



NCLR

Voter

Guide

The National Council of La Raza (NCLR) – the largest national Hispanic civil rights and advocacy organization in the United States – works to improve opportunities for Hispanic Americans. Through its network of nearly 300 affiliated community-based organizations (CBOs), NCLR reaches millions of Hispanics each year in 41 states, Puerto Rico, and the District of Columbia. To achieve its mission, NCLR conducts applied research, policy analysis, and advocacy, providing a Latino perspective in five key areas – assets/investments, civil rights/immigration, education, employment and economic status, and health. In addition, it provides capacity-building assistance to its affiliates who work at the state and local level to advance opportunities for individuals and families.

Founded in 1968, NCLR is a private, nonprofit, nonpartisan, tax-exempt organization headquartered in Washington, DC. NCLR serves all Hispanic subgroups in all regions of the country and has operations in Atlanta, Chicago, Los Angeles, New York, Phoenix, Sacramento, San Antonio, and San Juan, Puerto Rico. For more information, please visit www.nclr.org

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Foreword

The 2004 elections were historic for the Hispanic¹ community in the U.S. At least 7.5 million Latinos voted in 2004 – an increase of approximately 27% over the 2000 elections – more than doubling the Latino electorate since 1988. Three more Hispanic Americans were elected to the U.S. House of Representatives, bringing the number of members of the Congressional Hispanic Caucus to 21. The election of Senators Mel Martinez (R-FL) and Ken Salazar (D-CO) ends an absence nearly three decades long of Hispanics in the Senate and ensures once again that Latinos have a voice in this chamber.² More importantly, Latinos helped elect both a Republican and a Democratic senator, demonstrating that they will support strong candidates from both major parties and that they are not tied to a single political ideology.

Like other Americans, Hispanics want their elected leaders to work in a bipartisan manner to create educational opportunities, increase access to health care, encourage homeownership, promote a strong economy that provides opportunities to work and build assets, reduce discrimination, and increase civic participation.

Yet, during the first session of the 109th Congress, the Congress and the Administration took only a few steps to address these issues. The National Council of La Raza (NCLR) – together with its nearly 300 affiliated

community-based organizations which serve Hispanics in 41 states, the District of Columbia, and Puerto Rico – believes that congressional leaders and the White House still have an opportunity to demonstrate their commitment to the Hispanic community.

This voter guide – the framework of NCLR’s policy agenda for 2006 – seeks to promote a common understanding of the Hispanic legislative agenda and provide a yardstick by which the Latino community can measure the effectiveness of their congressional representatives and senators and potential candidates.³ Major topics are presented and followed by specific concerns that NCLR has identified as important to Latinos, which may or may not be addressed by current legislation. Pending legislation or major reauthorizations are included when applicable.

The 109th Congress began as one of great promise for the Hispanic community. Latinos are in a better position than ever before to shape federal policy-making, and this voter guide provides Latino voters with information that will help them hold candidates and incumbents accountable to the needs of the nation’s 44 million Hispanics.⁴

Janet Murguia
President and CEO

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1. The terms “Hispanic” and “Latino” are used interchangeably by the U.S. Census Bureau to identify persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, and Spanish descent; they may be of any race.
 2. They have since been joined in the Senate by Robert Menendez (D-NJ), who was appointed to the United States Senate to fill a vacancy caused by the resignation of Jon S. Corzine and took the oath of office on January 18, 2006.
 3. For a more detailed analysis of policy issues, visit the NCLR website (www.nclr.org).
 4. This figure includes residents of Puerto Rico.

Acknowledgments

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Access to Health Care

By Jennifer Ng'andu

While Latinos are affected by a wide range of risk factors and diseases, nearly every concern they experience could be prevented or more effectively managed given adequate access to health care and health information. Yet, many Latinos are shut out of the system because of lack of health care coverage and barriers to culturally-competent and linguistically-appropriate care.

Key Issues for Latinos

- **Uninsurance.** Nearly one-third (32.7%) of Latinos do not have health insurance and, from 2003 to 2004, the number of uninsured Latinos rose by 400,000.⁵ Specifically, Latinos face a number of barriers that hinder access to health insurance: they are less likely than other Americans to receive health insurance through employers, and immigrants face government-imposed restrictions to federal health insurance programs, such as Medicaid and the State Children's Health Insurance Program (SCHIP).
- **Restricted Access to Health Care.** In recent years, there have been attempts to prevent immigrants from receiving vital health care services and to restrict their access to public health programs. Even those Latinos who have health insurance face a number of barriers that reduce their access to quality health care services, including a lack of culturally- and linguistically-appropriate services.
- **Cuts in Medicaid Funding.** Lower rates of employer-provided insurance make Medicaid a vital public health insurance program for many low-income Latinos in the U.S. While more than ten million Latinos were enrolled in the Medicaid program in fiscal year (FY) 2003, recent proposals by Congress and the Administration would cut funding for Medicaid or shift costs to low-income and vulnerable patients.⁶
- **Removing Barriers to Food Assistance Programs.** The number of Latino households who face food insecurity, or lack access to enough food, is more than double that of non-Hispanic Whites (21.7% vs. 8.7%, respectively).⁷

5. U.S. Census Bureau, *Income, Poverty, and Health Insurance Coverage in the United States: 2004*, Current Population Reports, August 2005.

6. Centers for Medicare and Medicaid Services, *Medicaid Eligibles by Race/Ethnicity FY 2003*, Medicaid Statistical Information System (MSIS) January 2006. Available online at: http://www.cms.hhs.gov/MedicaidDataSourcesGenInfo/02_MSISData.asp.

7. United States Department of Agriculture, *Household Food Security in the United States, 2004*, October 2005. Available online at: <http://www.ers.usda.gov/publications/err11/>.

A Pro-Hispanic Candidate or Incumbent:

- **Supports** immediate passage of the “Immigrant Children’s Health Improvement Act” (ICHIA) (S. 1104, H.R. 1233), which would allow states the option to provide low-income legal immigrant children and pregnant women access to Medicaid and the State Children’s Health Insurance Program.
- **Supports** the “Health Equality and Accountability Act” (H.R. 3561), which

endorses a comprehensive approach to the elimination of health care disparities.

- **Opposes** cuts to the Medicaid program, which reduce safety-net coverage for beneficiaries or increase costs for services.
- **Supports** adequate funding of the Women, Infants, and Children (WIC) program so all eligible families can participate, as well as the full restoration of immigrant eligibility for food stamps. **Opposes** funding cuts to food assistance programs, such as those proposed in the Administration’s FY 2007 budget.

Civic Engagement

By Angela Arboleda, Lindsay Daniels,
and Clarissa Martinez De Castro

There is a significant gap between the size of the potential Latino electorate and the number of Latinos who actually vote. Because civic engagement is critical to bringing about change in communities, NCLR established the Latino Empowerment and Advocacy Project (LEAP) to educate and mobilize the Latino community on the importance of voting. Through LEAP and the policy advocacy efforts described below, NCLR seeks to maximize the power of the Latino electorate and leverage the Latino vote to enact the legislative priorities described in this section and throughout this guide.

Key Issues for Latinos

- **Implementation of the Help America Vote Act (HAVA).** Congress passed the Help America Vote Act (HAVA) in 2002 to address the barriers that citizens faced in exercising their right to vote during the 2000 election. However, there are issues with HAVA’s implementation that have been problematic for Latinos, including:
 - ❖ **Insufficient resources.** The Election Assistance Commission, which was established under HAVA to create election standards, has only recently been given the resources it needs to provide state and local election officials with the guidelines that are critical to effective implementation of HAVA’s provisions.

- ❖ **ID requirements.** HAVA requires first-time voters who register by mail to meet an identification (ID) requirement, which has placed an undue burden on minority and elderly voters who are less likely to have access to state ID cards.
- ❖ **Concerns with provisional ballots.** HAVA requires the use of provisional ballots to provide a safeguard which ensures that no voter is turned away without casting a ballot and to guarantee greater access to the electoral process. However, technicalities and deficiencies raise questions about whether or not each ballot will actually be counted.
- ❖ **Concerns with statewide registration lists.** HAVA required statewide computerized voter registration lists by January 1, 2004. However, through a waiver process, more than half of the 50 states were granted an extension until January 1, 2006 for full database implementation. If the databases are not ready and administrators are not trained on how to use them, there may be large numbers of Latino and other voters turned away on Election Day.
- ❖ **Adequate training of poll workers and volunteers.** Poll workers and volunteers are not receiving proper training and education on the voting process.
- **Reauthorization of the Voting Rights Act (VRA).** The VRA protects the rights of language-minority voters to cast a ballot. In 2002, the Census Bureau added, and the Department of Justice (DOJ) certified, 49 new Spanish-language jurisdictions that had never

been tasked with providing full language assistance for Spanish-speaking and limited-English-proficient (LEP) voters, bringing the total number of Spanish-language-covered jurisdictions to more than 220. Despite voting rights laws that protect Latinos and other racial and ethnic minorities against discrimination, intimidation, or barriers when casting their ballot, there is evidence that some jurisdictions do not comply with these federal laws.

A Pro-Hispanic Candidate or Incumbent:

- **Supports** full funding of HAVA for states to comply with the national federal standards.
- **Supports** repeal of the ID requirement imposed under HAVA.
- **Supports** reauthorization of the VRA, particularly the language assistance (Section 203) and enforcement (Section 5) provisions, which are set to expire in 2007, and an expansion of Section 203 to increase access to the vote in jurisdictions not currently covered for Spanish language.
- **Supports** an assessment of the education and training of poll workers, election officials, and volunteers to ensure that every voter's ballot is cast and counted accurately.
- **Supports** a study of how provisional ballots are administered and counted.
- **Supports** the establishment and operation of the statewide computerized database before any major election.

Education

By Miriam Calderón, Raul González, and Melissa Lazarín

At the beginning of this decade, the debate on school reform was taking place without significant consideration of how such reforms will impact Hispanic children and families. Now, both Latino and “mainstream” education advocates are beginning to include Latino children and families in their education policy agendas. Given the growing presence of Latino children, the nation’s early childhood education (ECE) and public school systems will only be considered successful if they improve the school readiness, student achievement, and graduation rates of Latinos.

Key Issues for Latinos

- **Reauthorization of Head Start.** Participation in Head Start can play a critical role in eliminating educational disparities for Latino children. The reauthorization of the Head Start program which began in 2003 provides an opportunity to focus on the quality and effectiveness of Head Start services for Latino and English language learner (ELL) children and their families. For example, in 2001 the Migrant and Seasonal Head Start (MSHS) program reached only 19% of eligible farmworker children (31,400 out of 161,400).⁸
- **The No Child Left Behind Act (NCLB).** NCLB provides opportunities to hold

schools accountable for improving academic achievement among all groups, including Latino and ELL students, and includes opportunities for greater parental and community involvement in schools and a focus on improving academic outcomes for Latino students. Unfortunately, implementation of NCLB has been uneven and has been undermined by inadequate funding.

- **The “DREAM Act.”** The lack of access to postsecondary education opportunities and meaningful employment creates an uncertain future for undocumented students, resulting in many of them dropping out of high school. Like their U.S.-born peers, these young people share the same dream of pursuing a higher education. Unfortunately, due to their immigration status, they are typically barred from many of the opportunities that currently make a college education affordable – in-state tuition rates, state and federal grants and loans, private scholarships, and the ability to work legally to earn their way through college. The “Development, Relief, and Education for Alien Minors (DREAM) Act” would make postsecondary education more affordable for undocumented students and allow them to adjust their immigration status so that they can obtain meaningful employment.

8. Head Start Bureau, *Descriptive Study of Seasonal Farmworker Families*. Washington, DC: U.S. Department of Health and Human Services, September 2001.

A Pro-Hispanic Candidate or Incumbent:

- **Supports** reauthorization of Head Start, which includes increased access to Head Start services for the children of migrant and seasonal farmworkers and children in emerging Hispanic states; an increase in the

number of well-prepared bilingual teachers and staff; and appropriate instructional services for and assessment of ELL children.

- **Supports** full funding of NCLB and improving – not discarding – the assessment and accountability provisions in NCLB.
- **Supports** passage of the “DREAM Act.”

Criminal Justice

By Angela Arboleda and Cassandra Villanueva

There has been little national attention paid to the experiences of Latinos in the criminal justice system even though recent NCLR research shows that Latinos, along with other persons of color, receive more severe treatment at all stages of the criminal justice system, beginning with police stops and ending with longer periods of incarceration. While one in 20 people in the U.S. will be confined in prison at some point during his/her lifetime, one in ten Hispanics – and one in six Latino men – will be imprisoned. These data suggest the need to reduce the disproportionate representation of Latinos in the justice system and promote alternatives to incarceration, such as substance abuse and mental health treatment and access to reentry services.

Key Issues for Latinos

- **Juvenile Justice and Youth Violence.** The current political environment, especially congressional support of strong punishments for youth across the board, and increased funding for federal law enforcement agencies have contributed to a disproportionate representation of Latino youth in the criminal justice system. Indeed, compared to non-Hispanic White youth, Latino youth are more likely to be arrested, detained, waived to criminal court, and incarcerated in jails and prisons for longer periods.⁹

9. *¿Dónde Está la Justicia?*, Building Blocks for Youth, July 2002.

- **Prisoner Reentry.** Every year approximately 650,000 adults¹⁰ and 100,000 youth are released from state and federal prisons and detention facilities and returned to the community; more than 1,600 people each day are reentering society. Of those, almost one-third are Latino. Furthermore, one-third of all corrections departments provide no funds to prisoners upon release. While 70% to 85% of state prisoners need substance abuse treatment, only 13% receive it while incarcerated. In addition, many of those leaving jail and prison have chronic health issues, no housing, little education or job training, and generally lack the resources that will help them reintegrate successfully into society. Thus, it is no surprise that 67% of formerly incarcerated people are expected to be rearrested for a felony or serious misdemeanor within three years of release.

A Pro-Hispanic Candidate or Incumbent:

- **Supports** a comprehensive approach to addressing youth violence which gets at the root causes of youth violence – which include but are not limited to prevention, treatment, intervention, suppression, and effective alternatives to incarceration.
- **Supports** legislation authorizing culturally-competent prisoner reentry programs designed to help states and localities ensure the successful reintegration of formerly incarcerated people into society.
- **Supports** alternatives to incarceration for nonviolent offenders.

Economic Opportunities

By Janis Bowdler, Luisa Grillo-Chope,
Beatriz Ibarra, and Eric Rodriguez

In recent years, there has been greater emphasis on individual responsibility in achieving financial security, accumulating wealth, and owning homes and other assets. At the same time, growing numbers of Hispanics are investing in the stock market and saving for

retirement. Hundreds of thousands of Latinos become new homeowners each year. Latinos also remit billions of dollars to Latin America, exert nearly \$1 trillion in consumer buying power, and pay billions of dollars to the federal government in income and payroll taxes each

10. Office of Justice Programs (OJP) website, www.ojp.usdoj.gov/reentry/learn.html.

year. Despite increases in assets, there are still gaps between Latinos and other Americans in wealth, economic security, homeownership, and retirement readiness.

Key Issues for Latinos

- **Housing Counseling.** Homeownership counseling services have proven to be critical for first-time homebuyers, minorities, and immigrants. They provide a trustworthy source of information, help, and advice about homeownership, as well as independent analyses of current financial situations, which help consumers to avoid common pitfalls and access local downpayment assistance. Research shows that homebuyer education and one-on-one counseling significantly mitigate the risk of 60-day mortgage delinquency.
- **Predatory Mortgage Lending.** Like most Americans, Hispanic families work hard to turn their hard-earned savings into future financial stability through homeownership. Unfortunately, too many Latino homebuyers receive unfairly-priced home loans, experience barriers to the most favorably-priced home loans, or, in some cases, are taken advantage of by unethical agents. One indicator of this is that approximately twice

as many Hispanic families as White families finance their home with more expensive loan products.¹¹

- **Banking and Financial Services.** The reauthorization of the Fair Credit Reporting Act (FCRA) provides an opportunity to examine how credit scoring affects the availability and affordability of financial products for minorities, immigrants, and non- or limited-English-speakers. Effective implementation of FCRA on a variety of matters, from issuance of free credit reports to the effective enforcement of consumer protection laws, can have a significant impact on Latinos.
- **Financial Counseling.** Financial knowledge is vital in empowering individuals to make informed decisions about homebuying, saving for retirement, and/or filing taxes. Information and awareness are also essential for consumers to steer clear of predatory lenders and harmful debt. Much has been said about the need for financial education, but public policy efforts to date have been largely symbolic and/or too modest to produce meaningful results.
- **Remittances.** In 2004 alone, the flow of remittances from the U.S. to Latin America reached a total of \$45 billion. Although many financial institutions are now offering

11. Home Mortgage Disclosure Act (HMDA), 2002, calculations by NCLR. See also *Jeopardizing Hispanic Homeownership: Predatory Practices in the Homebuying Market*. Washington, DC: National Council of La Raza, 2005.

low- or no-cost remittance transfer services, the cost of remittance transfers at many wire transfer companies often exceeds 20% of the total amount of the transaction, and this cost is often passed to the consumer through hidden fees and variations in the exchange rate. Lowering the cost of remittance transfers by five percentage points could generate annual savings of \$1 billion for Latino households and their families abroad.

- **Taxes.** Tax credits, such as the Earned Income Tax Credit (EITC) and the Child Tax Credit (CTC), raise Hispanic household income, lift Hispanic families out of poverty, and help move Hispanics toward self-sufficiency. Every year, more than one-third of Hispanic households benefit from these credits. The EITC refund alone can be as high as \$4,400. In addition, many families can also claim the CTC, worth up to \$1,000 for each child depending on family income.
- **Retirement Savings.** Pensions are a significant source of income to support workers during retirement. Unfortunately, while more than 34% of Hispanic workers are in private firms that sponsor a pension plan, less than one-fourth (24%) of Hispanic workers participate in an employer-provided retirement plan compared to comparable White and Black workers (48% and 38%, respectively). Pensions are important investment vehicles and, therefore, increased participation is essential to ensuring long-term financial security for Latino workers and preventing poverty among seniors.

A Pro-Hispanic Candidate or Incumbent:

- **Supports** increasing the Department of Housing and Urban Development's (HUD) budget for housing counseling to \$50 million to support the expansion of community-based housing counseling agencies, and regulatory support of these agencies' ability to generate revenue through fee-income and related issues.
- **Supports** the development of a strong federal law to reduce the prevalence of predatory lending in the mortgage industry.
- **Supports** tax and other incentives to help facilitate connecting low-income Latinos to high-quality financial advisors. This includes developing a community-based financial counseling network.
- **Supports** significant investments in building a community-based financial education and counseling infrastructure in which programs are customized, product-centered, results-oriented, and relevant for the Latino community.
- **Supports** reforming the remittance transfer market to ensure greater transparency, increase competition, provide an enforcement mechanism, and create incentives for financial institutions to enter the market.
- **Opposes** tax cuts for wealthy taxpayers but **supports** expanding tax credits, preferably those that are refundable, as a more effective way of reaching Hispanic working poor families who do not owe much in federal tax

but are deeply impacted by taxes and need assistance to offset the tax burden on their families.

- **Supports** measures which provide incentives to certain low-income workers to invest retirement savings contributions into an

Individual Retirement Account or an employer-sponsored pension plan, make the Saver's Tax Credit permanent and refundable, and provide opportunities to enhance retirement savings for low-income workers.

Immigration

By Flavia Jiménez and Michele Waslin

The estimated 11 million undocumented immigrants in the U.S. are evidence that current laws are out of tune with economic and social realities. Under the existing system, millions of undocumented immigrants are working in essential positions in the nation's labor force and contributing to its prosperity. However, people are dying at the border, families endure long separations, large numbers of immigrants live an underground existence in the shadows of society, and U.S. government resources are spent tracking people who would prefer to comply with the law rather than focusing on those who wish to do us harm. Because of these problems, the current immigration system hurts U.S. businesses, U.S. families, and U.S. security while it benefits unscrupulous employers, traffickers, and smugglers who profit from the broken system.

Key Issues for Latinos

- **Comprehensive Immigration Reform.** All sides of the immigration policy debate agree that current immigration policy has failed to effectively and humanely regulate the flow of migrants to the U.S. Furthermore, millions of close family members remain in visa backlogs for years, waiting to be reunited with their families. More immigrants are paying large sums to smugglers and risking their lives to work and be reunited with their families; the number of border deaths has increased dramatically in recent years, now reaching an average of nearly one death per day.
- **The Real ID Act.** Federal, state, and local legislators have introduced bills and amendments claiming to enhance national security. In reality, these bills do not increase national security and may make us less safe by alienating and targeting

immigrant communities. The REAL ID Act, for example, imposes federal driver's license standards on all states, requires all driver's license applicants to prove U.S. citizenship or legal immigration status, denies due process rights to legal immigrants, and restricts the ability of victims of persecution to obtain political asylum, among other provisions. This law will be devastating to the entire Latino community, will impact all states and persons applying for driver's licenses, and will not make the U.S. any safer.

- **State Anti-Immigrant Initiatives.** The federal government's failure to act on promoting effective immigration policy has resulted in considerable frustration throughout the country. As a result, many states and localities face serious challenges in integrating new immigrants into their schools, churches, workplaces, and neighborhoods. Some states and localities have extended the welcome mat to their new residents by issuing driver's licenses regardless of immigration status, allowing immigrant students to attend college at in-state tuition rates, and accepting foreign government-issued identification documents. Others have responded differently. Arizona recently passed Proposition 200, a ballot initiative denying basic public services to undocumented immigrants and forcing bureaucrats to check immigration documents. Since then, reports of new policies and laws intended to marginalize and criminalize immigrants have increased dramatically.

A Pro-Hispanic Candidate or Incumbent:

- **Supports** comprehensive immigration reform legislation that includes: 1) an earned legalization and path to citizenship for undocumented immigrants who can prove they have lived and worked in the U.S. and pass extensive background checks; 2) a reduction in the family backlogs; 3) new legal channels for needed immigrant workers in the future; and 4) enforcement mechanisms that ensure a well-functioning system. The "Secure America and Orderly Immigration Act of 2005" (H.R. 2330/S. 1033) contains all of these elements.
- **Supports** the issuance of driver's licenses and state identification documents to all state residents, regardless of immigration status. Implementation of the REAL ID Act will have harmful consequences for all Americans and may result in the denial of identification documents to many people, including legal immigrants and U.S. citizens. State legislators must be educated about the dangers of the REAL ID Act, and efforts must be made to repeal it or, at the very least, implement it in a way that is least harmful to all Americans.
- **Opposes** Proposition 200-type ballot initiatives and other anti-immigrant policies and legislation at the state and local levels. These policies do nothing to resolve the underlying causes of the broken immigration system, are harmful to immigrant and Latino communities, and make American neighborhoods and communities less safe.

Jobs and the Workforce

By Eric Rodriguez

The landscape of the American workforce has changed – today, Hispanics are the largest minority group in the U.S., accounting for 13.5% of the total U.S. population and a similar share of the total American labor force. Yet, low education levels, limited skills, and lack of work-based English proficiency help to concentrate Hispanic workers in selected industries and occupations that offer few benefits, pay low wages, and present few opportunities for career growth.

Key Issues for Latinos

- **Reauthorization of the Workforce Investment Act (WIA).** WIA, the law that guides federal job training investments, has failed to adequately address the employment challenges of Latino workers. For example, only 7% of all limited-English-proficient (LEP) adults received services through WIA in FY 2000. In addition, Workforce Investment Boards (WIBs) do not represent the interests of all segments of the local community, and Latino-serving community-based organizations (CBOs) have been effectively barred access to federal job training resources.
- **Job Mobility.** There is a need to design strategies that map career pathways and related training to move Latinos out of entry-level, low-wage jobs. Critical

workforce shortages in several industries including health care, construction, transportation, and retail are evidence of the growing “skills gap” and the lack of access to integrated training options for workers to develop these specific skills. Industries with a high concentration of Latino workers require programs that address the challenges Latinos face in moving up the economic ladder. In addition, employers must ensure that business practices and policies strengthen opportunities for all workers and increase access to safe, quality jobs with benefits.

A Pro-Hispanic Candidate or Incumbent:

- **Supports** reauthorization of the Workforce Investment Act with improvements in services to immigrant and limited-English-proficient workers and better access to federal job training resources for Latino-serving community-based organizations.
- **Supports** policies that promote an increased presence of Latino workers in underrepresented sectors of the economy and those projected to experience high growth.

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