

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are trying to be accommodating here. We have had one Senator from that side. I understand if Senator HATCH was going to be here I would have to wait my turn, but I am here. I have been waiting. Under the fairness of recognition, I object. But I certainly do not object to the Senator speaking after my time.

The PRESIDING OFFICER. The Senator from Massachusetts has a right to object.

Mr. KENNEDY. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. GORTON. Parliamentary inquiry.

Mr. KENNEDY. Mr. President, I do not yield for a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

H-1B VISAS

Mr. KENNEDY. Mr. President, for months, Democrats and Republicans have offered their unequivocal support for the H-1B high tech visa legislation. In addition, Democrats have tried—without Republican support—to offer the Latino and Immigrant Fairness Act.

Democrats have worked tirelessly to reach an agreement with the Republicans to bring both of these bills to the floor for a vote. In fact, 2 weeks ago, Democrats were prepared to debate and vote on this legislation as part of their high-tech visa bill, but our Republican colleagues were unwilling to bring this measure to the floor and take a vote. And last Friday, Senator REID asked Senator LOTT for consent to offer the Latino and Immigrant Fairness bill and the Majority Leader objected. No matter what Democrats have done, the Republican leadership has been determined to avoid this issue and prevent a vote.

Our Republican friends tell us the Latino and Immigrant Fairness Act is a poison pill—that it will undermine the H-1B high tech visa legislation currently before the Senate. But, if Republicans are truly supportive of the Latino legislative agenda, that cannot possibly be true.

If they support the reunification of immigrant families as well as the immigration agenda set by the high tech community, we should be able to pass both bills and send them to the President's desk for signature.

I have three letters from children who wrote to the President about the significance of the Latino and Immigrant Fairness Act to families. I will read them quickly for the Senate.

Dear Bill Clinton.

My mom is a member of late amnesty.

That is the provision under which they would have received the amnesty. Then the INS put out rules and regulations so they were unable to make the application. Then they went to court

and found out later they had legitimate rights and interests; they should have received amnesty. Nonetheless, their rights were effectively eliminated by the 1996 act. So now they are in serious risk of deportation.

Dear Bill Clinton.

My mom is a member of late amnesty. The Immigration wants to report my mom. They don't want her here. She should have permission to stay here because I was born here. Please don't take her away from me and my brothers. I'll trade you my best toy for my mom. Like my bike and my little collections of cars. Don't take her away from me! Please.

Signed Ernesto

Here is another:

Dear President Clinton,

Please don't take my parents away from me. I love them very much and my sisters too. We have been together for a lot of years and I don't want to be separated now so please don't separate us.

Signed Larry.

Hi. My name is Blanca. I'm 8 years old. I feel bad for my parents. I want my parents to have their work permit back so that they could work hard as they used to work to overcome our lives in Los Angeles. I am willing to give you, Mr. President, Bill Clinton, my favorite doll for my parents' work permit.

Thank you!

Blanca

These are real situations. We are talking about families who ought to be here as a matter of right under the 1986 immigration bill. Their cause has been upheld by the courts.

The 1996 act, intentionally or not, effectively wiped out those rights, and those individuals are subject to deportation. The children of these individuals are American citizens, born in this country, but the parents are subject to deportation and live in fear of this.

The 1986 act was a result of a series of studies done by the Hesburgh Commission, of which I was a member and so was the Senator from Wyoming, Mr. Simpson. There were a number of provisions in that act. Included in that act was an amnesty provision for people who had been here for some period of time, who had worked hard and were part of a community, trying to provide for their families. These letters are examples of individuals who are now at risk, and we are attempting to resolve their family situation. The Latino and Immigrant Fairness Act is a family value issue.

I suggest, that if we are talking about families and about keeping families together, that this particular provision is a powerful one.

The Chamber of Commerce and a long list of organizations including, the AFL-CIO, the Anti-Defamation League, Americans for Tax Reform, and various religious organizations, support this legislation and have pointed out the importance of it to the economy and the importance of it to keeping families together. They have been strong supporters for these different provisions.

There were other amendments we hoped to offer as well. They dealt with

the training of Americans for jobs that would otherwise be filled by H-1B visa applicants. The average income for these jobs is \$49,000. These jobs require important skills. There are Americans who are ready and willing to work but do not have the skills to work in these particular areas. We wanted an opportunity to offer amendments to deal with this. This would not have required additional expenditures. We were going to have a modest fee of some \$2,000 per application that would have created a sum of about \$280 million that would have been used for skill training and work training programs, and it also would have provided assistance to the National Science Foundation in developing programs, particularly in outreach to women and minorities, who are under-represented in the IT workforce.

There was some allocation of resources to reduce the digital divide, and others to expedite the consideration of these visas and make them more timely, which are both important. That was a rather balanced program. Members can argue about the size and the allocation of resources in those areas, but nonetheless, it appears those provisions are relevant to the H-1B legislation. But we were prohibited under the action taken to even bring up these matters.

These issues can be resolved quickly. Under the proposal that was made by Senator DASCHLE, we would have 1 hour of debate on the issue of skill training, which is enormously important. I personally believe we have to understand that education is going to be a continuing life experience. And for those who are in the job market, training and education is going to be a life experience if they are to continue to get good jobs and enhance their skills.

These are all related to the subject at hand, but we have been denied the opportunity to offer them. Instead, we have been virtually free of any serious work on the floor of the Senate since 10:15 this morning. Another day has passed. Under the deadline that was established by the two leaders, the Senate will recess at the end of next week. Meanwhile, another day has passed and we continue to be denied the opportunity to remedy a fundamental injustice. We continue to be denied the opportunity to bring up the Latino and Immigrant Fairness Act, and the opportunity to debate and reach a conclusion on these matters.

We are ending another day, but I wonder what the intention is and why we continue to have this circus, so to speak. Americans are wondering. We are in the last 2 weeks of this Congress, and we have passed two appropriations bills. What is happening on the floor of the U.S. Congress? What Americans have seen today is a long period of quorum calls and the denial of Members to offer amendments in a timely way to reach a resolution of matters of importance, such as the H-1B legislation and the Latino and Immigration Fairness Act.

I thought when we were elected to the Senate, it was a question of priorities and choices. When I first came to the Senate, I heard this would be a great job if you didn't have to vote. I laughed when I first heard that. Now it is back. It is a great job if you don't have to vote. Now we are prohibited from voting and indicating our priorities on H-1B and the Latino and Immigrant Fairness Act. It is unfortunate that this is the case.

I am going to print in the RECORD a number of the letters that have been sent to me in support of these provisions. Some of the most moving ones have been from some of the religious organizations.

I want to be notified by the Chair when I have 10 minutes remaining.

I have a letter from the Lutheran Immigration and Refugee Service, one of the very best refugee services. I have followed their work over a long period of time. They are first rate. Here is what they wrote:

We understand and appreciate the needs of our country's high-tech industries and universities for highly skilled employees. We also feel, however, that legislation to benefit the most advanced sectors of our society should be balanced with relief for equally deserving immigrants who fled persecution and political strife, seek to remain with close family members or long worked equally hard in perhaps less glamorous jobs. A comprehensive bill would be a stronger bill vindicating both economic and humanitarian concerns.

They have it just about right.

I have another letter from the Jesuit Conference that says:

As you aim to make our immigration policy more consonant with U.S. reality, we ask you to recognize the present situation of thousands of immigrants from El Salvador, Guatemala, Honduras, and Haiti who fled political and economic turmoil in their countries years ago and are now living and working in the United States without permanent immigration status. Many of those immigrants have built families here and have strengthened the U.S. economy by providing services to the manufacturing industry with the essential low-wage workers they need. Congress has already acknowledged the need to ameliorate the harsh effects of the 1996 immigration law. In 1997, it passed the Nicaraguan Adjustment and Central American Relief Act that allowed Cubans and Nicaraguans to become permanent residents, but gave Salvadorans and Guatemalans limited opportunities to do so.

Haitians and Hondurans were completely excluded from the 1997 law. In 1997, Haitians were given hope for equal treatment and fairness by passage of the Haitian Relief Act, but the spirit of the legislation was ultimately thwarted by messy and slow law-making. It is time to remedy the unequal treatment received by Central Americans and Caribbeans once and for all.

The list goes on with group after group representing the great face of this nation pointing out the moral issues involved. Evidently they are not of sufficient and compelling nature that we are permitted to get a vote in the Senate. We are denied that opportunity, even though there is support from a long list of groups that understand the economic importance of this

to certain industries. But the moral reasons, the family reasons, the sense of justice which are underlined by members of the religious faith I find compelling.

I believe deeply that by failing to act, we are denying ourselves a great opportunity to remedy a great injustice.

HATE CRIMES

Mr. KENNEDY. Mr. President, last Friday night, an armed man walked into a gay bar in Roanoke, VA and opened fire wounding six gay men and killing another. According to news reports, the gunman asked for directions to the closest gay bar and confessed that he was shooting them because they were gay. This vicious shooting was clearly a crime motivated by hate. The victims were targeted solely because of their sexual orientation. The message of hate against the gay community was clear.

Hate crimes are a national disgrace. They are an attack on everything this country stands for. They send a poisonous message that some Americans are second class citizens because of their race, their ethnic background, their religion, their sexual orientation, their gender or their disability. We need to take a strong and unequivocal stand against these despicable crimes whenever and wherever they happen.

This Congress has a real opportunity to make a difference in the fight against hate-motivated violence. Two months ago, as an amendment to the Defense Authorization Bill, a strong bipartisan majority of the Senate voted in favor of hate crimes legislation that will close the loopholes in current law. I pay tribute to the Presiding Officer for his strong support of this endeavor. The House of Representatives has also demonstrated its strong bipartisan support for passing this important legislation on the defense bill.

Despite this unique opportunity, the Republican leadership in the Senate and the House continue to oppose including the hate crimes provisions in the conference report on the Defense Authorization Bill. By removing hate crimes legislation from the bill, the Republican leadership will send a disturbing message about its lack of commitment to equal protection of the law and to civil rights for all Americans.

I urge Majority Leader LOTT, Speaker HASTERT, and the conferees on the Defense Bill to do the right thing. Both the House and the Senate strongly favor action this year against hate crimes. Now is the time for the Congress to act by sending a clear and unmistakable signal to the American people that the federal government will do all it can to see that these despicable offenses are punished with the full force of the law.

Just last Friday night, one of the most horrendous and horrific kinds of crimes was committed by an armed man walking into a gay bar in Roa-

noke, VA. Interestingly, Virginia has hate crimes legislation, but it is not based upon sexual orientation. So that is a major opening in that law.

The legislation, which has passed in the Senate, would be able to address this issue. We should have the opportunity to vote on it. It was included in the defense authorization bill. It was strongly supported on the instructions by the House of Representatives. That conference is still open. I am a member of that conference. It is one of the last remaining items. It ought to be included. If we need a reminder of why it is important to pass this legislation, we have that tragic circumstance.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute 20 seconds.

Mr. KENNEDY. I thought I asked for a 10-minute warning.

The PRESIDING OFFICER. That is 1 minute 20 seconds prior to the 10 minutes.

Mr. KENNEDY. I thank the Chair.

THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. KENNEDY. Mr. President, I raise one other item of priority, and that is the failure to take action on the Elementary and Secondary Education Act.

If we don't take action, this will be the first time in 35 years where the Senate has failed to take action on the Elementary and Secondary Education Act. I, again, bring to the attention of our colleagues the commitment that was made by the majority leader going back to 1999.

On January 6, 1999, he said:

Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

On January 29, 1999:

But education is going to have a lot of attention, and it's not going to just be words. . . .

On June 22, 1999:

Education is number one on the agenda for Republicans in the Congress this year. . . .

On February 1, 2000:

We're going to work very hard on education. I have emphasized that every year I've been Majority Leader. . . . And Republicans are committed to doing that.

On February 3, 2000:

We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.

Here we are in May of 2000:

. . . I haven't scheduled a cloture vote. . . . But education is number one in the minds of the American people all across this country and every state, including my own state. For us to have a good, healthy, and even a protracted debate and amendments on education I think is the way to go.

The PRESIDING OFFICER. The Senator now has 10 minutes.

Mr. KENNEDY. I thank the Chair.

I ask the Chair to let me know when I have 2 minutes remaining.

Final statement, July 25: