to accommodate times and places where the language other than English might have to be spoken.

We have to ask the question: Why is the language written the way it is which says it is in these narrow, tailored exceptions where we will make the exception that a language other than English can be spoken?

It causes me concern because I am not exactly sure what that means. If I am a public official working in law enforcement for one of our Federal agencies, if I work for the U.S. Postal Service, or, whenever I might work in any agency of the Federal Government, I might read the language that says officials cannot communicate or provide materials in a language other than English. As someone who might not be a law enforcement officer serving within the Federal Government, it might give me a signal—and I think it would—and lots of our Federal employees the signal that perhaps providing services to the citizens of the United States in a language other than English is wrong and violative of the rule of law.

They will not have the opportunity that we have had today to go through the fine review of this legislation in the way we have, and even after having gone through that fine review of this language there are still many of us who have questions as to how this proposed amendment will take away rights from the people of America.

As I was listening to my friend from Oklahoma speak about the importance of this amendment, one of the things he said is that he thought it was important that we stand together in opposition to any form of discrimination. For sure, we can all agree in this Chamber that we are not to discriminate against someone because they happen to be Irish or French or if they happen to be of Mexican descent, whatever it is; we stand united in this country’s belief in the proposition that we oppose any kind of discrimination based on national origin. Yet, it seems to me, from what I was hearing from my friend from Oklahoma, that the same law would apply with respect to language discrimination; if you happen to speak a language other than English, or if you happen, perhaps, to have an accent that indicates you may be of a native tongue that is other than English, that perhaps discrimination on the basis of language then would be sanctioned under our law in America. That is not the American way. The American way is to say that we are a stronger country when we recognize the diversity of America, and even our discrimination to accommodate those who are different among us, and that we create a much stronger country when we stand together.

I believe the amendment which Senator INHOFE has proposed will create division within the country. I think it is putting a finger on a problem that does not exist today.

The statistics which Senator INHOFE cited from the National Council for Larussa, indicates that most Americans, including most Hispanics, speak English. The National Council for Larussa cites a GAO study in which it was consistently found that U.S. Government documents are printed in English only. In fact, less than 1 percent of U.S. Government documents are published in any language other than English.

They also found that the English language is not under attack in our country. In the U.S. Census findings, they found that 92 percent of Americans had no difficulty speaking English. We also found in poll after poll that immigrants in America come because they want to learn English. They want to learn English. They want to assimilate into our society because they know that English is, in fact, a keystone to opportunity.

The Inhofe amendment does nothing in terms of including or encouraging people to move forward and learn the English language. We are already a country that speaks English. Senator INHOFE’s amendment does not do anything with respect to moving the English language acquisition forward.

Let me finally say that it is true there are many States that have made English their official language. I believe that English being made the official language is also a matter of States rights. It is true that in my State of Colorado, as well as in other States, English has been adopted as the official language of those particular States. I believe we ought to leave it to the States; let the States decide we are a Federal system. I think States ought to decide the way we ought to go with respect to dealing with this issue.

Let me conclude by saying the amendment which I have proposed, along with my colleagues, Senators REID, DURBIN and BINGAMAN, is an amendment that would unify America and not divide our country.

I hope my colleagues will join me in supporting the amendment which we have offered and oppose the Inhofe amendment. I yield the floor.

**The PRESIDING OFFICER.** Who yields time?

Mr. INHOFE. Mr. President, I yield as much time as the Senator from Tennessee requires.

**The PRESIDING OFFICER.** The Senator from Tennessee, Mr. ALEXANDER. Mr. President, first, let me say to my friend from Colorado that if we were to take all 100 of us who are in the Senate, some of whose families have been here for a long, long time, I would judge, have families who have been in the United States for longer than Senator SALAZAR’s family—for 11, 12, or 13 generations. It is a source of great pride to serve with him.

He and I discussed this amendment. I understand his passion and feeling about it. But what I would like to do in a few minutes is take exactly the opposite, the position of the distinguished Senator from Colorado because I do not see how the United States of America can be unified unless we have a national language. That is all this is about. The Inhofe amendment is not an official amendment. It is not an amendment to declare English the official language of the United States, which 27 States have done. It does not require that all government documents even be printed in English. It could have done that, but it didn’t.

It simply says English is the national language of the United States, period. That is the first thing it says. Then it has a provision that talks about the importance of encouraging the learning and understanding of English.

It has a provision which, the way I read it, says that nothing prevents the government from rendering services in languages other than English.

That would mean that in a whole variety of areas where the Congress last made a decision—whether it is the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Bilingual Education Act of 1967, the provision that Senator Robert Kennedy put into the law recognizing the unusual circumstances of Puerto Ricans who moved from Puerto Rico to one of the 50 States—or an Executive order by any President, this amendment wouldn’t change any of that. That is the whole point of the amendment. It is just to say this is our national language.

Then it says that someone does not have the right to sue to get services in another language unless it is provided by law. It doesn’t diminish a right already established by law.

It does one other important thing. It draws on the beginnings of an amendment by Senator Sessions about the citizenship requirements that have been in our citizenship process. It seeks to make those stronger.

Senator Sessions is not the only one in this Senate interested in that. There is probably no one in this Senate more interested in that than the distinguished Senator from Massachusetts, who is not only interested in American history, but his family has a place in it.

We have worked together in a variety of ways to try to get a clearer understanding of U.S. history among our children, among our citizens—not because we want to punish them, but because we have such a unique and diverse country that it is critical that we all understand these common unifying principles which come from our history. I do believe that one of the things sitting before us today: rule of law, equal opportunity, laissez-faire, E pluribus unum. We are not pro-immigrant or anti-immigrant;
we just have four principles on which we all agree, and we are trying to put them together into a bill. Those are the things which unite us as a country, along with one other thing, and that is our common national language.

The second part of the Inhofe amendment has in it language to help improve the citizenship exam that legal immigrants take to become citizens, of which 514,000 did last year. It is good language, language which was in the legislation Senator Kennedy, Senator Reid and I worked on with many others a couple of years ago to help create summer academies for outstanding teachers and students of American history. We tried to define the history we were talking about in the sense of key ideas, key documents such as the Declaration of Independence, the place from which come our unified principles.

Here are the differences between the amendment from the Senator from Colorado and the amendment that Senator Kennedy, Senator Reid, and I worked on with many others a couple of years ago to help create summer academies for outstanding teachers and students of American history. We tried to define the history we were talking about in the sense of key ideas, key documents such as the Declaration of Independence, the place from which come our unified principles.

There are four differences. It is important for colleagues to understand.

Senator INHOFE’s amendment declares that English shall be the national language. The Senator from Colorado puts the word on the record: ‘‘English is common and unifying language. I prefer the wording of the Inhofe amendment because while English is our common language, it is more than that. It is the common language of a number of countries, but English is also part of our national identity. It is part of our blood. It is part of our spirit. It is part of what we are. It is our national language. That is one difference.

I agree, the Inhofe amendment does not include the provision that is in the Inhofe amendment that says that for all those people here illegally who may become lawful and put on a path to citizenship that is the goal of the sponsors, it says those persons must learn English. The Inhofe amendment strengthens that requirement. Currently, in the underlying bill, it simply says they must be enrolled in school to learn English, and the Inhofe amendment strikes that, so those persons have to learn English in order to be here lawfully. That is very important.

This large number of 10 million or so people who are here illegally is the source of many of the problems in this debate. If we are not going to send them all home, which almost no one thinks will happen, then we either have to put them on a path to citizenship or lock in 10 million people in the United States who pledge allegiance permanently to another flag, which is something we have never done before. The Inhofe amendment is preferable because it helps make it easier for those 10 million to learn our national language. Those are two differences.

The third difference is the Salazar amendment completely takes out the excellent work Senator INHOFE and Senator SESSONS did, much of the language having been borrowed from work that Senator KENNEDY, Senator REID, and others worked on, which tried to improve the citizenship test. This may not be an intention of the Salazar amendment, but it does it. It takes out the language that says the test should mention things, such as the Constitution, the Bill of Rights, the Emancipation Proclamation, and key events such as the American Revolution, the Civil War, the world wars, the civil rights movement, and the key ideas and key persons.

Why is that important? Because we are not a nation based on race, we are not a nation based on ancestors; we are a nation based on ideas and key persons.

The fourth, as I read it, suggests that Executive orders issued by the President are just like statutes. Constitutional lawyers would have a problem with that.

A vote for the Inhofe amendment is a vote to say English is our national language. It is a vote to say that those who may not be here legally, but who are deeply committed to being legal by taking this legislation under some process, should learn English on their way to citizenship. And finally, the amendment includes a very good section that helps to define the key ideas and even the key persons.

Mr. SALAZAR. Would my friend from Tennessee yield for a question?

Mr. ALEXANDER. I would be happy to if we can do that on your time.

Mr. SALAZAR. I say to my friend from Tennessee, that is a preposterous question for what we are talking about and not really a suitable question for a serious proposal.

This is a simple proposal which declares that English is our national language of the United States and that the Government of the United States should do whatever it can to encourage that. It does not change any right that anyone has today. It also includes a very important provision that Executive orders issued by the President would then remain in the same language.

Mr. ALEXANDER. Mr. President, I say to my friend from Colorado, that is a preposterous question for what we are talking about and not really a suitable question for a serious proposal.

So the answer is, of course not.

Mr. SALAZAR. Mr. President, in response to the colloquy I am having with my friend from Tennessee, it seems to me this language could be read that Senator INHOFE has proposed to say that because we are a Government Chamber, since we do not have a law that proactively says—or a rule of the Senate—that you can speak a language other than English here, perhaps when we were speaking about Attorney General Gonzalzes, we would have been in violation of this exact provision if it stayed in the same language.

To continue my questioning to the Senator, my friend from Tennessee, it was not at all our intention in the drafting of the amendment to take away any of the requirements we have for people who come here under this immigration proposal to learn English or to go through the civics courses which are required now for the legislation that has been included in here. So it is my view that the Senator has misread the amendment we have supported.

Mr. ALEXANDER. Mr. President, if I could have 4 more minutes.

The PRESIDING OFFICER. The Senator is recognized.
Mr. ALEXANDER. The differences I see in the two amendments are, No. 1, the Salazar amendment says no to making English our national language. It uses another description. No. 2, it says no to the requirement that immigrants who are illegally here and who may wish to become citizens should learn English before they go on that path to citizenship. And it says no to the provisions in the Inhofe amendment which improve the citizenship test, requiring those who become citizens to learn the key events and documents, key ideas of our history.

The Inhofe amendment is well within the mainstream of 90 to 95 percent of the thinking of the American people. It is a valuable contribution. It is a restrained proposal. It does not seek to change any existing right that someone might have to receive services from the Government in some other language.

Mr. INHOFE. Mr. President, I know the minority leader has several speakers who want to speak. I also know that virtually everyone on our side is wanting to stay with the 4:15 vote.

Mr. BINGAMAN. Mr. President, let me reclaim my time and indicate I said this.

Mr. INHOFE. Mr. President, I have been trying to figure out what is, in my mind, objectionable to the Inhofe amendment. I think it comes down to a very basic point; that is, the Inhofe amendment, the language, the operative language of the Inhofe amendment, is: . . . no person has a right, entitlement or claim to have the Government of the United States or any of its officials or representatives perform or provide services, or provide materials in any language other than English.

That is the operative provision. And then it says there are "exceptions." The exceptions are where we have specifically written laws which allow that or which provide for the providing of information or communication in a language other than English.

Why is that objectionable? It is objectionable to me because it is directly contrary to the constitution of my State, the thrust of the constitution of my State.

When New Mexico came into the Union in 1912, we had many more people in my State speaking Spanish than we have speaking English. People were very concerned that the right of individuals in the State to speak either language would be preserved and that no one be discriminated against by virtue of their inability to speak English.

We wrote a provision in our constitution which says that the right of any individual in my State to vote, to hold office, or to sit upon juries shall never be restricted, abridged, or impaired on account of religion, race, language, color, inability to speak, read, or write the English or the Spanish language except as may otherwise be provided in the constitution. So the presumption is directly contrary to the Inhofe amendment.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. BINGAMAN. Mr. President, I am glad to yield.

Mr. INHOFE. You mentioned several things. I believe the last one you mentioned was covered in the Court Interpreters Act of 1978. It does allow you to have that, and it is actually written into law.

I would also suggest that these are already in law. This is not something that has to be done.

Mr. BINGAMAN. Right.

Mr. INHOFE. Those protections are specifically exempted on page 2.

Mr. BINGAMAN. Mr. President, let me reclaim my time and indicate I said that very thing. I am not disagreeing with the Senator from Oklahoma. He has pointed out there are legal provisions that make an exception to his general rule, and the exception in this case is that you are entitled to have the Government provide interpretation when you are accused of a crime and you are trying to defend yourself in court.

All I am saying is, why are we writing into law a general rule that you are not entitled to communicate with your Government or have your Government communicate with you in any language other than English, except where we provide for it? I think that is a mistake. It is directly contrary to what my own State constitution does. It is directly contrary to the sentiment behind my State constitution.

We have the Native American Languages Act where Congress specifically found that there is compelling evidence that student achievement and performance and community and school pride and educational opportunity are tied to respect for the first language of the child or the student. And we talk there about that Native American languages shall not be restricted in any public proceeding.

Well, you can say: OK, now, we have already written a law that protects the rights of Native American languages to be used in public proceedings. So that is not a problem.

I do not know that I want to have to have this Congress write a law to cover every circumstance that might arise where an American wants to communicate with his or her Government in some language other than English. I think it is a bad precedent for us. I think it is contrary to the history of my State. It is certainly contrary to that.

I hope very much we will resist this amendment. I think this is a nonproblem. I do not know why we are spending most of the day debating an issue of this type, except to say to people who do not speak English. You are not going to be entitled to the full rights that other citizens are entitled to.

Clearly, that is true economically. We all know that. We all know you cannot succeed economically in this country in a full sense if you can speak English, and probably speak English with adequate proficiency. But I do not think as a legal matter we need to be writing statutes into the Federal law that say if you are not speaking English, you are entitled to fewer rights, you are entitled to fewer legal rights than other citizens are, and we want to remind you of it.

In fact, as to this amendment, it is very interesting, because it says: Look, there are exceptions where we will allow you to use other languages, or the Government will agree to communicate with you in other languages, but
we are going to be specific about what those are. But let’s also remind you—this last sentence says—by making an exception and allowing you to have an interpretation into a language you can understand, we are not giving you a legal entitlement. We are not, in any way, letting ourselves to do anything more. I do not know that is a very welcoming message to all these immigrants we are welcoming into our country as part of this legislation. I think my State is a State that has a great tradition of cooperation between the Native American community, the Hispanic community, and the Anglo community. And we have been able to maintain that sense of cooperation by respecting each other’s languages, by respecting the right of each person, each group, to use his or her language in whatever way they feel is appropriate. I believe this amendment by Senator INHOFE would change that dynamic substantially. So I hope my colleagues will agree with me, will oppose this amendment, will support the Salazar amendment, and then I hope we can get on with more substantive matters.

There are a great many substantive matters involved with this immigration bill. This is an enormous, complex piece of legislation which we ought to be trying to understand and deal with separately from this discussion about English as the national language. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in consultation with the floor manager—this has been a good, important, and constructive debate—we need a few more minutes. And we asked the floor manager...

Mr. INHOFE. Mr. President, let me go ahead and respond.

Mr. KENNEDY. Could I ask consent to get the time?

Mr. INHOFE. Mr. President, it is my understanding the manager has agreed to allow 45 more minutes for the other side; is that correct?

Mr. SPECTER. Mr. President, that is correct.

Mr. INHOFE. That is acceptable.

Mr. KENNEDY. Mr. President, I ask unanimous consent to modify the amendment on page 2, to change the word “official” to the word “national.”

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is so modified.

The amendment (No. 4064), as further modified, is as follows:

On page 239, line 22, strike “the alien—” and all that follows through line 13, and insert “the alien meets the requirements of section 312.”

On page 332, line 3, strike “either—” and all that follows through line 13, and insert “meets the requirements of section 312(a) (relating to English proficiency and understanding of United States history and Government).”

On page 614, after line 5, insert the following:

SEC. 766. ENGLISH AS NATIONAL LANGUAGE.
(a) In General.—Title 4, United States Code, is amended by adding at the end the following:

"Chapter 6—Language of the Government"

"Sec. 161. Declaration of national language.
"(a) English is the national language of the United States.

"162. Preserving and enhancing the role of the national language.
"(a) The Government of the United States shall preserve and enhance the role of English as the national language of the United States relative to services or materials provided by the Government of the United States in any language other than English.

We are making an exception and allowing you to have an interpretation into a language you can understand, we are not giving you a legal entitlement.
(4) Demonstrate an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States; and
(5) Demonstrate an understanding of the rights and responsibilities of citizenship in the United States.

(d) IMPLEMENTATION.—The Secretary of Homeland Security shall implement changes to the testing process designed to ensure compliance with § 1433(c) of title 8, United States Code, not later than January 1, 2010.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Vermont.

Mr. LEAHY. Mr. President, I have spoken several times in the course of this debate about my belief that immigrants should learn the English language. In my experience, most new immigrants want to learn our language and make efforts to do so as quickly as possible. The bill that we are debating calls for immigrants to learn English as one of the several steps they must take before they can earn citizenship.

We must ask ourselves whether English should be the common language of the United States, but by making English the “national” language, the Inhofe amendment goes too far. The amendment was modified to remove a ban on publishing official documents in any language but English and to provide for good conscience. In many local communities and States it may well be useful and helpful for the government to reach out to language minorities. Greater participation and information are good and appropriate steps communities should be allowed to take. Should we not be mandating artificial and shortsighted restrictions on State and local government?

I regret, however, that the amendment continues to include language that strongly discourages the use of other languages to inform residents and continues to treat those who speak another language as second-class citizens. We would do better to recognize our diversity and provide greater opportunities to those for whom English is a second language to become more fluent.

My mother spoke Italian as a child and learned English when she went to school. My wife grew up in a family that spoke French. She began speaking English when she started going to school. Both were helped throughout their lives by being completely and totally bilingual as a result.

Mr. KENNEDY. Mr. President, if the Senate will yield, we are trying to find out how much time the Senator wants.

Ten minutes, does that work?

Mr. LEAHY. Mr. President, I tell the distinguished Senator from Massachusetts, I will have a total amount of 10 minutes.

Mr. KENNEDY. I thank the Senator.

Mr. LEAHY. Mr. President, information is vital and sometimes lives depend on it. Is it not in the interests of all Americans to have every member of our society as well-informed on matters of health, safety and our democracy as possible? Do we really want to restrict government publications and communications, such as those on disaster preparedness, public health concerns, if there is an avian flu pandemic, to English only? We have recently seen the extensive and effective reach of Spanish radio in this country. Would we not want to employ that resource in making sure that we tie our hands and require Congress to pass a special statute every time health and safety materials, for example, would be useful?

We already have statutes that call for bilingual election materials to assist language minorities in accordance with our commitment to make participation in voting fair and meaningful. We know that there are many circumstances in which effective access to information requires communications in many ways and many languages.

Would it not have been useful for the President to try to sell and explain the Medicare drug benefit plan with all its complications and permutations in Spanish? Might he benefit the most possible beneficiaries? Do we really intend to require such obviously beneficial actions to need a special statutory authorization? Should we review agency requirements to take account of those who do not speak English off our airlines and automobiles and dangerous equipment? Are we going to stop providing court translators and require all court proceedings, which are themselves official documents of government, to occur in English, only to the detriment of fairness and justice?

Are we going to go back into the CONGRESSIONAL RECORD and scrub the statements of Senators MARTINEZ and others who have used Spanish here on the floor? If I recall correctly, the Senator from Oklahoma has spoken on this floor in Spanish. Would this amendment make his use of Spanish illegal—or does the Constitution’s “speech and debate” clause mean that the rule that he is asking us to adopt applies to everyone else but not to Senators?

Now, the distinguished Senator from Tennessee is on the Senate floor. It was only a few weeks ago that we worked together to adopt the Alexander amendment to S. 2454, the immigration bill we debated in April. The text of Senator ALEXANDER’s amendment is included in S. 2611, the bill before us now. The Alexander amendment created a grant program to promote the integration of immigrants into American communities by teaching civics, history and the English language. That is the right approach for America to take. The Inhofe amendment takes the opposite approach, the wrong approach and has the effect of stigmatizing those who grew up where Spanish or Chinese or other great languages were spoken. It risks driving a wedge between communities. This is contrary to our values and what we should be seeking to do. Everyone should speak English with this important legislation.

I recognize that not every State is like my home State of Vermont, where the majority of residents speak English. Even in my State, however, there are many families who first came to America speaking only French. My parents-in-law were proud American citizens. They spoke French at home, and that was the first language of my wife’s grandparents. I am a native of Italy speaking Italian. That was the first language of my mother until she went to school. We are proud of that.

In prior generations, we welcomed large groups of Irish, Italians, Eastern Europeans, and in recent years, immigrants and refugees from Africa, Asia and many other parts of the world. I wish my French was better. I wish my Latin was more polished. I wish I knew more than a few words and phrases in Chinese and Spanish.

On Monday night, the President spoke eloquently about the need to help newcomers assimilate and embrace our common identity. He spoke of civility and respect for others and said that America is strongest when it is pulled together by our shared ideals. These are the messages we must send to the American people, not the divisive message of the Inhofe amendment.

I look around this Senate Chamber and I see all the flags of our States behind the elevated desk and chair of the President of the Senate are the words “E Pluribus Unum.” Every school child is taught that expression, “out of many, one” and what it means to our shared values. We are one nation under God, indivisible, with liberty and justice for all. It points to an important value from our history and today. It points to our struggle to become a nation of many people, of many States, and of many faiths. What is wrong with our using Latin, as we traditionally have and expressing our unity?

Latin expressions mark our official currency and the reverse of the Great Seal of the United States. The phrases “annuit coeptis” and “novus ordo seclorum” are part of the official symbols of the United States. These expressions are traced back to Virgil and a line from his instruction for farmers, which seeks the favor of God or Providence for our great endeavor to create a nation unlike any that had come before. The second Latin phrase is another allusion to Virgil and notes our seeking a new order.

Our incorporation of languages other than English does not stop there. Take for example the flag of the Commonwealth of Massachusetts with the phrase “Qui transtulit sustinet”; the flag for Idaho that includes the phrase “Esto perpetua”; the Kansas flag that includes the phrase “ad astra per aspera”; the Maine flag that includes “Dirigo”; the Massachusetts flag that includes the phrase “Ense petit placidam sub libertate quietem”; the Michigan flag includes not only “e pluribus unum” but also “Circumspice,” “Si quaeris peninsulam amantium” and “Tutior”; the Missouri flag includes the phrase “Missourii populi suprema lex esto”; the flag of New York includes the expression “Excelsior”; the Virginia flag includes the...
phrase “Sic semper tyrannis”; the flag of West Virginia includes the phrase “Montani semper liberi”; and the Wisconsin flag also includes the phrase “e pluribus unum.”

I see the distinguished President Officier, the Senator from California. I think there are a few French fries, that French fries be renamed “freedom fries.” Does this prohibition apply to Roman numerals, such as those included on the flag of Missouri? Does this body intend to embark down that road? I hope not, I pray not.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

I think those who have been listening to this debate understand what this discussion is about. On the one hand, we have the amendment of the Senator from Colorado, which is effectively a way to unite all of us, and on the other hand, we have the Inhofe amendment that is a way that is going to divide us. The language couldn’t be clearer. From the Salazar amendment:

English is the common and unifying language that helps provide unity for the people of the United States.

It is clear.

Preserving and enhancing the role of the English language, Government of the United States shall preserve and enhance the role of English as the common and unifying language of America.

On the other hand, we have the Inhofe amendment that has the statement:

Unless otherwise offered or provided by law, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English.

We have had a debate about how that applies or whether it doesn’t apply, and we have had a mixed debate.

I would be impressed if the Inhofe amendment had provided some resources to help those who are limited English speaking to be able to learn English. In the immigration legislation before the Senate, we have the requirement, except otherwise provided in this title, can be naturalized upon their application without understanding the English language, including the ability to read, write or speak the English language.

From the Inhofe amendment:

Mr. President, I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mr. INHOFE. If the Senator from California could hold off for a minute, I think we have heard some very eloquent statements in opposition to an amendment that doesn’t exist. We could stand up and talk about the flags of the different States. This has nothing to do with that. Yes, I have made probably five speeches on the floor in Spanish. Every time we did, I had to go up and put it down in English for the RECORD. I don’t mind that. This has nothing to do with that. As far as there being nothing in here encouraging people, if you look at section 767, this is encouraging people and helping people to learn the English language, a concept that 90 percent of Hispanics in America want. I just hope that they are listening that these are excellent arguments, but they have nothing to do with this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 3 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, Senator INHOFE and I have spoken about this amendment. As I said to him when he first decided to offer it, is there any question in anybody’s mind that in America, we speak English that is the language of the country? If you ask any person in this country, they will say English. If you ask any foreigner, they will say English. So the question is: Why do we have to say that English is the language that we speak in America? Are we that insecure about ourselves? Of course, it is. We are a nation of many who proudly keep their own culture. But, of course, English is our language.

If we have to say that it is your language, fine with me. Fine, I have no problem with it. In other words, if there are those who believe we have to now tell people what they already know, fine. But I want to do it in a way that unites us, not in a way that sets up some unintended consequences. Even though my friend from Oklahoma would not agree that there are unintended consequences, I think there are. For example, he said, maybe five months to learn English. Is that the language of the country? If you ask any person in this country, they will just say English. So the question is: Why do we have to say that English is the common and unifying language, fine with me. Fine, I have no problem with it. In other words, if there are those who believe we have to now tell people what they already know, fine. But I want to do it in a way that unites us, not in a way that sets up some unintended consequences. Even though my friend from Oklahoma would not agree that there are unintended consequences, I think there are. For example, he said that maybe five months to learn English. Is that the language of the country? If you ask any person in this country, they will just say English. So the question is: Why do we have to say that English is the common and unifying language, fine with me. Fine, I have no problem with it. In other words, if there are those who believe we have to now tell people what they already know, fine. But I want to do it in a way that unites us, not in a way that sets up some unintended consequences. Even though my friend from Oklahoma would not agree that there are unintended consequences, I think there are. For example, he said, maybe five months to learn English. Is that the language of the country? If you ask any person in this country, they will just say English. So the question is: Why do we have to say that English is the common and unifying language, fine with me. Fine, I have no problem with it. In other words, if there are those who believe we have to now tell people what they already know, fine. But I want to do it in a way that unites us, not in a way that sets up some unintended consequences. Even though my friend from Oklahoma would not agree that there are unintended consequences, I think there are. For example, he said, maybe five months to learn English. Is that the language of the country? If you ask any person in this country, they will just say English. So the question is: Why do we have to say that English is the common and unifying language, fine with me. Fine, I have no problem with it. In other words, if there are those who believe we have to now tell people what they already know, fine. But I want to do it in a way that unites us, not in a way that sets up some unintended consequences. Even though my friend from Oklahoma would not agree that there are unintended consequences, I think there are. For example, he said, maybe five months to learn English. Is that the language of the country? If you ask any person in this country, they will just say English.
was what he wanted to do, Senator SALAZAR has put together an excellent amendment. English is the common and unifying language of the United States that helps provide unity for the people of the United States. That is a beautiful statement. It says that English is our common language. But he doesn't set up an issue in his amendment, which I have read very carefully, that can have the unintended consequence of coming back to bite us. His particular amendment unifies us. I thank him for his hard work.

I yield the remainder of my time to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, again, it is a beautiful statement in opposition to an amendment that doesn't exist. When the Senator from California talks about languages and an emergency evacuation, I previously used the example of California because I suspected she might be coming down. That is, if there is an evacuation or some emergency, it can be done in Chinese so Chinatown can all evacuate. That is not a problem.

Yet when I spoke on the floor in Spanish, the only reason I had to translate it is because that is one of the rules of the Senate. It has nothing to do with this bill. That would not be affected in any way.

I yield to the Senator from South Carolina 8 minutes.

Mr. GRAHAM. Mr. President, this is a debate which you wonder why you are having it the more we talk about it. How did we get here from where we are having it the more we talk about it? How did we get here from where we are having it the more we talk about it? So if you are willing to make everybody come forward and learn English, and if they fail you are going to deport them, why can we not say as a body the best you can do for the Salazar amendment. The reason neither one provides resources to learn English is that we have already done that with my good friend, Senator ALEXANDER from Tennessee. We put a requirement on the undocumented immigrant to learn English but in a true American fashion. We have put some resources—a $500 grant—on the table which will help meet that obligation.

Here is the important point. If you fail to pass the English proficiency exam, you will be deported. Under the bill, if you fail to pass the English proficiency exam, you probably are the worst advocate in the country for the English language—you can be deported. That is not unfair. That is not too hard. That is just. So if you are willing to make everybody come forward and learn English, and if they fail you are going to deport them, why can we not say as a body the best you can do for the Salazar amendment.

Now, to read this amendment to say that some State flag has to be changed—I will be honest with you, this is not even an honest interpretation of the words as printed on the paper. It is not the intent of anyone. It is something being said that is not nationally related to the words or the intent of the author or the way the bill works. We also want to preserve whatever legal rights there are to do business in languages other than English that are in existence today, and maybe tomorrow, and we are trying to reinforce the role that English is our national language. If we don't do that, if we back off of that concept, what signal are we sending to the people we are willing to deport if they fail to learn English? We cannot have it both ways. We need to take a strong stand for a couple of principles. If you want to assimilate into American society, it is important that you learn English. How have we stood for that principle? If you come out of the shadows, and if you fail the English exam, you are going to be deported. We are giving people money to help them pass that exam, but we are not going to waive the requirement that you learn English to be assimilated for the 11 million undocumented workers. I think it would help everybody in this country if the Senate went on record and said that the policy of this Government will be to preserve and enhance the role of English in our society, and do it in such a way that understands that speaking other languages, having a different culture, is not a bad thing but a good thing. There is nothing in this amendment, in my opinion, that does away with any laws that already exist or that will exist in the future for a language other than English.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. Mr. President, the Inhofe language in this amendment
contains two basic parts. In the first part, we can talk about changing a word or two, but we all basically agree on it. We basically agree that to be successful in America, you must speak English. I imagine there are people on the margins of our society who survive without command of English, but that is where they will remain. It is rare that a person in America reaches a level of success without a mastery of English. As I go about the State of Illinois and the city of Chicago, where so many many different languages, it is well understood that learning English is the first step toward becoming an American and becoming successful in America. We don’t argue about that.

There are different ways to characterize English as our language. I like the characterization of my colleague, Senator Salazar, who characterizes English as “our common and unifying language.” It is that; it is our common and unifying language. Senator INHOFE uses the words “our national language.” But when you get down to it, there is no argument here about the basic premise. We agree on the basic premise. It is not as if it is just in America. We know that the language of aviation around the world is English. We know that the common universal language in most places on the Internet is English. That is a fact. So when it comes to the first part of Senator INHOFE’s amendment and that first part of Senator Salazar’s amendment, there is no dispute. If the debate ended there, we would have voted a long time ago. But that is not where the debate ends. Senator INHOFE added several sentences beyond that, which now take us into a legal thicket.

He argues that these are technical issues. They are not technical issues. They are issues about a person’s basic rights in America. They are issues that really emanate from landmark legislation, the Civil Rights Act of 1866, the Civil Rights Act of 1864. This is not a technicality; it is the Civil Rights Acts of 1864. People literally fought and bled and died for the passage of civil rights legislation. Before we casually cast aside some part of the protection of that law, we should think about it long and hard.

I look at the language Senator INHOFE brings to the floor and, on its face, it appears to be easy to accept:

Unless otherwise authorized or provided by law, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform, or provide services or provide materials in any language or other than English.

You would think if it is not authorized by law, that means the Government cannot communicate or provide materials in any language other than English. How could that possibly come up? Well, let’s take one illustration. I happen to be on the floor the day that Senator INHOFE of Oklahoma came to the floor in the midst of a debate on a judicial nominee, Miguel Estrada.

The date was November 12, 2003. Senator INHOFE came to the floor and gave his remarks to the Senate in Spanish. I was impressed. He is proficient in Spanish, and I respect his skills in that language, which I do not share. I didn’t think he would do it, but I respected him for being confident enough to come to the floor and express himself in the Spanish language. And then what happened was that the Congressional Record, which is printed every day from floor remarks, included Senator INHOFE’s speech in Spanish and his translation in English. They are both part of the RECORD.

But wait. Had Senator INHOFE’s amendment been in effect then—the one he wants us to vote for today—it would have been illegal for our government to print the Congressional Record with Senator INHOFE’s speech in Spanish. There is no statute which creates the right of any Member to come to the floor and speak in any language. Senator INHOFE argued that the language of your amendment that if not authorized by law, it cannot be done; it is illegal.

We have done some quick research but there is no statute we have found which says that when Members give speeches on the floor in foreign languages, the government shall print that speech in the foreign language in the Congressional Record. It isn’t there. There is no authorization in law for the printing of your remarks in Spanish. And you tell us in the language of your amendment that if not authorized by law, it cannot be done; it is illegal.

The point I am making is that the Senator started with a very positive and important premise, that English is our common and unifying language and that it should be preserved and enhanced by our Government. But the amendment then went too far. I think I know why. I believe what he is really aiming for is an Executive Order by President Clinton. Some on his side want to get rid of that. They don’t like this Executive Order because the Executive Order, which is now being followed by our Government as law, says that when it comes to basic Federal services, we will help people who have limited proficiency in English understand their rights and understand their responsibilities. I think that is reasonable. I believe perhaps the Senator from Oklahoma sees it the other way.

I see my leader is here on the floor. Mr. INHOFE, if the gentleman will yield, colloquy goes two ways. Let me just respond.

Mr. DURBIN. I am sorry, I say to the Senator from Oklahoma, but it is my time. I will conclude by saying that in this situation, I urge my colleagues to take a close look at these amendments. I hope they will consider that the Salazar amendment is really the more positive statement that protects the rights of all Americans. It respects our cultures, but it also makes it clear that we have one common and unifying language in this country, and that is English.

Mr. INHOFE. Mr. President, just one comment.
The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. First of all, I request that the minority leader not use leadership time since he now has 45 more minutes than we have, but that is just a request in my opinion.

I would say this: We have a very short period of time to wind up. I would have to say that all of these ridiculous examples, such as the one the Senator from Illinois just came up with and the flag examples, have nothing to do with this amendment. It might be some other amendment that was referred to. This merely recognizes and declares English to be our national language. We have exceptions for anything that is in there in law or would refer to anything else that is accepted.

Mr. President, I would like to ask, how much time do we have remaining?

The PRESIDING OFFICER. There is 8 minutes 9 seconds remaining.

The leader is recognized.

Mr. REID. Mr. President, English is today, as I speak, the language of America. In spite of the fact that in Nevada, we have the beautiful Sierra Nevada mountains; in Las Vegas, the meadows. In fact, in some of our counties, White Pine County, 200 miles from Las Vegas, Ely, a longtime mining community, I can remember going there to the Slav festival and being taken to the graveyard because in the days of early Kennecott, they had a section in that graveyard for Greeks, for Slavs, for Italians.

Today, as I speak, the language of America is English. Things have changed around the world. If a person wanted to join the Foreign Service, whether they were in England, the United States, or any country in South America, to be in the diplomatic corps of their country, they had to learn French. That was the language of diplomacy. Not anymore. It is English. The language in diplomatic relations around the world is English.

If I am a pilot and I am flying into National Airport, the air traffic controller speaks English. If I am a pilot and am flying into Lima, Peru, the air traffic controller speaks English. If I am a pilot flying into Moscow, the air traffic controller in Moscow speaks English. The language of flying is English. It applies to every country in the world where they have an airport. Whether they have air traffic controllers. English is the language, and my distinguished friend, the Senator from Oklahoma, knows that. He himself has flown around the world as a pilot.

I have affection for my friend from Oklahoma, but I have the greatest disagreement with him on this amendment. While the intent may not be there, I really believe this amendment is racist. I think it is directed basically to people who speak Spanish.

I have three sons who speak Spanish—fluent Spanish. One of them lived in Argentina for a couple of years, one lived in Ecuador, one lived in Spain. They speak fluent Spanish. I am very proud of these young men. They have acted as interpreters for me when I do radio programs that are in Spanish. I can remember once being so frustrated. I was a guest in a hotel. I had locked myself into a hotel room. I was a lady pushing the cart, and I told her I would like to get back in my room. She did not know what I was saying. She could not converse with me in Spanish. So as luck would have it, here comes one of my sons. He spoke to her in Spanish, her whole demeanor changed. She became a different person because, through my son, we could communicate.

I have a young man who works for me, an American citizen, of course, Frederico. Frederico comes from Puerto Rico. We were talking today after this amendment had been laid down, and Frederico said it wasn’t long ago—and these were his words—that a cleaning lady, a janitor, was buying a home in New Jersey. New Jersey, and the husband had been an American citizen for 10 years, doing her best to become part of society. She was very concerned, though. She was buying a home. Maybe by some standards the home wasn’t much, but to her, it was a dream come true. She was so frightened. She had papers; she couldn’t understand them. She asked Frederico if he would help her, and he did that. She was able to buy the home.

He also told me that he became ill—very sick. He didn’t know what was wrong with him. He speaks Spanish, and I don’t think I would embarrass Frederico in saying that even today—he is well educated, a longtime citizen—he still speaks with an accent, a Hispanic accent, for want of a better description. He speaks good English with a slight accent. He was so sick. He didn’t know what was wrong with him, and he was afraid, when he went to the hospital, the emergency room, he was afraid he couldn’t communicate to the health care workers what was wrong with him, and he asked: Is there anybody here who speaks Spanish? And there was—one of the nurses—and he was able to communicate. He felt better and the emergency room personnel felt better because he could explain to them what was wrong.

I believe this amendment cuts the heart out of public health and public safety. I gave you the example of the janitor. We have all of the reasons that the Executive order was issued by the President. I think one reason is because of public health. It is so important for us, English speakers only, that when someone goes to get help and they are sick, they are able to tell the health care personnel everything they need to know because it is important to me if, for example, it is a communicable disease.

So I believe we have to understand that this amendment will hurt public health badly. We need people to be able to take their children, when they are sick, to a facility, whether it is for mumps that is going around now or whatever, Heaven forbid, it is avian flu at some later time.

I have served in the Congress of the United States with Jim Inhofe for many years, and we disagree on issues on occasion. But even though I believe there is no amendment, one of my amendments, that I have only the strongest, as I indicated early on, affection for Jim Inhofe, the senior Senator from Oklahoma.

Public safety. Mr. President, one of the earmarks I got a number of years ago in our appropriations bill was for the Las Vegas Metropolitan Police Department because they needed police officers who were fluent in Spanish. Why? Because we have a large influx of Spanish speakers coming to southern Nevada, and the sheriff of Clark County believed he could do a better job with law enforcement if he had people who could communicate. And that is true. That worked out very well. I believe funding for police could be affected. This amendment would do that.

Domestic violence is a perfect example. There is a lot of domestic violence, and we need people who can speak the language that people understand.

Reporting crimes—it is so important that people be able to communicate. We have only the strongest, as I indicated early on, affection for Jim Inhofe, the senior Senator from Oklahoma.

I have been there. A lot of people that were not real good, speaking English. We have to do everything we can, whether people speak Chinese or whether they speak Spanish, to have them assimilated into our society. It is good for all of us. One of my concerns is that this will turn us back in the wrong direction.

I have said before, my wife is Jewish. Her father was born in Russia. He learned to speak English as a little boy. He spoke good English. His parents didn’t. We know what happened in years past. I have heard Senator Leahy, the ranking member of the Judiciary Committee, state on many occasions that there were signs in his State of Vermont: No Catholics or Italians need apply for jobs. We know that applied to people who emigrated from Germany.

I think this turns us in the wrong direction. I think we should make sure that people who are 911 operators can immediately switch to somebody who can speak Spanish. I think what I did, to get a little extra money there for the metropolitan police department so we could have people who were fluent
in Spanish. I think that is the right way to go. I am not too sure this amendment wouldn’t stop that, or certainly slow it down.

Today, as I speak, the language of America is English. We want people to integrate with English. We need tools to do this no matter what their native language. This amendment takes some of those tools away, and we need all of those tools.

The fastest growing component of adult America today is English as a second language. This will slow that down. This amendment impacts English speakers, reporting of crimes, reporting of diseases, involvement in commerce. Next, is it going to impact upon the right to vote?

This amendment is divisive. We should be here to unify our country, not divide it by ethnicity or language differences. I rise in strong opposition to this amendment. Everyone who speaks with an accent knows that they need English as fast as they can. Success in America means the ability to speak English. That is the way it is now. We don’t need this amendment. Speaking English is critical to the functioning of anyone in our country. It is the language of our Government, of our Nation, and as I have indicated before, air traffic controllers and diplomacy. This amendment, I believe, is unconstitutional. It raises serious concerns that American citizens could lose some of their rights.

This amendment directly conflicts with several provisions of Federal law. I believe, that guarantee the right of non-English-speaking students to learn English in our public schools. Does this amendment apply to a Presidential order, an Executive order? Does it apply to a city ordinance? A county ordinance? A State statute? What does it apply to? Federal law. This amendment conflicts with provisions of Federal law that require language materials or assistance to be provided to voters in some areas of non-English languages, where there is evidence of educational discrimination resulting in high illiteracy and low registration turnout.

One of the problems we are having all over America is children dropping out of school. This amendment will not help that. Do we benefit by children dropping out of school? Of course not. Don’t we need voter turnout? Don’t we want people to vote? This is going to slow that down, people asking to register to vote.

There has been substantial evidence of harassment, intimidation, even violence against language minority voters. This provision makes a blatant violation of the 14th and 15th amendments and criminal provisions of the Voting Rights Act more likely to occur. Look at history. In Nevada, Chinese who couldn’t over to build the railroads, the transcontinental railroad, were treated like animals. There were laws passed, State laws, county ordinances, local ordinances promulgated against the Chinese. Those laws which were discriminatory did not help our country. They hurt our country. This amendment is not going to help our country, it is going to hurt our country.

By the very terms of this amendment, persons accused of crimes would be denied the ability, I believe, to receive information material in their native language to assist in their own defense. This clearly violates the due process clause of the fifth amendment of our Constitution.

I have talked about public health. This amendment will stand in the way of efforts made to facilitate the transmission of vital information necessary for the receipt of health care and public safety, including informed consent by non-English-speaking patients.

Doctors need this. Health care workers need this. This undermines our Nation’s public health and safety.

The foregoing things I have talked about are not the only thing. There are many more areas, public service and public safety, that will be negatively impacted by this amendment, hurting all Americans in the process. I hope we all support civic integration, but this amendment is not that we should do it.

Why don’t we spend more money so we can educate more people who want to learn English? We are short of money. We have programs that are cut everyday. That is the way it is in Nevada and around the country. That is where we should be directing our efforts. That brings people together. That is good for all of us. This does not bring people together. It makes it far more likely that we will end up with civic exclusion, including the denial of rights they should have to millions of U.S. citizens.

I hope we reject this amendment. It is bad policy. It is un-American. It turns back the clock on the substantial gains that language minority citizens have made. There will be a resounding vote against this.

I have no problem going home today and telling the people of the State of Nevada: English is the language of America. In my own State, the fastest growing component of adult America today is English as a second language. The people of America understand that we conduct our business in English, that we are conducting our business in the Senate today in English. The people of America understand that the keystone to opportunity is learning the English language, and you need not look any further than the number of people who are enrolled in educational classes, trying to learn English to know they understand that very fact.

The concern with the amendment of Senator Inhofe is that you are going to have unintended consequences that will flow from the language of the amendment. Many of my colleagues have spoken about those unintended consequences. I want to focus on one particular aspect of that which I find to be very un-American and that is the fact that when you allow for discrimination to occur on the basis of national origin, on the basis of race, on the basis of gender, on the basis of language, that we are taking a step back in the progress that America has made. None of us wants to revisit what has happened in the history of America as we have moved forward as a nation to become a much more inclusive nation and a nation that celebrates the diversity that makes us a strong nation. None of us wants to revisit the latter half of the last century, when segregation was sanctioned under the law until 1954, and until the Civil Rights Act. None of us want to move back into those dark days of American history.

Yet the fact remains today we still have some of that discrimination that exists in our society. We have example
after example, personal examples we can cite about people who have been the victims of language discrimination. When we elevate one language, in the manner that Senator INHOFE has attempted to do in his amendment, above every other language, what will happen as a consequence of his amendment is that you will usher in, in my judgment, a new era of language discrimination in America. I do not believe that ushering in a new era of language discrimination in America is something that will be helpful to us as we struggle in this 21st century to make sure that we maintain the strongest America, the strongest Nation possible in our world.

I ask people, those of you who are concerned about language discrimination in America, to vote against the amendment of Senator INHOFE on that point.

Let me conclude by saying that the amendment we have proposed today talks about the importance of English and the importance of unifying America through the English language. I believe we can work together. I believe that will require the immigrants to whom we are trying to address the immigration reform package to learn English. It is important that they learn English.

As I conclude my portion of this discussion, I think back to a mother and a father who in the 1940s were part of that great generation fighting for the freedom of America—a father in World War II as a soldier, and a mother at the age of 20 speaking Spanish but coming to Washington to work in the Pentagon. They were victims of language discrimination. That generation was a victim of language discrimination. They would have had maybe the same opportunities I have had if they had been part of an America that fully understood they would be treated the same as those who speak languages other than English. But I do not want us to go back in the history of our country to a place where we are darkened again by that discrimination which existed in the 1940s or the 1950s. My fear is that the amendment that those who are offering this amendment want, speak whatever we want, but it is our national language. Specifically, the Inhofe amendment says it does not prevent those receiving Government services in another language from doing so, whether authorized by law or by Executive order or by regulation. That is No. 1. The Salazar amendment, in contrast, does not say English is our national language. That is the first point.

The second thing is the Inhofe amendment would say that those who are illegally here, who might become legal under this law and get on a path to citizenship, would have to actually learn English rather than just enroll in school. Anyone can sign up and not learn anything. The Salazar amendment doesn’t do that.

A third reason Senator INHOFE’s amendment is better, in my opinion, is that it has some excellent language that would improve the citizenship test that now citizens must take. The key ideas, key documents, and key events of our history that we all agree on, and which we voted unanimously on a couple of years ago in another piece of legislation.

If you believe English is our national language and don’t want to interfere with any existing law or right, if you want new citizens who might be illegally here today to learn English as a part of that path to citizenship, and if you want a better American history test for new citizens, the Inhofe amendment is preferable.

I think a lot of this debate is about unity versus diversity. That is the struggle. It is a real struggle in this country.

Some on the other side of the aisle said this is unimportant. It might be to them, but it is not to me, nor is it to most Americans. I think it is at the center of this whole discussion about what we are doing with immigration. If the American people got any whiff that we thought having a national motto or a national anthem or a national pledge of allegiance or a national language was unimportant to us, I think they would throw us all out because most people here recognize that our diversity is a magnificent strength—we are a land of immigrants—but our greater strength is that we have turned that all into one country.

Iraq is diverse, and Bosnia is diverse. Are they better places for that? They haven’t been able to unite themselves into one country. How did we do that? Partly because of these unifying principles which we debate here with respect for one another, and through our national language.

No matter what they say, the opponents of this amendment are reluctant to say that English is our national language. If they were not, they would vote for the Inhofe amendment. First, it declares that if you have any rights now, you will still have them after the Inhofe amendment passes. It requires those who are here illegally but want to become citizens to learn English rather than just enroll in school. And it beefs up the U.S. history requirement in a way the Senate has previously approved.

The Democratic leader talked about how nice it would be for someone to call 9-1-1 and get a Spanish-speaking voice. It wouldn’t have been so nice to the 200,000 new citizens from Asia who came in last year because they do not speak Spanish. That is why we have a common language.

My goal is that every child in America be bilingual or even multilingual. But one of those must be to learn English, and every child should learn it as soon as possible. We have a common language because we are a land of immigrants. It is our national language.

A vote for the Inhofe amendment is a vote for our national language. It is a vote to leave everyone’s rights to receive services in other languages exactly where they are today. It is a vote to say that those who might be here illegally today but who seek to become citizens must learn English, and it is a vote to beef up our U.S. history tests which are required of those coming into this country and applying for citizenship.

For generations, we have helped people in this country learn English. We do not even further in the underlying bill with new $500 grants. It should be a simple statement to say that English is our national language, that we have a national motto, a national pledge, a national oath.

Then why struggle to come up with reasons not to make English our national language?

I yield the floor.

Mr. INHOFE. Mr. President, I think it is very obvious what is going on here. It has been 23 years since we have had a chance to vote on it. It probably will be the last time most Members—maybe all of the Members in this Chamber—will have a chance to vote to make English the national language.

Those who are offering this amendment today don’t want English to be the national language. They use the word “common,” the common language.

Those opposing this amendment want an entitlement to have the Federal Government provide for language, services, and materials. They can do it now. If you pass this bill, they can still do it. It is just not mandatory. It is not something that can’t be done; it doesn’t have to be done. They say that national origin equates to language. Their claims are consistently refuted by the Federal Government, the most recent one being in 2001, the Sandoval case.

The opponents of this don’t want people learning English but instead being served in foreign languages.
I think it is interesting that the word “racist” was used. I just wish the people here knew what has happened in the past and what I have been involved in in my State of Oklahoma. This is not the time to repeat what I said earlier. But the bottom line is I received the letter given by the Hispanic community in the city of Tulsa. I started the first Hispanic community commission, and it is now a model for the Nation.

Mr. LEYH. Mr. President, I thank the Senator from Colorado for his amendment. He is a Senator who continues to demonstrate his interest and ability in bringing us together rather than seeking to drive wedges between us. We can all agree that English should be the common language of the United States. His is a good suggestion for an alternative that I will support. In many local communities and States, it may well be useful and helpful for the Government to reach out to language minorities. Greater participation and information are good things. We should not be mandating artificial and shortsighted restrictions on State and local government.

I have spoken in the course of this debate about my belief that immigrants should learn the English language. In my experience, most new Americans want to learn our language and make efforts to do so as quickly as possible. The bill that we are debating calls for immigrants to learn English as one of the several steps they must take before they can earn citizenship.

I certainly understand why the Mexican American Legal Defense and Education Fund, the Asian American Justice Center, the Lawyer’s Committee for Civil Rights, the National Council of La Raza, the National Association of Latino Elected and Appointed Officials Educational Fund and others have been concerned about the Inhofe amendment. I strongly support the efforts of the Senator from Colorado to find a common ground to unite us rather than divide us and strongly support his alternative amendment.

Ms. MIKULSKI. Mr. President, I rise today in support of Senator SALAZAR’s amendment. English is one of the common bonds that bring Americans together. Just as a new immigrant must learn the monetary currency of a country, so must learn the social currency the English language. Immigrants need to learn English so they can be successful and contribute to their new country. That is why current law already states that anyone becoming a U.S. citizen is required to learn English.

Yet as immigrants are learning English, we need to be able to provide them with critical information in a language they can understand. What if there was an avian flu outbreak? What if there was another terrorist attack? Or a hurricane? Our first priority is to make sure they are safe in any language.

English can bring us together it shouldn’t pull us apart. We must remember that our country was founded by immigrants from around the world. Their contributions to this Nation have made it great. My own great-grandparents were immigrants from Poland. I have the desire to see a better life for them and their children is the part of the American dream. It is ridiculous. I don’t think people are going to buy into it.

I agree with my friend from Tennessee. If they are looking, searching for things to object to, they are not going to find it in this bill.

The racist thing, it is interesting. If you look at polling data in 2002, the Kaiser Family Foundation poll says 91 percent of foreign-born Latino immigrants agree that learning English is essential to succeed in the United States.

Just 2 months ago, the Zogby poll found that 84 percent of Americans including—this is significant—77 percent of Hispanics, believe that English should be the national language. That is only 2 months ago—77 percent of the Hispanics.

I think it is an insult to the Spanish to say we are not going to have English as a national language because they are not capable of operating and succeeding in a country like this. They are dead wrong.

In terms of people criticizing us for wanting to make this the national language, 51 countries have done it. Isn’t that interesting? Fifty-one countries have made English their national language, except for us. Twenty-seven States out of fifty States already have it on a State basis.

When you go to your townhall meetings, it is not even a close call. This comes up every time I go to a townhall meeting in Oklahoma. Why don’t we have English as a national language? Americans want to learn our language. In my experience, most new immigrants are going to find it in this bill.

If you read page 2 of the bill, it very specifically says “unless otherwise authorized by law.” That is the exception. In every one of these examples that have come up—from the Senator from California, the Senator from New Mexico, the Senator from Illinois, they fall into that category.

This is going to answer the question for a lot of people out there saying: Why can’t we have this as our national language?

It has been 23 years since we had our last amendment. You can’t have it both ways. I wouldn’t want anyone here to be under the misconception that they could vote for my amendment and then turn around and vote for the Salazar amendment because that would completely negate our amendment.

This is your last chance to vote to make English the national language. When we listen to the National Anthem: O, say can you see, by the dawn’s early light . . . bombs bursting in air . . . gave proof through the night that the flag was still there . . . the land of the free, and the home of the brave—that is not an official anthem, that is not a common anthem, that is the national anthem.

This is our last chance to have English as the national language for America.

Mr. KENNEDY. Mr. President, I will take 1 minute.

Patriotism doesn’t belong to a political party or any individual. The Salazar language is very clear. English is the common unifying language of the United States. It helps provide unity for the American people, preserving and enhancing the role of the English language. It couldn’t be clearer.

Let us not distort and misrepresent the amendment that is before us.

I ask unanimous consent that it be in order to ask for the yeas and nays on the Salazar amendment and the Inhofe amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I ask for the yeas and nays on the Inhofe amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from Florida (Mr. MARTINEZ).

Further, if present and voting the Senator from Kentucky (Mr. BUNNING) and the Senator from Florida (Mr. MARTINEZ) would have voted “yea.”

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—63

Alexander  Allison  Baucus  Bennett  Burns  Allen  Bond  Burr
The amendment (No. 4073), as modified, was agreed to. Mr. DURBIN. Mr. President, I move to reconsider the vote. Mr. SPECTER. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote. Mr. SPECTER. Mr. President, we are now ready to proceed with an amendment by Senator Clinton and a side-by-side Senator Cornyn, with a half hour equally divided. At the conclusion of those 2 votes, we will discuss the business for the remainder of the evening.

Mr. KENNEDY. Mr. President, we intend to support that as soon as we get a chance to see the Cornyn amendment. May we see that before the Senator makes that request? Is that possible?

The PRESIDING OFFICER. The amendment (No. 4073), as modified, was agreed to.

Mr. KENNEDY. Mr. President, while they are looking at that amendment, the plans will be that in about 30 to 45 minutes we will have 2 rollcall votes, and then we will keep amendments going, and we will be voting tonight. We will do at least several other amendments. I will let the chairman speak to that. We plan on having two votes tomorrow morning. We don’t know exactly what time. I expect us to be able to debate those. I ask whenever amendments they be, we debate them tonight so we can vote as early as possible tomorrow morning.

Mr. SPECTER. Mr. President, I think we are now prepared to go to Senator Clinton and then Senator Cornyn, with 30 minutes equally divided. The PRESIDING OFFICER (Mr. CHAFEE). The Senator from New York is recognized.

AMENDMENT NO. 4072

Mrs. CLINTON. Mr. President, I call up amendment No. 4072, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself, Mr. OBAMA, Mrs. BOXER, Mr. SALAZAR, and Mr. SCHUMER, proposes an amendment numbered 4072.

Mrs. CLINTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a grant program to provide financial assistance to States and local governments for the costs of providing health care and educational services to noncitizens, and to provide additional funding for the State Criminal Alien Assistance Program)

On page 259, line 23, strike “section 286(c)” and insert “section 286(x)”. On page 261, strike line 13, and insert the following:

“(x) STATE IMPACT ASSISTANCE ACCOUNT.—

(1) ESTABLISHMENT.—There is established within the State Impact Aid Account a State Criminal Alien Assistance Program Account.

(ii) DEPOSITS.—Notwithstanding any other provision under this Act, there shall be deposited in the State Criminal Alien Assistance Program Account 35 percent of all amounts deposited in the State Impact Aid Account, which shall be available to the Attorney General to disburse in accordance with section 241(i).

(2) STATE IMPACT ASSISTANCE GRANT PROGRAM.—

(A) ESTABLISHMENT.—Not later than January 1 of each year beginning after the date of enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary of Homeland Security, in cooperation with the Secretary of Health and Human Services (referred to in this paragraph as the ‘Secretary’), shall establish a grant assistance program for fiscal year beginning after the date of enactment of this subsection, the Secretary shall use 1/2 of the amounts deposited into the State Health and Education Assistance Account under paragraph 2(b)(ii) during the preceding year.

(B) ALLOCATION.—The Secretary shall allocate grants under this paragraph as follows:

(i) NONCITIZEN POPULATION.—

(1) IN GENERAL.—Subject to subclause (II), 80 percent shall be allocated to States on a pro-rata basis according to the ratio that, based on the most recent year for which data of the Bureau of the Census exists—

(a) the noncitizen population of the State; bears to

(b) the noncitizen population of all States.

(2) MINIMUM AMOUNT.—Notwithstanding the formula under clause (I), no State shall receive less than $5,000,000 under this clause.

(iii) HIGH GROWTH RATES.—Twenty percent shall be allocated on a pro-rata basis among the 20 States with the largest growth rate in noncitizen population, as determined by the Secretary, accounting to the ratios that, based on the most recent year for which data of the Bureau of the Census exists—

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