

111TH CONGRESS  
1ST SESSION

# S. 991

To declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a uniform rule of naturalization under article I, section 8, of the Constitution.

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IN THE SENATE OF THE UNITED STATES

MAY 6, 2009

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

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## A BILL

To declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a uniform rule of naturalization under article I, section 8, of the Constitution.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “English Language  
3 Unity Act of 2009”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds and declares the following:

6 (1) The United States is comprised of individ-  
7 uals from diverse ethnic, cultural, and linguistic  
8 backgrounds, and continues to benefit from this rich  
9 diversity.

10 (2) Throughout the history of the United  
11 States, the common thread binding individuals of  
12 differing backgrounds has been the English lan-  
13 guage.

14 (3) Among the powers reserved to the States  
15 respectively is the power to establish the English  
16 language as the official language of the respective  
17 States, and otherwise to promote the English lan-  
18 guage within the respective States, subject to the  
19 prohibitions enumerated in the Constitution of the  
20 United States and in laws of the respective States.

21 **SEC. 3. ENGLISH AS OFFICIAL LANGUAGE OF THE UNITED**  
22 **STATES.**

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

1 **“CHAPTER 6—OFFICIAL LANGUAGE**

2 **“§ 161. Official language of the United States**

3 “The official language of the United States is  
4 English.

5 **“§ 162. Preserving and enhancing the role of the offi-  
6 cial language**

7 “Representatives of the Federal Government shall  
8 have an affirmative obligation to preserve and enhance the  
9 role of English as the official language of the Federal Gov-  
10 ernment. Such obligation shall include encouraging great-  
11 er opportunities for individuals to learn the English lan-  
12 guage.

13 **“§ 163. Official functions of Government to be con-  
14 ducted in English**

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

18 “(b) SCOPE.—For the purposes of this section, the  
19 term ‘United States’ means the several States and the  
20 District of Columbia, and the term ‘official’ refers to any  
21 function that (i) binds the Government, (ii) is required  
22 by law, or (iii) is otherwise subject to scrutiny by either  
23 the press or the public.

24 “(c) PRACTICAL EFFECT.—This section shall apply  
25 to all laws, public proceedings, regulations, publications,

1 orders, actions, programs, and policies, but does not apply  
2 to—

3 “(1) teaching of languages;

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

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

9 “(4) actions or documents that protect the pub-  
10 lic health and safety;

11 “(5) actions or documents that facilitate the ac-  
12 tivities of the Bureau of the Census in compiling any  
13 census of population;

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

16 “(7) using terms of art or phrases from lan-  
17 guages other than English.

18 **“§ 164. Uniform English language rule for naturaliza-  
19 tion**

20 “(a) UNIFORM LANGUAGE TESTING STANDARD.—All  
21 citizens should be able to read and understand generally  
22 the English language text of the Declaration of Independ-  
23 ence, the Constitution, and the laws of the United States  
24 made in pursuance of the Constitution.

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

3 **“§ 165. Rules of construction**

4 “Nothing in this chapter shall be construed—

5 “(1) to prohibit a Member of Congress or any  
6 officer or agent of the Federal Government, while  
7 performing official functions, from communicating  
8 unofficially through any medium with another per-  
9 son in a language other than English (as long as of-  
10 ficial functions are performed in English);

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

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

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

18 **“§ 166. Standing**

19 “A person injured by a violation of this chapter may  
20 in a civil action (including an action under chapter 151  
21 of title 28) obtain appropriate relief.”.

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

**“6. Official Language ..... ”.**

1 **SEC. 4. GENERAL RULES OF CONSTRUCTION FOR ENGLISH**  
 2 **LANGUAGE TEXTS OF THE LAWS OF THE**  
 3 **UNITED STATES.**

4 (a) IN GENERAL.—Chapter 1 of title 1, United  
 5 States Code, is amended by adding at the end the fol-  
 6 lowing new section:

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

9 “(a) English language requirements and workplace  
 10 policies, whether in the public or private sector, shall be  
 11 presumptively consistent with the laws of the United  
 12 States; and

13 “(b) Any ambiguity in the English language text of  
 14 the laws of the United States shall be resolved, in accord-  
 15 ance with the last two articles of the Bill of Rights, not  
 16 to deny or disparage rights retained by the people, and  
 17 to reserve powers to the States respectively, or to the peo-  
 18 ple.”.

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

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

23 **SEC. 5. IMPLEMENTING REGULATIONS.**

24 The Secretary of Homeland Security shall, within  
 25 180 days after the date of enactment of this Act, issue

1 for public notice and comment a proposed rule for uniform  
2 testing English language ability of candidates for natu-  
3 ralization, based upon the principles that—

4           (1) all citizens should be able to read and un-  
5 derstand generally the English language text of the  
6 Declaration of Independence, the Constitution, and  
7 the laws of the United States which are made in  
8 pursuance thereof; and

9           (2) any exceptions to this standard should be  
10 limited to extraordinary circumstances, such as asy-  
11 lum.

12 **SEC. 6. EFFECTIVE DATE.**

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

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