

\$4.8 billion is estimated for fiscal year 2001, and additional amounts in the outyears.

I commend the subcommittee chairman and ranking members for bringing this important measure to the floor. I urge the adoption of the bill and ask for unanimous consent that the Budget Committee scoring of the bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS, 2001:
SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 2001, \$ millions]

	General purpose	Manda- tory	Total
Conference Report ¹ :			
Budget authority	18,161	14,805	32,966
Outlays	17,683	14,810	32,493
Senate 302(b) allocation:			
Budget authority	18,306	14,805	33,111
Outlays	17,828	14,810	32,638
2000 level:			
Budget authority	16,210	14,479	30,689
Outlays	16,679	14,488	31,167
President's request:			
Budget authority	19,057	14,805	33,862
Outlays	17,951	14,810	32,761
House-passed bill:			
Budget authority	16,886	14,805	31,691
Outlays	17,201	14,810	32,011
Conference report compared to:			
Senate 302(b) allocation:			
Budget authority	-145		-145
Outlays	-145		-145
2000 level:			
Budget authority	1,951	326	2,277
Outlays	1,004	322	1,326
President's request:			
Budget authority	-896		-896
Outlays	-268		-268
House-passed bill:			
Budget authority	1,275		1,275
Outlays	482		482

¹ Also reflects conference report on Treasury-General Government Appropriations. Conference report also includes repeal of federal communications excise tax, which results in a revenue loss of \$4.328 billion in 2001, and a repeal of federal employee retirement contribution, which results in a revenue loss of \$460 million in 2001. Neither revenue effect is reflected in the discretionary scoring of this bill, and count on the PAYGO scorecard instead.

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. BENNETT. Mr. President, am I correct in my assumption that the previous order calls for a vote now on the conference report?

The PRESIDING OFFICER. The Senator is correct.

Mr. BENNETT. Have the yeas and nays been ordered?

The PRESIDING OFFICER. No.

Mr. BENNETT. Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 69, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—28

Allard	Bond	Cochran
Bennett	Campbell	Craig

Crapo	Hutchinson	Nickles
Domenici	Inhofe	Shelby
Enzi	Kyl	Smith (OR)
Fitzgerald	Lott	Specter
Gorton	Lugar	Thomas
Grassley	Mack	Thurmond
Gregg	McConnell	
Hagel	Murkowski	

NAYS—69

Abraham	Feingold	Mikulski
Ashcroft	Frist	Miller
Baucus	Graham	Moynihan
Bayh	Gramm	Murray
Biden	Grams	Reed
Bingaman	Harkin	Reid
Boxer	Hatch	Robb
Breaux	Helms	Roberts
Brownback	Hollings	Rockefeller
Bryan	Hutchison	Roth
Bunning	Inouye	Santorum
Burns	Jeffords	Sarbanes
Byrd	Johnson	Schumer
Chafee, L.	Kennedy	Sessions
Cleland	Kerrey	Smith (NH)
Collins	Kerry	Snowe
Conrad	Kohl	Stevens
Daschle	Landrieu	Thompson
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lincoln	Wellstone
Edwards	McCain	Wyden

NOT VOTING—3

Akaka	Feinstein	Lieberman
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The conference report was not agreed to.

Mr. STEVENS. Mr. President, I enter a motion to reconsider the vote by which the conference report was defeated.

The PRESIDING OFFICER. The motion is so entered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION AND NATIONALITY ACT AMENDMENTS—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 2045) to amend the Immigration and Nationality Act with respect to H-1B nonresidential aliens.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Florida.

Mr. GRAHAM. Mr. President, we are debating the motion to proceed to the legislation that would increase the number of visas for aliens who have certain technical skills that are deficient within the United States; that is, the H-1B visa bill. Several of us hope this bill can be expanded in order to deal with other pressing issues of immigration to provide not only for those who are desirous of working in the high-tech industry—the high-tech industry which needs their services—but also that we can redress some of the injustices which have seeped into our immigration law. So I am, today, rising to discuss those elements of unfairness that we hope can be considered under

the title of the Latino and Immigrant Fairness Act.

The focus of this legislation is, as the title of the act says, fairness. We all learned some fundamental lessons in grammar school. One of those is what is fair and what is not fair. It is fair for a teacher to punish two noisy schoolchildren who have broken the rules in the classroom by keeping both of them inside during the recess period. We may, in our own childhood, have been subjected to that kind of sanction. But if the teacher decides to let one child go out and play but keeps the other in, that wouldn't be fair. In other words, one of the aspects of fairness is treating people who are in the same circumstances in the same way.

We are here today trying to achieve that type of fairness because, in 1996, we passed an immigration law that went too far. It violated that rule of treating people in the same circumstances in the same way.

It was also unfair because it applied retroactively. People who had played by the rules, who were doing all the things that they thought this society wanted them to do in order to become a part of our society, suddenly found that all those steps were for naught, and they were about to be subjected to deportation. Making laws retroactive is almost always bad public policy. It is changing the rules in the middle of the game. That is what we have done, but this is our opportunity to correct it.

A little history: Central American and Haitian immigrants came to the United States, particularly in the 1980s, and were welcomed by Presidents Ronald Reagan and George Bush. They were fleeing civil wars or violent upheavals in their repressive governments. They followed every rule.

Over the past 10 or 15 years, they set down roots. They raised families; they bought homes, started small businesses. Then, with the passage of the 1996 immigration bill, they suddenly became deportable. They could be forced to return to their countries, the very countries they fled. They were being forced to do so based on no actions of their own but, rather, a change in the rules enacted here in Congress.

Congress was quick to recognize some of the overreaching of the 1996 immigration law because 1 year later, in 1997, and then 2 years later, in 1998, Congress took steps to correct this injustice for some people—mainly Nicaraguans, Cubans, and some Haitians. In 1997, with bipartisan support, Congress passed the Nicaraguan Adjustment and Central American Relief Act, often called NACARA.

In 1998, with bipartisan support, we passed the Haitian Refugee Immigration Fairness Act. In 2000, with the Latino and Immigrant Fairness Act, we can complete the process and correct injustices for all who face similar circumstances.

One part of the Latino and Immigrant Fairness Act, the part that we

refer to as "NACARA Parity," would have a tremendous impact on Central American and Haitian nationals. Many of the Central American and Haitian beneficiaries of this legislation reside in my State of Florida. I know them well. They are small business owners; they are educators; they are volunteers. They are raising families who are contributing to our State. These residents are a vibrant and crucial part of our community. Many have made Florida their home for 15 or 20 years or more. It is patently unfair to uproot these families after they have sunk such deep roots into our communities.

I had the honor of participating in a hearing held recently in Miami when we originally introduced the Haitian Refugee Immigration Fairness Act. At that hearing we heard some stories, stories of adults and children; stories of people like Louisiana Micleese and Nestela Robergeau. It deeply affected the whole audience in attendance at the hearing.

I spoke at the hearing and told the story of a Miami resident, Alexandra Charles, who witnessed the brutal killing of her mother by military personnel in Haiti. Alexandra couldn't come to the hearing when I spoke on her behalf because she was working at one of the two jobs she is holding down in order to pay her way through the Miami Dade Community College. This young adult, who had grown up in Florida, was in danger of being deported to what, for her, was, for all intents and purposes, a foreign country. Congress did the right thing and passed legislation to protect her. But we did not protect others.

There are other elements of this legislation, the Latino fairness legislation. It is legislation which will update the registry which has not been updated in many years. That is the registry of who is currently in the United States, who has been living here as a law-abiding person and can apply for some legal status in the United States, and also a restoration of the 245(i) program, which is pro-business, pro-family, and common sense.

I will not speak at length on those other two provisions in this legislation because I know there are colleagues who will follow me who desire to do so. But I want to make one point that is common to all three components of this legislation: The "NICARA Parity" provision, the registry update, and the restoration of the 245(i) program.

Many business organizations see this legislation, the three components, not only as humanitarian and fair but one that makes economic sense. I would like to submit for the RECORD a letter of support from the U.S. Chamber of Commerce and other business organizations.

I ask unanimous consent a letter dated September 8 of this year from the Essential Worker Immigration Coalition be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM. Mr. President, these immigrants are long-time employees of small businesses and other businesses in virtually every State. They are workers who do some of the toughest, hardest jobs in America. What affects them affects all of us, especially the businesses and the consumers who rely on their dedication, energy, and commitment to achieving the American dream.

I urge all my colleagues to work with us and assure that this vital, long overdue legislation, legislation that is in the best American traditions of fairness and justice, becomes law and becomes law this year.

EXHIBIT 1

EWIC ESSENTIAL WORKER
IMMIGRATION COALITION,
Washington, DC, September 8, 2000.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The Essential Worker Immigration Coalition (EWIC) is a coalition of businesses, trade associations, and other organizations from across the industry spectrum concerned with the shortage of both semi-skilled and unskilled ("essential worker") labor.

While all sectors of the economy have benefited from the extended period of economic growth, one significant impediment to continued growth is the shortage of essential workers. With unemployment rates in some areas approaching zero and despite continuing vigorous and successful welfare-to-work, school-to-work, and other recruitment efforts, some businesses are now finding themselves with no applicants of any kind for numerous job openings. There simply are not enough workers in the U.S. to meet the demand of our strong economy, and we must recognize that foreign workers are part of the answer.

Furthermore, in this tight labor market, it can be devastating when a business loses employees because they are found to be in the U.S. illegally. Many of these workers have been in this country for years: paying taxes and building lives. EWIC supports measures that will allow them to remain productive members of our society.

We believe there are several steps Congress can take not to help stabilize the current workforce:

- Update the registry date. As has done in the past, the registry date should be moved forward, this time from 1972 to 1986. This would allow undocumented immigrants who have lived and worked in the U.S. for many years to remain here permanently.

- Restore Section 245(i). A provision of immigration law, Section 245(i), allowed eligible people living here to pay a \$1,000 fee and adjust their status in this country. Since Section 245(i) was grandfathered in 1998, INS backlogs have skyrocketed, families have been separated, businesses have lost valuable employees, and eligible people must leave the country (often for years) in order to adjust.

- Pass the Central American and Haitian Adjustment Act. Refugees from certain Central American and Caribbean countries currently are eligible to become permanent residents. However, current law does not help others in similar circumstances. Congress needs to act to ensure that refugees from El Salvador, Guatemala, Haiti and Honduras have the same opportunity to become permanent residents.

We are also enclosing our reform agenda which includes our number one priority: al-

lowing employers facing worker shortages greater access to the global labor market. EWIC's members employ many immigrants and support immigration reforms that unite families and help stabilize the current U.S. workforce. We look forward to working with you to pass all of these important measures.

Sincerely,

ESSENTIAL WORKER
IMMIGRATION COALITION.

ESSENTIAL WORKER IMMIGRATION COALITION
MEMBERS

American Health Care Association, American Hotel & Motel Association, American Immigration Lawyers Association, American Meat Institute, American Road & Transportation Builders Association, American Nursery & Landscape Association, Associated Builders and Contractors, Associated General Contractors, The Brickman Group, Ltd., Building Service Contractors Association International, Carlson Hotels Worldwide and Radisson, Carlson Hotels Worldwide and TGI Friday's, Cracker Barrel Old Country Store, Harborside Healthcare Corporation, Ingersoll-Rand.

International Association of Amusement Parks and Attractions, International Mass Retail Association, Manufactured Housing Institute, Nath Companies, National Association for Home Care, National Association of Chain Drug Stores, National Association of RV Parks & Campgrounds, National Council of Chain Restaurants, National Retail Federation, National Restaurant Association, National Roofing Contractors Association, National Tooling & Machining Association, National School Transportation Association, Outdoor Amusement Business Association, Resort Recreation & Tourism Management, US Chamber of Commerce.

Mr. GRAHAM. Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is a motion to proceed on S. 2045.

Mrs. BOXER. Mr. President, I would like to address that subject, and I will probably speak for about 20 minutes.

The PRESIDING OFFICER. The Senator has that right. The Senator from California is recognized.

Mrs. BOXER. Mr. President, we have a very important issue facing us in California. In fact, we have two very important issues facing us in California that are intertwined into this particular discussion on immigration policy. One of them deals with the real shortage of high-tech labor that we face in California and elsewhere in the country, where we are finding that the high-tech industry cannot find enough good, qualified people with the proper skills, experience, and training to fill the high-tech jobs that are really fueling our economic recovery and our economic prosperity, not only in California but in many other States.

This is a real problem. At first, when I heard about it, I thought, could this

be true? Could it be true that we do not have these workers? Since I have asked that question, and a number of others did also, there have been some studies showing that it is the case; that we do have a shortage of these workers. If we don't make accommodations for people to come into this country who have these skills, we will simply not be able to function as an economy.

The second problem we face in California—and perhaps in other States, I am sure—is the question of fairness in our immigration law. Fairness really needs to be a hallmark of what we do when it comes to immigration. We should not treat people from one country who face real problems differently from people from another country who face similar problems. Yet we have that with respect to our Latin American policy. So we really need to have a situation where we have a Latino fairness act, while we are, in fact, taking care of the labor shortages for our business friends. These things are interrelated in many ways. I hope we will be able to take them up together and pass them together; or if we can't do it that way, I hope that we have an agreement between both sides of the aisle, and with the President, that we will make sure both of these problems are addressed and are addressed in a good and careful way.

Let me talk about the Latino fairness question. Basically, what we are asking for is parity for all Americans so immigrants from El Salvador, Guatemala, Honduras, and Haiti have the same chance and go through the same process for permanent status or asylum as those from Nicaragua and Cuba. It is very simple. Why should we say to immigrants from one Latin American country that they would have a different standard when, in fact, there has been great suffering in all of these countries?

It may take place in different ways, but the bottom line is that there are many people from these countries who had to leave these countries because of fear of harm to themselves, their families; and those people were in these countries I mentioned.

We have heard about death squads. We have heard about horrible things happening to people and people disappearing in the middle of the night. In fact, the families in Guatemala have been shattered by this kind of thing, and a group of mothers got together and brought this issue to the world's attention. So there has been suffering. We remember the suffering from El Salvador with the right-wing death squads operating there, and we know the horror stories from Haiti and the other countries that are clamoring for some kind of fairness.

So if you lived in Nicaragua and you were hurt there by the Communist regime, or if you lived in Cuba and you were hurt there by the Communist regime, we want to open our arms to you. Why wouldn't we want to open our arms to you if you were hurt by a

right-wing regime? We should not be playing politics at all. We should say that people who are persecuted by government—whether the bullet came from the right, left, or the middle, it doesn't matter; it is still a bullet. We should be fair to all of those people.

We want to update the registry so that undocumented aliens in the U.S. before 1986 can get a chance to remain permanently. The current cutoff date is 1972. Historically, we have gone back and changed those dates. It is time to do that.

We want to restore section 245(i), which allows those eligible for permanent resident status, who are in the U.S. already, to remain here while the process is being completed.

I want to tell you a real story about why this is so important. Jaime came to the U.S. from Mexico, and is now married to Michelle, a U.S. citizen. The couple has two daughters, both U.S. citizens. As a citizen, Michelle petitioned for an immigrant visa for her husband. When it came time to complete the visa application process, Jaime and his wife went to the consular offices in Ciudad Juarez, Mexico, for the interview. He was unaware that if he left the United States he would be barred from entering for 10 years. Michelle returned but has since lost her job and is struggling financially to support her children. Jaime is making very little money in Mexico—not enough to support his family in the U.S. Michelle finds every day a struggle to survive without her husband. The separation has caused great emotional anguish, as well as economic hardship.

I think all of us on both sides of the aisle care about families and care about family unification. We know how important it is that children have a mother and a dad at home, if it is possible. So here we have a policy where this gentleman who came here a long time ago, was working and supporting his family, made a mistake and left the country; now he finds out he can't come back for 10 years. We need to fix this problem.

So while we are helping our friends in the high-tech industry get workers and allow those workers to come into this country, to immigrate into this country, it seems to me that we ought to address this Latino fairness act.

As I said before, I was a little dubious when I heard of these shortages in the high-tech companies I represent. So I was very pleased when there was a study because the study showed that in fact they were telling us the absolute truth; they are short a lot of people.

In January 2000, unemployment hit its lowest level in 30 years. What a great economic story we have to tell. It is important to all of our sectors that are desperate for properly qualified employees.

We thought we would never see this day, even as recently as 1992, which seems like yesterday. That is when I won election to the Senate. The people

in my State were suffering double-digit unemployment. We are very happy to stand here today and say that because of the Clinton-Gore policy that made it through, we have seen the greatest economic recovery in history, with the biggest surplus we have seen, having created 22 million new jobs.

So we have a problem, and our problem is an enviable one to the entire world. We really need to have more help in our high-tech industry.

That is why this bill that is pending before us is so important. That is why I support it so strongly.

We see that an independent study group found a shortage of 400,000 programmers, systems analysts, and computer scientists.

We know we have a real problem. We also know we are not doing enough in this country to educate our kids.

That is why I am so excited at the idea of a huge commitment to education, the kind Vice President GORE talked about—he said the biggest since the GI bill. That is what we need so we don't have to import these workers.

The number of bachelor's degrees awarded in computer science has declined 43 percent between 1986 and 1996. The number of bachelor's degrees awarded in engineering declined 19 percent between 1986 and 1996.

We are not turning out the graduates for the computer science and engineering skills that we need.

We need to really move on this matter; it breaks my heart to say these high-paying jobs are not going to American workers.

Some of the good things in this H-1B visa bill deal with retraining. A lot of the funds will come from the fees the companies will pay. They have to pay a fee when they bring a worker in to do important things—workforce training; math and science engineering; technology; postsecondary scholarships for low-income and disadvantaged students; to the National Science Foundation for matching or direct grants to support private company partnerships; to assist schools in initiating, improving, or expanding math and science; and information technology curricula through a variety of methods. We have some funds to help our Department of Labor enforce and process these workers, and for the Immigration and Naturalization Service.

I compliment the committee for its work. I particularly thank Senator KENNEDY who did a very good job of working with the high-tech community. They are very supportive of seeing that these fees go to this education and job training. It is so important. It isn't enough. We need a bigger commitment to education. That is clear.

When I talk about education, I always quote a wonderful man who was the President in the 1950s, Dwight David Eisenhower. Ike said in those years that in order for us to be strong, it took more than just a strong military. He said you could have more guns than any other country. You could

have more missiles, more ships, and more people in uniform. But if you didn't have an educated workforce, if education wasn't front and center, it would mean nothing; we would be weak.

He was the first President in modern times to say there is a role for the Federal Government in education. He signed the National Defense Education Act in order to stimulate teachers to go into math and science, and so on.

If he were here today, I think he would be saying to us: You didn't do enough in education. You have done great on the military; we are the most powerful Nation in the world, but we had better make sure our people can run these very complicated military machines, let alone anything to do with the civilian sector.

My view is that we have a great opportunity with this bill. It is important that we give the high-tech community the workers they need so they will stay in this country, and so they will continue to fuel this economic growth.

It is also important that at the same time we are allowing so many thousands of farm workers into the country to help us—and we are very happy and willing to do that—that we look at our immigration policy toward people who have been here for many years—the Latino community—and pass the Latino fairness act.

I think if we did both of those things we would feel very good about the Senate because it would be fairness all the way around.

I appreciate having this opportunity to speak on this today. I know from the Silicon Valley and other areas of my State—Los Angeles, San Diego, and even now in the Central Valley where there is more and more growth in the high-tech computer industries—that we need this visa bill.

I also can tell you from my Latino community that they expect to be treated fairly. They are not asking for the world. They want their families to be reunited. They want fairness and equity for all Central Americans.

Again, if there was persecution in one country and we opened our arms to those good people, we should open our arms to the others from the other countries who have been left out.

Again, El Salvador, Guatemala, Honduras, and Haiti have been struggling. They need our help.

I think this is an opportunity to help our business community and to help our immigrants who are really making our country so strong and, in my opinion, doing the work that needs to be done every day. We couldn't find harder workers than they. They ought to be treated with dignity and respect.

While we are at it, we ought to raise the minimum wage. I hope we can take that up in the near future. I don't know if you can calculate what you would make if you earned a minimum wage. It is hard to survive. It is practically impossible to survive.

I hope we can do these things for our workers, for our businesses, for our im-

migrants, and move this country forward so the American dream is there for all of our people.

Thank you very much. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Wisconsin and I be allowed to proceed as if in morning business for a period of not to exceed 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Thank you, Mr. President.

(The remarks of Ms. COLLINS and Mr. FEINGOLD are located in today's RECORD under "Morning Business.")

Mr. FEINGOLD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, the Senate has been considering an important measure to increase the number of visas available for high-technology workers from other countries to come to the United States. I urge my colleagues to lend their support to that measure but also to an equally important measure, not only for providing a workforce in America but for keeping true to our fundamental sense of American fairness. The bill to which I refer is the Latino and Immigrant Fairness Act. I am honored to be a cosponsor of one of the three major elements of that act.

The United States is known throughout the world for the splendid vision that guides the actions we take as a nation. America is first and foremost a country that cherishes equality, a land where all people are equal under the eyes of the law, a land of liberty and justice for all.

This vision of America is a constant challenge to those of us in the Senate who are privileged to be working for the American people, working to make it concrete and real in everyday life. It is a hard task, indeed, to ensure equality of opportunity for all people, harder still to provide equal justice. Perhaps most difficult of all is the challenge of ensuring that equality of opportunity, of liberty, and of justice are available to the poorest, the most underrepresented, the most disenfranchised segments of American society.

There is an area of public policy where our efforts at achieving this American ideal have not always been successful, an area where counterproductive laws and cumbersome bureaucracies have dealt a series of unfair blows against people least able to defend themselves, an area where inequality in the eyes of the law is too

often the rule rather than the exception. I am speaking of the plight of our immigrant population.

Let me confess at the outset that I come to this subject with some prejudice. My mother was an immigrant to this country. In my office in the Senate above my desk is my mother's naturalization certificate. I keep it there as a reminder that the son of an immigrant to this country can one day be a U.S. Senator, representing a State as great as the State of Illinois.

My story isn't unique. There are stories such as mine all over America—of people who came here as immigrants, their sons and daughters, looking for the American dream and finding it. Given that opportunity to participate in this great society, to work hard, to try to achieve their very best, they did. Because of that, we are a great nation.

The current state of affairs is shocking when it comes to the arbitrary treatment of immigrants coming to our country. Almost at random, Federal authorities deem some immigrants to be legally here while others in identical situations are denied any legal protection.

In a nation that treasures and respects "family values", immigrant families are being torn apart under the capricious application of our current laws. Husbands must leave their wives, parents are separated from their children, brothers and sisters told they may never be able to see one another again, all in the name of an immigration policy that treats Nicaraguans differently from Salvadorans, children differently from adolescents, and skilled carpenters differently from skilled computer technicians.

The simple, inescapable fact is that our current immigration laws are unfair. They create a highly unworkable patchwork approach to the status of immigrants, one that assaults our sense of fair play. Immigrants from Nicaragua and Cuba who have lived here since 1995 can obtain green card status in the U.S. through a sensible, straightforward process. Guatemalans, Salvadorans and East Europeans are covered by a different, more stringent and more cumbersome set of procedures. A select group of Haitian immigrants are classified under another restrictive status. Hondurans by yet another.

Here are some examples:

As if this helter-skelter approach isn't bad enough, existing policies also treat family members of immigrants—spouses and children—differently depending on where they live, and under which provision of which law they are covered. Consider the case of young Gheycell, who came to the U.S. when she was 12 years old with her father and sister. The family was fleeing from war-torn Guatemala; fleeing the carnage, brutality and utter chaos that ravaged their poor country. They applied for asylum here in the United States, and received work permits as their case was decided. Nine years

later, the case is still pending. Gheycell's father and sister have been told they will get their green cards, but Gheycell, now 21 years old, is no longer a minor child, and has thereby lost her legal status. Although she has grown up in the United States, although she has become an active and integrated member of her community, although she has attended college here and wants to further pursue her education and her career and, most of all, although she desperately wants to stay together with her family, the vagaries of our current system have plunged this young lady into a status as an undocumented alien.

Or consider the plight of Maria Orellana, a war refugee from El Salvador, who fled the country when soldiers killed two members of her family. She has lived the past ten years in the United States. Recently, the INS ordered her deported even though she is eight months pregnant and even though her husband—himself an immigrant—has legal status here and expects to soon be sworn in as a U.S. citizen. When a newspaper reporter asked the INS to comment on Maria's case, the reply was: "I don't know why Congress wrote it differently for people of different countries. We're not in a position to change a law given to us by Congress . . . we just enforce the law as written."

Well, the law, in this case, was written badly, and needs to be fixed. That fix is before us today. It is the Latino and Immigrant Fairness Act. This bill addresses three areas of the most egregious inequities in immigration law, offering fixes that are not only meet the test of simple fairness, but also benefit our nation in important ways.

The first area that the Latino and Immigrant Fairness Act addresses is NACARA parity. Currently, the Nicaraguan Adjustment and Central American Relief Act—NACARA—creates different standards for immigrants depending on their country of origin. This patchwork approach relies on artificial distinctions and inevitably creates inequities among different populations of immigrants. The Latino and Immigrant Fairness Act would eliminate these inequities by providing a level playing field on which all immigrants with similar histories would be treated equally under the law. The Act extends to other immigrants—whether from the Americas or from Eastern Europe—the same opportunities that NACARA currently provides only to Nicaraguans and Cubans.

Secondly, a provision to restore Section 245(i) of the Immigration Act would restore a long-standing and sensible policy that was unfortunately allowed to lapse in 1997. Section 245(i) had allowed individuals that qualified for a green card to obtain their visa in the U.S. if they were already in the country. Without this common-sense provision, immigrants on the verge of getting a green card must return to their home country to obtain their

visa. However, the very act of making such an onerous trip can put their status in jeopardy, since other provisions of immigration law prohibit re-entry to the U.S. under certain circumstances. Restoring the Section 245(i) mechanism to obtain visas here in the U.S. is a good policy that will help keep families together and keep willing workers in the U.S. labor force.

Third, and equally important, is changing the Date of Registry. Undocumented immigrants seeking permanent residency must demonstrate that they have lived continuously in the U.S. since the "date of registry" cut-off. The Latino and Immigrant Fairness Act would update the date of registry from 1972—almost 30 years of continuous residency—to 1986. Many immigrants have been victimized by confusing and inconsistent INS policies in the past fifteen years—policies that have been overturned in numerous court decisions, but that have nonetheless prevented many immigrants from being granted permanent residency. Updating the date of registry to 1986 would bring long overdue justice to the affected populations.

Correcting the inequities in current immigration policies is not only a matter of fundamental fairness, it is good, pragmatic public policy. The funds sent back by immigrants to their home countries are important sources of foreign exchange, and significant stabilizing factors in several national economies. The immigrant workforce is important to our national economy as well. Federal Reserve Chairman Alan Greenspan has frequently cited the threat to our economic well-being posed by an increasingly tight labor pool. Well, this act would allow workers already here to move more freely in the labor market, and provide not just high-tech labor, but a robust pool of workers able to contribute to all segments of the economy.

In short, the Latino and Immigrant Fairness Act is an important step for restoring a fundamental sense of fairness in our treatment of America's immigrant population. Even in the midst of the Senate's busy end-of-session schedule, this is a bill that should be passed into law. It is a matter of common sense, and of good public policy but most of all, it is a matter of simple fairness.

But—and this must be said—the Latino and Immigrant Fairness Act has had an extraordinarily difficult time seeing the light of day. My good colleagues, Senators KENNEDY and REID and I tried to bring this bill forward for consideration in July, before the Senate left for its August recess. We were unsuccessful. We are trying again now, in the limited time left for this Congressional session, and again, we have been unsuccessful. And I must ask, for the sake of preserving families, shouldn't this bill be voted on? For the sake of our national economy—beset as it is by a shortage of essential workers—shouldn't this bill be voted on?

For the sake of the economies of those Latin American countries that receive considerable sums from immigrants to the U.S. who are able to legally live and work here, shouldn't this bill be voted on? For the sake of our national sense of fairness, of justice, of our very notion of right and wrong, shouldn't this bill be voted on?

The Latino Immigration and Fairness Act has unusually broad support. President Clinton and Vice President GORE both actively support the provisions in this bill. So does Jack Kemp. Empower America supports this bill as pro-family and pro-market. AFL-CIO supports it as pro-labor. Many faith-based organizations have lent their support as well, recognizing the simple fairness that is at the heart of this legislation. In light of this broad spectrum of bipartisan support for the Latino and Immigrant Fairness Act, it seems the only proper course of action is to bring this bill forward in the Senate for full consideration. Again, I have to close by asking this esteemed body: Shouldn't this bill be voted on?

Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I applaud what the distinguished Senator from Illinois has said. He, of course, has worked so long on both the H-1B visas issue and the immigration issues included in the Latino and Immigrant Fairness Act. I know of nobody who spends more time on these issues than he does. I am proud to be here with him, and I invite him to return to these issues as we proceed in this debate.

H-1B VISAS

Mr. LEAHY. Mr. President, I am pleased that we are finally turning our attention to this legislation and a debate over the best way to increase the number of H-1B visas, a policy goal that is shared widely in this body. The bill was reported from the Judiciary Committee more than six months ago. It has taken us a very long time to get from Point A to Point B, and it has often appeared that the majority has been more interested in gaining partisan advantage from a delay than in actually making this bill law.

The Democratic Leader has consistently said that we would be willing to accept very strict time limits on debating amendments, and would be willing to conduct the entire debate on S. 2045 in less than a day. Our Leader has also consistently said that it is critical that the Senate take up proposals to provide parity for refugees from right-wing regimes in Central America and to address an issue that has been ignored for far too long—how we should treat undocumented aliens who have lived here for decades, paying taxes and contributing to our economy. I joined in the call for action on H-1B and other critical immigration issues, but our efforts were rebuffed by the majority.