

Congress of the United States  
House of Representatives  
Washington, DC 20515-3605

October 10, 2001

## Stop the Un-Funded Mandate That Divides America

Dear Colleague:

People have come from across the globe to unite as Americans, blending diversity into common themes and principles. But at the very time we most need unity, federal policies are quietly disrupting that unity and balkanizing us. Late in the last administration, Executive Order 13166 sparked 14 sets of regulations, compelling everyone doing business with the federal government to translate everything they do (oral and written) into an unlimited number of languages. However well intentioned, these un-funded mandates are leading to confusion, expense and resentment. You can remedy this by helping place a restriction on the Labor-HHS bill, through an amendment to be offered on the House floor.

Under this so-called policy guidance for "Limited English Proficiency" (LEP), all public and private entities that accept a federal payment (including state and local governments), under penalty of law MUST have translators constantly on-call to make translations into unlimited numbers of languages. They MUST translate even minor documents into unlimited languages. All this is done for "free" for whoever wants it, except Uncle Sam is NOT reimbursing the police, hospitals, physicians, non-profit groups, etc., who must bear this burden.

Common-sense is abandoned. Relatives and friends are not even *permitted* to help translate; professionals must be hired. The cost is pegged at 5-cents per word, per language. Translating this document, for example, would cost about \$40 for one language; \$80 for two; etc.

Many state agencies have asked that these requirements be withdrawn. The Supreme Court in April ruled (the *Sandoval* case) that there is NO constitutional or civil right violated by using English, and states cannot be compelled to be multi-lingual in everything.

Yet E.O. 13166 has not been withdrawn, but is being quietly and stubbornly pursued.

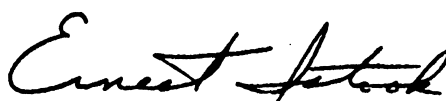
Hospitals and universities are the first targets of harassment by federal agencies. The University of Utah medical center spent over \$400,000 last year for translation services and publishes health brochures in 24 different languages; yet it's the target of a year-long, still-unresolved investigation by the Department of Health and Human Services. HHS bureaucrats have refused to provide a copy or any details about the complaint (NOT made by a patient) to the hospital *or to Congress*. The whole secretive process is an endless abuse.

The American Medical Association warns us that health care is being hardest hit, and that costs "... would be enormous and would significantly increase the costs of complying with the thousands of federal rules and regulations already imposed on the physician community in the form of un-funded mandates. . . . **Access to health care services would actually decrease rather than increase**, which would be especially detrimental for a patient population (especially rural and inner-city Medicaid recipients) that is most vulnerable and in need of services."

Eleven states formally requested the Labor Department to *withdraw* their regulations. As the State of New York Department of Labor submission stated: "...**safe harbor provisions would require the Department to provide extensive translation services to more than 40 LEP groups in New York alone... The Department's cost of complying with this requirement would be astronomical considering the hundreds of forms, letters, pamphlets, brochures, Internet web pages and posters that it develops for its federally supported programs**"

Join me in opposing E.O 13166. For further information call John Albaugh 6-2155.

Very truly yours,



Ernest J. Istook, Jr.  
Member of Congress