

National Hispanic Leadership Agenda Congressional Scorecard

**105<sup>th</sup> Congress** 

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## The National Hispanic Leadership Agenda

The National Hispanic Leadership Agenda (NHLA) calls for a spirit of unity among Latinos nationwide to provide the Hispanic community with greater visibility and a clearer, stronger voice in our country's affairs. The NHLA seeks a consensus among Hispanic leaders to help frame policy and promote public awareness of the major issues that affect Latinos at a national level. The NHLA was founded in 1991 as a non-partisan coalition of major Hispanic national organizations and distinguished Hispanic leaders from across the nation. It represents all major ethnic groups in the Latino community — Mexican Americans, Puerto Ricans, Cuban Americans, and other Americans whose countries of origin are in the Caribbean or in Central or South America. Governing the NHLA is a 32-member board comprised of the chief officers of 24 national Hispanic organizations, along with elected officials, corporate executives, and other prominent professionals. The goals that guide its efforts are: (1) to identify, analyze and shape public policies on Latino issues, based upon a consensus of Latino leaders nationally; (2) to prepare and disseminate a consensus-based policy agenda that specifies the nature and scope of Latino concerns and needs throughout the country, and (3) to promote greater awareness of and attention to Latino concerns among the nation's policy-makers and civic community leaders, as well as among the general public.

## Acknowledgments

This report represents the culmination of a nine-month cooperative effort by many member organizations of the National Hispanic Leadership Agenda (NHLA). Most of the key votes were selected, and bill descriptions were prepared, by members of the NHLA Congressional Scorecard Committee, chaired by Charles Kamasaki of the National Council of La Raza (NCLR). Other NHLA members, including the American GI Forum, the ASPIRA Association, Inc., MANA - A National Latina Organization, and the National Association for Bilingual Education (NABE), contributed to the vote selection process and/or provided bill descriptions. At NCLR, Joel Najar conducted the analysis of key votes; Rosemary Aguilar Francis and Ofelia Ardón-Jones were responsible for the report's design and layout; and Cristina Bryan edited and proofread the text. Special thanks to Artie Blanco of NALEO and Carmen Joge of NCLR for their extensive substantive, technical, and logistical support.

This report was made possible through NHLA membership dues and other unrestricted revenues. The contents of this report are the sole responsibility of the National Hispanic Leadership Agenda, and do not necessarily represent the views of any single NHLA individual member, member organization, or contributor. Nothing in this report is intended to constitute an endorsement, real or implied, of any candidate for political office.

# Foreword

The most cherished rights of American democracy ultimately depend on accurate, timely information. The public's right to petition the government to redress grievances and promote the public interest - and to hold government officials accountable for their actions - requires public knowledge and understanding of the actions taken by such officials. Similarly, the right of the governed to choose their own elected officials requires an informed citizenry.

All Americans are acutely aware of the difference between rhetoric and action. Many public officials have become very deft in conveying messages that resonate with the public. Sometimes these officials act in ways consistent with their words, other times they take actions contrary to what they say. It is our hope that the 1998 NHLA Congressional Scorecard will provide the public with an objective tool for assessing the performance of Congress on issues that matter most to Latinos. We believe that this kind of information is key to promoting a more engaged and empowered Latino community.

In this context, the National Hispanic Leadership Agenda is pleased to present this scorecard of the 105th Congress. During the past four years, the NHLA has monitored closely the performance of the Clinton Administration in addressing the policy priorities in the Latino community. Our most recent scorecards have measured the performance of each Administration Cabinet agency with respect to the quantity and quality of Latino appointments. In this document, the NHLA turns its attention to the performance of the legislative branch of the federal government in addressing the same challenges within the diverse and growing Hispanic community.

> Arturo Vargas, Chair National Hispanic Leadership Agenda

# I. METHODOLOGY

In the Spring of 1998, the Board of Directors of the National Hispanic Leadership Agenda (NHLA) authorized the publication of a Hispanic Congressional Scorecard, covering both sessions of the 105th Congress, soon after it adjourned and prior to the 1998 elections. A Scorecard Committee was appointed to identify and recommend to the Board votes for inclusion in the document (see front cover for a listing of Committee members).

The fundamental purpose of the Scorecard is to ensure that Latino leaders, organizations, and citizens are fully informed about the performance of federal legislators on issues of importance to the Hispanic community. In addition, it is expected that the future behavior of the U.S. Representatives and U.S. Senators themselves may be influenced by the knowledge that key votes on issues of particular significance to Hispanic Americans will be scrutinized and published.

Pursuant to discussions of the NHLA Board, the Committee used three basic criteria to select key votes:

- Importance of the vote to the Hispanic community, measured both substantively and symbolically
- Prior notice to members of Congress regarding the position of the Latino community, as evidenced by a formal communication by at least one NHLA member organization to the Congress
- Substantial consensus, although not necessarily unanimity, among NHLA member organizations regarding the "pro-Hispanic" position

During the Committee's deliberations, an informal "issue diversity" criterion also emerged. In other words, the Committee sought some degree of balance in the votes selected so that the Scorecard would not be unduly weighted toward any single issue, e.g., immigration or voting rights. Committee decisions were arrived at by consensus. Member organizations identified potential votes, which were then discussed, sometimes at length. Only those votes reflecting a consensus of the Committee were recommended to the Board for inclusion.

On September 18, 1998, after consideration and some revisions of the Committee's recommendations, the full NHLA Board of Directors selected the votes included herein for inclusion in the Scorecard. In several instances, votes that were expected but which had not yet taken place were authorized for inclusion in the Scorecard.

# II. KEY VOTES

### A. Overview

In the section below, each key House and Senate vote is characterized by a vote number, the lead sponsor, a brief description, and identification of the "pro-Hispanic" position. There are significantly more House votes than Senate votes, a reflection of the fact that a greater volume of key votes took place in the House than in the Senate.

### B. Key votes in the House of Representatives - 105th Congress

#### **CIVIL RIGHTS & ENVIRONMENTAL JUSTICE**

- 1. Amendment to Promote Gender Pay Equity. H.R. 1853 Vocational-Technical Education. Mink (D-HI) amendment to require states that currently fund programs for homemakers, single parents, and pregnant women, and programs that promote gender equity, to continue to fund the programs at the same level as in FY 1997. The amendment would also establish a gender pay equity coordinator, as required under current law. Amendment rejected 207-214 (RC# 286), July 22, 1997. (PRO-HISPANIC POSITION - Y)
- 2. Motion to Recommit to Promote Gender Pay Equity. H.R. 1853 Vocational-Technical Education. Mink (D-HI) motion to recommit the bill to the Education and the Workforce Committee with instructions to require states to set aside 10% of vocational education funds for programs that promote gender equity and assist displaced homemakers, single parents, and single pregnant women. Motion rejected 207-220 (RC# 288), July 22, 1997. (PRO-HISPANIC POSITION Y).
- 3. Amendment to Prevent English-Only Policy in Puerto Rico. H.R. 856 Puerto Rico Self-Determination Act. Burton (R-IN) and Miller (D-CA) offered substitute language to Solomon amendment that would declare English as the official language of the United States. Supporters of "English-Only" and official English opposed Burton substitute, which would declare that if Puerto Rico chose statehood, then it would have to abide by existing language requirements for all other states. Amendment passed 238-182 (RC #29), March 4, 1998. (PRO-HISPANIC POSITION - Y)
- 4. Amendment to Eliminate the Disadvantaged Business Enterprise (DBE) program. H.R. 2400 Building Efficient Surface Transportation and Equity Act. Roukema (R-NJ) amendment to eliminate the DBE program within the Department of Transportation and deny equal access to federal contracting dollars to small and disadvantaged minority- and womenowned businesses. Amendment failed 194-225 (RC# 93), April 1, 1998. (PRO-HISPANIC POSITION N)
- 5. Amendment to Eliminate Affirmative Action in Higher Education. H.R. 6 Higher Education Act Reauthorization. Riggs (R-CA) amendment to prohibit affirmative action in admissions in public colleges and universities that participate in any Higher Education Act program. This Amendment would do what the U.C. Regent's decision did in California deny Latino students an equal opportunity to achieve a higher education. Amendment rejected 171-249 (RC# 133), May 6, 1998. (PRO-HISPANIC POSITION N)

- Amendment to Eliminate Affirmative Action in Science and Engineering Education. H.R.
  6 Higher Education Act Reauthorization. Campbell (R-CA) amendment to prohibit science and engineering improvement programs of the Higher Education Act to be targeted for minority students. This Amendment would limit opportunities for Latinos to succeed in these highly competitive programs. Amendment rejected 189-227 (RC# 134), May 6, 1998. (PRO-HISPANIC POSITION N)
- 7. **Bill to Allow Nuclear Waste Dump in Sierra Blanca.** H.R. 629 Texas Radioactive Waste Disposal Compact Conference Report. Barton (R-TX) bill to construct a nuclear waste dump near Sierra Blanca, Texas, a poor, Mexican American community which is already the site of one of the largest sewage sludge projects in the country. The dump would violate the 1983 La Paz environmental agreement between the U.S. and Mexico. In August 1998, two Texas administrative law judges recommended that the dump license be denied because of severe geological problems and unanswered questions about environmental racism. This bill would pressure local conservation commission officials to approve the license. Bill passed 305-117 (RC# 344), July 29, 1998. (PRO-HISPANIC POSITION N)
- 8. Amendment to Allow Funding for Census Sampling. H.R. 4276 FY 1999 Commerce, Justice, State Appropriations. Mollohan (D-WV) amendment to remove bill language restricting funds from being used by the Census Bureau for statistical sampling. Sampling is the best, scientifically proven method available to ensure a more accurate Census for the year 2000, which has a disparate impact on Hispanic and other minority communities living in hard-to-reach rural and urban areas. Amendment failed 201-227 (RC# 388), August 5, 1998. (PRO-HISPANIC POSITION Y)

#### EDUCATION

- 9. Amendment to Restrict Funding for Standardized Education Testing. H.R. 2264 FY 1998 Labor, HHS Appropriations. Goodling (R-PA) amendment to prohibit the use of any appropriated funds for the development of national reading tests for fourth graders and national math tests for eight graders. The use of standardized national tests for high-stakes purposes, without equitable distribution of resources, can have an adverse impact on Hispanic students. Amendment passed 295-125 (RC# 398), September 16, 1997. (PRO-HISPANIC POSITION Y)
- 10. Amendment to Increase Public School Improvement Bonds. H.R. 2646 Education Savings Accounts. Rangel (D-NY) substitute amendment to increase the cap on the amount of funding that public schools may use to issue interest-free bonds for school construction and curriculum development and teacher training from \$400 million to \$4 billion in fiscal 1998 and 1999. Amendment rejected 199-224 (RC# 523), October 23, 1997. (PRO-HISPANIC POSITION Y)
- 11. **Bill to Eliminate Bilingual Education Programs.** H. R. 3892 "English Language Fluency Act." Riggs (R-CA) bill would transform the current bilingual education program into an English language acquisition program, ignoring language-minority student achievement in other core subjects, such as math, science, and history. In addition, it would set a two-year limit for public school limited-English-proficient children to learn English, after which they will be placed in English-only classrooms. H.R. 3892 would also void current compliance agreements between the Office of Civil Rights of the U.S. Department of Education

and local education agencies that have failed to provide language-minority students with appropriate educational services. Bill passed 221-189 (RC# 424), September 10, 1998. (PRO-HISPANIC POSITION - N)

12. **Bill to Block Grant Education Funding.** H.R. 3248 - "Dollars to the Classroom Act." Pitts (R-PA) bill to collapse into a single block grant 31 federal programs designed to help raise achievement levels of and improve the quality and equity of programming for low-income and limited-English-proficient (LEP) students. The bill would repeal programs such as Goals 2000, Eisenhower Professional Development, Technology Challenge Fund, 21st Century Community Learning Centers, Comprehensive Regional Assistance Centers, and Education for Homeless Children. The bill would strip accountability requirements put in place to ensure quality and equity of programming tied to receipt of federal funding. Bill passed 212-198 (RC# 452), September 18, 1998. (PRO-HISPANIC POSITION - N)

#### FEDERAL BUDGET

13. Bill to Reduce Discretionary Spending. H. Con. Res. 284 - FY 1999 Budget Resolution. Kasich (R-OH) resolution, with support of House leadership, called for major reductions in domestic discretionary funds, including housing assistance programs. The resolution did not include restoration of Food Stamp benefits for legal immigrants, or increases in education, civil rights enforcement, or child care programs requested by the Administration. It provided for \$101 billion in tax cuts, primarily for upper-income Americans. Although budget resolutions are not binding, they represent a "framework" or "road map" for appropriations committees, and therefore are highly influential in shaping ultimate Congressional action. Resolution passed 216-204 (RC# 210), June 5, 1998. (PRO-HISPANIC POSITION - N)

#### IMMIGRATION

- 14. Motion to Instruct Against Adjustment of Status for Legal Immigrants. H. R. 2267 FY 1998 Commerce, Justice, State Appropriations. Rohrabacher (R-CA) motion to instruct House conferees to delete Senate language to permanently extend section 245(i) of the Immigration and Nationality Act which permits would-be immigrants who are present in the United States to remain in the country while adjusting to permanent legal status. Motion rejected 153-268 (RC# 541), October 29, 1997. (PRO-HISPANIC POSITION N)
- 15. Amendment to Allow Military on the U.S.-Mexico Border. H.R. 3616 Defense Authorization Act. Traficant (D-OH) amendment to allow Attorney General, secretary of the Treasury and the secretary of Defense to assign up to 10,000 military personnel to assist the Immigration and Naturalization Service and the Customs Service in border control activities. Similar to RC# 224 (269Y-119N) in 1997, except that the incident which killed Esequiel Hernandez had occurred since that vote, and called into question the wisdom of assigning military troops to the U.S. border. Amendment passed 288-132 (RC# 180), May 21, 1998. (PRO-HISPANIC POSITION N)

#### **INCOME SECURITY & FAMILY SUPPORT**

16. **Bill to Reform Public Housing Programs.** H.R. 2 - Housing Opportunity and Responsibility Act. Lazio (R-NY) bill would repeal U.S. Housing Act of 1937, deregulate public housing and rental assistance programs for low-income households, and weaken low-in-

come targeting requirements. Proposal would decrease the participation rates of low-income Hispanics. In 1995, HUD found 27 percent of Hispanics were below the poverty level and have the worst-case housing needs of any category of recipients. Bill passed 293-132 (RC# 127), May 14, 1997. (PRO-HISPANIC POSITION - N)

- 17. Amendment to Extend SSI Payments for Elderly and Disabled Legal Immigrants. H.R. 1469 Supplemental Fiscal 1997 Appropriations. Diaz-Balart (R-FL) amendment to postpone the scheduled termination of Supplemental Security Income (SSI) payments to legal immigrants until the end of fiscal 1997. Under the 1996 welfare system overhaul (PL 104-193) such payments to legal immigrants would end on August 22, 1997. Amendment passed 345-74 (RC# 133), May 15, 1997. (PRO-HISPANIC POSITION Y)
- 18. Rule to Prohibit Restoration of Food Stamps for Legal Immigrants. H.RES. 446 Agricultural Research Bill. Solomon (R-NY) rule for debate of the Conference Report would have prohibited the provisions in S. 1150 that restore \$818 million in funding for food stamps for legal permanent residents who entered the United States before enactment of welfare reform (8/22/96) and who are either elderly, disabled, or under age 18; and certain other immigrants, refugees, and asylees. Resolution failed 120-289 (RC# 188), May 22, 1998. (PRO-HISPANIC POSITION - N)

#### **VOTING RIGHTS**

- 19. **Bill to Create Voter Verification System**. H.R. 1428 Voter Eligibility Verification Act. Horn (R-CA) bill to establish a pilot program in the five largest states, under which state and local officials could require Social Security numbers from voting applicants. It also directs the Justice Department, in consultation with the Social Security Administration and the Immigration and Naturalization Service, to set up a system whereby local officials could seek verification of the citizenship of those attempting to vote. A two-thirds majority of those present and voting (273 in this case) is required for passage under suspension of the rules. Motion rejected 210-200 (RC# 17), February 12, 1998. (PRO-HISPANIC POSI-TION - N)
- 20. Amendment to Prohibit Campaign Contributions by Legal Immigrants. H.R. 2183 -Campaign Finance Reform. Fossella (R-NY) amendment to the Shays/Meehan substitute to ban legal permanent residents (LPRs) from making campaign contributions and/or expenditures in federal, state, and local elections. It attacks the First Amendment rights of legal immigrants, and it encourages political discrimination against ethnic minorities, especially new Americans — those U.S. citizens who speak with an accent or "look foreign." Amendment passed 282-126 (RC# 276), July 14, 1998. (PRO-HISPANIC POSITION -N)
- 21. Amendment to Repeal "Motor-Voter" Law. H.R. 2183 Campaign Finance Reform. Goodlatte (R-VA) amendment to the Shays/Meehan substitute to repeal mail-in voter registration, require proof of citizenship and full Social Security numbers when registering to vote, and require photo ID at the polls. This amendment would undo Motor-Voter legislation, threaten individual privacy rights, and increase the likelihood of voting rights violations against Hispanic Americans. Amendment failed 165-260 (RC# 358), July 30, 1998. (PRO-HISPANIC POSITION - N)

- 22. Amendment to Require Photo ID at Polling Booths. H.R. 2183 Campaign Finance Reform. Wicker (R-MS) amendment to the Shays/Meehan substitute to allow states to require photo ID at the polls without Voting Rights Act protections against discrimination. The amendment would have affected states with high minority populations and a history of violating their voting rights. It would have had a disparate impact on the Latino community. Amendment failed 192-231 (RC# 359), July 30, 1998. (PRO-HISPANIC POSITION N)
- 23. Amendment to Create Voter Verification System. H.R. 2183 Campaign Finance Reform. Peterson (R-PA) amendment to the Shays/Meehan substitute to amend the Social Security Act and the Immigration and Naturalization Act to establish a voter verification program through a federal pilot program. It would have threatened the privacy and voting rights of ethnic minorities, and would have had a chilling effect on voter participation. Similar language to previously-defeated H.R. 1428 (see vote 19). Amendment failed 165-260 (RC# 366), July 30, 1998. (PRO-HISPANIC POSITION N)
- 24. Amendment to Prohibit Bilingual Voting Assistance. H.R. 2183 Campaign Finance Reform. Barr (R-GA) amendment to the Shays/Meehan substitute to repeal the language assistance provisions of the Voting Rights Act of 1964 as amended in 1994. It would prohibit the use of bilingual ballots and bilingual assistance, and deny equal access to the vote for language-minority citizens. Amendment failed 142-267 (RC# 367), July 31, 1998. (PRO-HISPANIC POSITION N)

### C. Key votes in the Senate - 105th Congress

#### **CIVIL RIGHTS & ENVIRONMENTAL JUSTICE**

- 1. Motion to Preserve the Disadvantaged Business Program. S. 1173 Intermodal Surface Transportation Efficiency Act. Chafee (R-RI) motion to table McConnell, R-KY amendment to eliminate the Disadvantaged Business Enterprise program in the Department of Transportation and deny equal access to federal contracting dollars to small and disadvantaged minority- and women-owned businesses. Motion agreed to 58-37 (RC# 23), March 6, 1998. (PRO-HISPANIC POSITION - Y)
- 2. **Bill to Allow Nuclear Waste Dump in Sierra Blanca**. H.R. 629 Texas Radioactive Waste Disposal Compact Conference Report. Conference report, similar to S. 270, a bill sponsored by Sen. Snowe (R-ME) to construct a nuclear waste dump near Sierra Blanca, Texas, a poor, Mexican American community which is already the site of one of the largest sewage sludge projects in the country. The dump would violate the 1983 La Paz environmental agreement between the U.S. and Mexico. In August, 1998, two Texas administrative law judges recommended that the dump license be denied because of severe geological problems and unanswered questions about environmental racism. This bill would pressure local conservation commission officials to approve the license. Bill passed 78-15 (RC# 255), September 2, 1998. (PRO-HISPANIC POSITION N)

#### EDUCATION

3. Motion to Prevent Block Granting of K-12 Education Funds. S. 1061 - FY 1998 Labor, HHS Appropriations. Jeffords (R-VT) motion to table (kill) the Gorton, R-Wash., amendment that would create block grants for education funds for K-12 education. Motion rejected 49-51 (RC# 232), September 11, 1997. (Subsequently, the Gorton amendment was adopted on a voice vote.) (PRO-HISPANIC POSITION - Y)

- 4. **Motion to Prevent Increase in School Construction Bonds.** H.R. 2646 Expanding Education Savings Accounts. Coverdell (R-GA) motion to table (kill) the Moseley-Braun (D-IL), "school construction" amendment to provide \$10 billion in tax credits over ten years for purchasers of interest-free bonds to fund school construction projects. Motion agreed to 56-42 (RC# 90), April 21, 1998. (PRO-HISPANIC POSITION N)
- 5. Amendment to Block Grant Education Funds. H.R. 2646 Expanding Education Savings Accounts. Gorton (R-WA) amendment to require each state to decide within one year how it would like to receive its future federal education funding: administered as it is currently, sent directly to the states or sent directly to the local school districts. This block grant amendment would weaken effective targeting of federal education funds, and possibly divert funds from schools serving disadvantaged students. Amendment passed 50-49 (RC# 91), April 22, 1998. (PRO-HISPANIC POSITION - N)
- 6. Amendment to Fund Drop-Out Prevention Programs. H.R. 2646 Expanding Education Savings Accounts. Bingaman (D-NM) amendment to establish a national grant program to help schools create drop-out prevention programs. Amendment passed 74-26 (RC# 101), April 23, 1998. (PRO-HISPANIC POSITION - Y)

#### IMMIGRATION

7. Amendment to Create New Agricultural "Guestworker" Program. S. 2260 - Commerce-Justice-State Appropriations. Smith (R-OR) amendment to create new *bracero* guestworker program which would, among other things, reduce guestworkers' wages below current law; eliminate housing requirements; eliminate growers' responsibility to recruit available U.S. farm workers; expand guestworkers beyond agriculture to forestry and food processing; eliminate domestic workers' absolute preference for H-2A jobs; and eliminate provisions designed to deter grower "over-recruitment" of guestworkers. Amendment passed 68-31 (RC# 233), July 23, 1998. (PRO-HISPANIC POSITION - N)

#### **INCOME SECURITY & FAMILY SUPPORT**

- 8. Motion to Prohibit Restoration of Food Stamps for Legal Immigrants. S. 1150 Agricultural Research Bill. Gramm (R-TX) motion to recommit conference report for S. 1150, the Agricultural Research, Extension, and Education Reauthorization Act of 1997. S. 1150 contains \$818 million to restore food stamp eligibility to legal immigrants who are under 18, elderly or disabled, and were lawfully present in U.S. before enactment of welfare reform on August 22, 1996. S. 1150 would also extend eligibility of refugees and asylees for food stamps from five to seven years; Gramm motion would have stripped this extension and, in effect, would have delayed or killed enactment. Motion rejected 23-77 (RC# 128), May 12, 1998. (PRO-HISPANIC POSITION N)
- 9. Motion to Prevent Increase in Child Care Funding. S. 1415 Tobacco Settlement Act. McCain (R-AZ) motion to table (kill) amendment by Senators Bond (R-MO) and Kerry (D-MA), to guarantee that no less than 50% of revenues generated from tobacco bill be allocated to the Child Card and Development Block Grant to fund child care and afterschool activities, in which many Hispanic children participate. Motion rejected 66-33 (RC# 157), June 11, 1998. (PRO-HISPANIC POSITION - N)

- 10. Amendment to Count Education as "Work" under TANF. S. 1882 Higher Education Programs Authorization Extension - Education for Welfare Recipients. Wellstone (D-MN) amendment to expand educational and training opportunities for welfare recipients, increase from 12 to 24 months the limit on vocational education, allow for 24 months of postsecondary education to count as "work" activity under the Temporary Assistance for Needy Families (TANF) program, and exempt teen parents from the vocational education cap. Would have a positive impact on Hispanic welfare recipients who are often in need of education or training skills to attain employment with a livable wage. Amendment passed 56-42 (RC# 191), July 9, 1998. (PRO-HISPANIC POSITION - Y)
- 11. Motion to Prevent an Increase in the Minimum Wage. S. 1301 Bankruptcy Reform bill. Lott (R-MS) motion to table amendment by Kennedy (D-MA) to increase the federal minimum wage to \$5.65 an hour in 1999; and then to \$6.15 an hour in 2000. For Hispanic workers, almost half a million of whom earn the minimum wage and millions earning around the minimum wage, a degenerating minimum wage has increased the number of working poor Hispanics. Without an increase in minimum wage, the economic well-being of lowwage workers - and families with low-wage earners - will continue to decline significantly. Amendment rejected, 55-44 (RC# 278), September 22, 1998. (PRO-HISPANIC POSI-TION - N)