

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. Gheyce's father and sister have been told they will get their green cards, but Gheyce, 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.

Indeed, months went by in which the majority made no attempt to negotiate these differences, time which many members of the majority instead spent trying to blame Democrats for the delay in their bringing this legislation to the floor. At many times, it seemed that the majority was more interested in casting blame upon Democrats than in actually passing legislation. Instead of working in good faith with the minority to bring this bill to the floor, the majority spent its time trying to convince leaders in the information technology industry that the Democratic Party is hostile to this bill and that only Republicans are interested in solving the legitimate employment shortages faced by many sectors of American industry. Considering that three-quarters of the Democrats on the Judiciary Committee voted for this bill, and that the bill has numerous Democratic cosponsors, including Senator LIEBERMAN, this partisan appeal was not only inappropriate but absurd on its face.

Finally, last week, the majority made a counteroffer that did not provide as many amendments as we would like, but which did allow amendments related to immigration generally. We responded enthusiastically to this proposal, but individual members of the majority objected, and there is still no agreement to allow immigration amendments. At least some members of the majority are apparently unwilling even to vote on issues that are critical to members of the Latino community. This is deeply unfortunate, and leaves those of us who are concerned about humanitarian immigration issues with an uncomfortable choice. We can either address the legitimate needs of the high-tech industry in the vacuum that the majority has imposed, or we can refuse to proceed on this bill until the majority affords us the opportunity to address other important immigration needs. I voted yesterday to proceed to S. 2045 because I believe it presents a good starting point for discussion, and because I believe we should make progress on immigration issues in this Congress. I still hope that an agreement can be reached with the majority that will allow votes on other important immigration matters as part of our consideration of this bill.

I believe there is a labor shortage in certain areas of our economy, and a short-term increase in H-1B visas is an appropriate response. Due to the stunning economic growth we have experienced in the past eight years, unemployment is lower than the best-case scenario envisioned by most economists. Increasing the number of available H-1B visas is particularly important for the high-tech industry, which has done so much to contribute to our strong economy. Although it is important that the high-tech industry ensure that it is making maximum possible use of American workers, it should also have access to highly-skilled workers from abroad, particularly workers who were educated at American universities. Under current law, however, which allowed for 115,000 visas for FY 2000, every visa was allotted by March, only halfway through the fiscal year.

So I support this bill's call for an increase in the number of visas. But I believe the legislation can be improved, and I look forward to the opportunity to make improvements through the amendment process. Most importantly, instead of including an open-ended provision exempting from the cap those foreign workers with graduate degrees from American universities, as S. 2045 does, I believe we should retain a concrete cap on the number of these visas. I believe we should increase the cap to 200,000, and then set aside a significant percentage of those visas for such workers. This should address employers' needs for highly-skilled workers, while also limiting the number of visas that go to foreign workers with less specialized skills.

I regret that we will likely be unable to offer other important amendments to this bill. For much of the summer, the majority implied that we were simply using the concerns of Latino voters as a smokescreen to avoid considering S. 2045. Speaking for myself, although I have had reservations about certain aspects of S. 2045, I voted to report it from the Judiciary Committee so that we could move forward in our discussions of the bill. I did not seek to offer immigration amendments on the Senate floor because I wanted to derail S. 2045. Nor did the White House urge Congress to consider other immigration issues as part of the H-1B debate because the President wanted to play politics with this issue, as the distinguished Chairman of the Judiciary Committee suggested on the floor last Friday. Rather, the majority's inaction on a range of immigration measures in this Congress forced those of us who were concerned about immigration issues to attempt to raise those issues. Under our current leadership, the opportunity to enact needed change in our immigration laws does not come around very often, to put it mildly.

It is a disturbing but increasingly undeniable fact that the interest of the

business community has become a prerequisite for immigration bills to receive attention on the Senate floor. In fact, with only a few weeks remaining before we adjourn, this will be the first immigration bill to be debated on the floor in this Congress. Even humanitarian bills with bipartisan backing have been ignored in this Congress, both in the Judiciary Committee and on the floor of the Senate.

The bipartisan bills that have suffered from the majority's neglect include both modest bills designed to assist particular immigrant groups and larger bills designed to reform substantial portions of our immigration and asylum laws. Bills to assist Syrian Jews, Haitians, Nicaraguans, Liberians, Hondurans, Cubans, and Salvadorans all need attention. Bills to restore due process rights and limited public benefits to legal permanent residents have been ignored.

The Refugee Protection Act, a bipartisan bill with 10 sponsors that I introduced with Senator BROWNBACK, has not even received a hearing in the Judiciary Committee, despite my request as Ranking Member. The Refugee Protection Act addresses the issue of expedited removal, the process under which aliens arriving in the United States can be returned immediately to their native lands at the say-so of a low-level INS officer. Expedited removal was the subject of a major debate in this Chamber in 1996, and the Senate voted to use it only during immigration emergencies. This Senate-passed restriction was removed in what was probably the most partisan conference committee I have ever witnessed. The Refugee Protection Act is modeled closely on that 1996 amendment, and I hope that it again gains the support of a majority of my colleagues.

As a result of the adoption of expedited removal, we now have a system where we are removing people who arrive here either without proper documentation or with facially valid documentation that an INS officer suspects is invalid. This policy ignores the fact that people fleeing despotic regimes are quite often unable to obtain travel documents before they go—they must move quickly and cannot depend upon the government that is persecuting them to provide them with the proper paperwork for departure. In the limited time that expedited removal has been in operation, we already have numerous stories of valid asylum seekers who were kicked out of our country without the opportunity to convince an immigration judge that they faced persecution in their native lands. To provide just one example, a Kosovar Albanian was summarily removed from the U.S. after the civil war in Kosovo had already made the front pages of America's newspapers.

The majority has mishandled even those immigration bills that needed to

be passed by a date certain to avoid significant humanitarian and diplomatic consequences. First, the Senate failed to pass a bill to make permanent the visa waiver program that allows Americans to travel to numerous other countries without a visa. The visa waiver pilot program expired on April 30, and the House passed legislation to make the program permanent in a timely manner, understanding the importance of not allowing this program—which our citizens and the citizens of many of our closest allies depend upon—to lapse. The Senate, however, simply ignored the deadline and has subsequently ignored numerous deadlines for administrative extensions of the program.

Second, the Senate has thus far refused to act on the bipartisan S. 2058, which would extend the deadline by one year for Nicaraguans, Cubans, and Haitians to apply for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act, NACARA, and the Haitian Refugee Immigration Fairness Act, HRIFA. The original deadline expired on March 31. But the Senate did not extend the deadline—an action that the Judiciary Committee unanimously approved—by March 31. And the Senate has not acted to extend the deadline in the intervening five and a half months. No one has expressed any opposition to S. 2058, which counts Senators MACK and HELMS among its sponsors; rather, the majority has simply allowed the bill to sit and fester, perhaps holding it hostage to the passage of S. 2045. As a result, we in the Congress have had to rely upon the Administration's assurances that it would not remove those who would be aided by the extension from the United States while this legislation was pending. As someone who has served for more than 25 years in the Senate, I find it profoundly disturbing that this body must rely on the Administration not to enforce the law because it has taken us so long to actually make good on our intention to change it. We should not need to rely on the good graces of the Administration—we should do our job and legislate.

I am well aware that immigration is just one of the many issues that Congress must address. Indeed, there may be some Congresses where immigration needs to be placed on the backburner so that we can address other issues. But this is not such a Congress. It was only four years ago that we passed two bills with far-reaching effects on immigration law—the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act. There are still many aspects of those laws that merit our careful review and rethinking. Among many others, Senators KENNEDY, MOYNIHAN, and DURBIN have been actively involved in promoting

necessary changes to those laws, in an attempt to rededicate the United States to its historic role as a leader in immigration policy. But their efforts too have been ignored by the majority.

When a bill such as S. 2045 comes to the floor, then, those of us who are concerned about immigration legislation would be abdicating our duty not to raise other potential immigration legislation. Most members of both parties want to see a significant increase in the number of H-1B visas. If there had been another avenue to obtain consideration of the rest of our immigration agenda, we would have taken it. But such an avenue was not offered.

I voted to proceed to consideration of this bill. I hold out hope that we can reach an agreement to discuss other critical immigration matters. If the majority truly wishes to display compassionate conservatism, and show concern for all Americans, such an agreement should be easy to reach.

#### LATINO AND IMMIGRANT FAIRNESS ACT

Mr. LEAHY. Mr. President, let me speak about the Latino and Immigrant Fairness Act and why we should consider this bill now.

I say this with no ulterior motive. Obviously, if anyone looks at the demographics of Vermont, they know I am not speaking about this because of a significant Hispanic population in the State of Vermont. I speak about it out of a sense of fairness. It is called the Latino and Immigrant Fairness Act. That is what it is.

I am a proud cosponsor of this legislation, not only as a Senator but as ranking member of the Judiciary Committee, because it addresses three very important issues to the Latino community.

We fought on our side of the aisle consistently to obtain debate and a vote on these proposals either as an amendment or as a freestanding bill.

Once again, I call on the leadership to give us either a vote as a freestanding bill or as an amendment because we ought to stand up in the Senate and say how we stand on this issue. If my colleagues on the other side believe in compassionate conservatism, they will allow a vote on this bill, which offers help to hardworking families who pay taxes and help keep our economy strong.

First off, this legislation ensures that we treat all people who fled tyranny in Central America equally, regardless of whether the tyrannical regime they fled was a left-wing or right-wing government.

I remember going into a refugee camp in Central America and talking to a woman who was there with her one remaining child. Her husband had been killed. Her other children had been

I said: Do you ally yourself with the left or the right? She didn't know who was on the left or who was on the right in the forces that were fighting. She only knew that she and her husband had wanted to raise their family and to farm a little land. And yet the forces of the regime came in and killed the whole family with the exception of her and her one child.

People who have no political position get caught in terrible circumstances, in between forces to which they have no allegiance.

In 1997, Congress granted permanent residence status to Nicaraguans and Cubans who fled dictatorship and who met certain conditions. It may well have been the right step. But others were left behind.

It is past time to extend the benefits of the 1997 law to Guatemalans, Salvadorans, Hondurans, and Haitians. To benefit under this bill, an immigrant would have to have been in the United States since December of 1995 and would have to demonstrate good moral character.

In addition to the clear humanitarian justifications for treating an immigrant from Guatemala who fled terror in the same way we treat an immigrant from Nicaragua who fled terror, there is also a strong foreign policy justification for this bill. These immigrants send money back to their families. They help support fledgling economies in what remain fragile democracies. The United States has devoted significant effort to assisting democratic efforts in Latin America, and the hard work that Latin American immigrants perform in America helps to stabilize the growth of democracy there.

Second, this amendment would reinstate section 245(i), which, for a \$1,000 fee, allows immigrants on the verge of getting legal permanent residence status to achieve that status from within the United States, instead of being forced to leave their families and their jobs for lengthy periods to be able to complete the process. Section 245(i) was a part of American law until 1997, when Congress failed to renew the provision. There is bipartisan support for correcting this erroneous policy, and now is the time to do it. It is important to note that these are people who already have the right under our laws to obtain permanent residency—this provision simply streamlines that process while contributing a significant amount to the Treasury. Indeed, in the last fiscal year in which section 245(i) was law, it produced \$200 million in revenue for the government. At a time when the Immigration and Naturalization Service is plagued by backlogs, that is funding that would be useful.

Third, of course, the amendment would allow people who have lived and worked here for 14 years or more, contributing to the American economy, to adjust their immigration status. That