

NATIONAL IMMIGRATION LAW CENTER

Action Alert:

WORKFORCE INVESTMENT ACT BILL FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY INTRODUCED BY SENATORS CLINTON AND ENSIGN; COSPONSORS NEEDED

August 20, 2003

Senators Clinton (D-NY) and Ensign (R-NV), joined by Senator Bingaman (D-NM), have introduced legislation that will improve job training services and Adult Basic Education (ABE) for immigrants and persons with limited English proficiency (LEP). *The Access to Employment and English Acquisition Act* (S. 1543), introduced July 31, 2003, would amend the Workforce Investment Act (WIA) by providing incentives for states to help individuals who face language-related barriers to employment by improving access to programs that integrate job training and language acquisition. Senators Clinton, Ensign, and Bingaman serve on the Health, Education, Labor, and Pensions (HELP) Committee, which is scheduled to reauthorize the WIA this year. The senators will work to incorporate S. 1543 into the WIA bill as it moves through the HELP Committee.

Background:

The House of Representatives passed legislation reauthorizing the WIA on May 8, 2003. *The Workforce Reinvestment and Adult Education Act* (HR 1261) primarily reflects the Administration's priorities for reauthorization, and fails to address the needs of job seekers in a meaningful way. However, the bill includes proposals that represent a step in the right direction for persons who are LEP (see http://www.nilc.org/immseplymnt/wrkfrc_dev/wrkfrc_dev003.htm). Meanwhile, Senate HELP Committee staff has been working throughout the summer to draft bipartisan legislation reauthorizing the WIA. The committee released a "discussion draft" in July, although it acknowledged that it had only discussed the first 25 pages of the 125-page bill. NILC submitted comments, asking the committee to incorporate S. 1543's provisions.

Senate HELP committee staff will continue to work on the discussion draft in August and plan to have a bill ready when the senators return from recess on Sept. 2. At this time, it is unclear when the bill will reach the Senate floor. A copy of S. 1543 can be found at <http://thomas.loc.gov>.

Action:

Call or e-mail your Senators and ask them to cosponsor S. 1543. Let them know why it is important to address the training and education needs of LEP workers. You can remind them that immigrant families account for **20 percent of all low-wage working families with children**. If today's levels of immigration remain constant, immigrants will account for half of the working-age population growth between 2006 and 2015, and for all of the growth between 2016 and 2035. S. 1543 represents a crucial step in meeting the training and education needs of LEP workers.



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To contact your Senator, call 202-224-3121 and ask to be put through to your Senator's office or visit www.senate.gov for the list of Senators by State. Ask for the staff person who works on WIA. You can also email your Senator by clicking on "Senators" on the Senate website. It is especially important for you to call if you live in the district of a committee member. See list below.

The key provisions of S. 1543 are the following:

1. *Requirement that states describe how they will serve LEP populations in the state plan.*
Current law requires states to describe how they will serve the employment and training needs of dislocated workers, low-income individuals, homeless individuals, ex-offenders, individuals training for nontraditional employment, and other individuals with multiple barriers to employment, but not persons who are LEP. Including LEP persons will help focus the states' planning efforts to address the unique needs of LEP persons.
2. *Requirement that states comply with Title VI of the Civil Rights Act of 1964 by requiring "appropriate" translation and interpretation services.*
3. *Adjusted performance measures that take into consideration low levels of English proficiency.*
The current performance system creates a disincentive to serve persons who are LEP because they generally need more intensive training than native-born individuals. In order to meet performance measures, many job training centers serve those most likely to get a job. States currently have to meet performance measures that negotiated between each governor and the U.S. Dept. of Labor (DOL), taking into account economic conditions and the characteristics of the population. S. 1543 defines those characteristics to include, among other indicators, low levels of English proficiency.
4. *Incentives to serve "special populations."* Under current law, bonus grants are awarded only to states that exceed their performance measures. S. 1543 also would award grants based on the state's performance in serving "special populations," including LEP persons.
5. *Programs that serve LEP persons are eligible for demonstration, pilot, and research funding.*
Current law does not include programs that serve LEP persons as eligible for this funding. It is critical for programs that integrate language acquisition and job training to be eligible for inclusion in these projects and to be researched for their effectiveness.
6. *Improved access to training services.* Training services currently are viewed as a last resort in many states, making it difficult for persons in greatest need of job training to obtain them. S. 1543 allows job seekers to enroll in services that best meet their needs. The bill also clarifies that bilingual training or vocational English as a second language (ESL) instruction can count as a training activity.
7. *Amended Adult Basic Education (ABE) funding formula.* Under current law, LEP persons with a high school degree are not considered in the distribution of ABE funds—even though they are enrolled in ABE programs, such as ESL. S. 1543 amends the ABE funding formula to

NATIONAL IMMIGRATION LAW CENTER

include the actual number and percentage growth of state LEP populations with a high school degree.

8. *Improved access to ABE funding for community-based organizations.* Current law requires that all eligible providers have “direct and equitable” access to funding under Title II, which funds ABE (which includes ESL). S. 1543 requires states to include a description in their state plan of how they will ensure direct and equitable access. The bill also requires the state, in awarding grants or contracts, to consider the degree to which the provider will serve those “most in need,” including individuals who are LEP.
9. *Requires data collection on 16 to 18-year-old students.* Advocates are concerned that youth are being steered to adult education rather than high school due to the increased demands for better student performance that the “No Child Left Behind” Act has placed on high schools. In order to assess whether these concerns are justified and, if they are, the impact of this trend on 16 to 18-year-old students, S. 1543 requires data collection and reporting to the U.S. Dept. of Education and to Congress.

HELP Committee Members

Republicans

Judd Gregg (R-NH)
Senator Bill Frist (TN)
Senator Mike Enzi (WY)
Senator Lamar Alexander (TN)
Senator Mike DeWine (OH)
Senator Pat Roberts (KS)
Senator Jeff Sessions (AL)
Senator John ENSIGN (NV)
Senator Lindsey Graham (SC)
Senator John Warner (VA)

Democrats

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Senator John Edwards (NC)
Senator Christopher Dodd (CT)
Senator Christopher Bond (MO)
Senator Tom Harkin (IA)
Senator Barbara Mikulski (MD)
Senator Jeff Bingaman (NM)
Senator Patty Murray (WA)
Senator Jack Reed (RI)
Senator Hillary Clinton (NY)

Independent

Senator James Jeffords (VT)

FOR FURTHER INFORMATION, CONTACT:

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