

In 1997 and 1998, Congress passed legislation to protect Central American, Cuban and Haitian refugees from deportation. Action was needed because of the passage of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act which changed immigration rules retroactively. Under the Presidency of Ronald Reagan, the United States offered protection and legal status to many Central American nationals who were fighting for Democracy in their home country, or fleeing the war that ensued.

Similarly, during the Presidency of George Bush, Haitian nationals were forced to flee after the overthrow of elected President Jean Bertrand Aristide. They were offered protection and legal status in the United States.

By 1996, these Central American and Haitian nationals had been living in our nation for years, in the cases of Central Americans, often longer than a decade. They established businesses, had families, bought homes, and strengthened their communities.

Then, in 1996, with the passage of the Illegal Immigration Reform and Immigrant Responsibility Act, these Central American and Haitian Individuals and families were made retroactively deportable. These deportations would have occurred years and years after these nationals had established full lives in the United States.

Congress protected their legal status here by passing the Nicaraguan Adjustment and Central American Relief Act in November of 1997 and the Haitian Refugee Immigration Fairness Act in October of 1998 by making certain sections of the 1996 immigration law non-retroactive.

Since 1997, we have waited for final regulations to guide applicants through the process of applying for relief under NACARA. Since 1998, we have waited for final regulations to assist Haitian nationals with this process. And now, seven days before the application deadline, final regulations are issued. This is not an example of "good government."

Under legislation I introduced in February, the new deadline for relief will be one year after the date the regulations became final. This new deadline, March 23, 2001, reflects the added time needed by the INS to develop regulation. This will not cover any additional individuals who will then have rights to live in the United States. It just creates a more realistic, and fair deadline for individuals Congress has already passed legislation to protect.

We are now one day away from the deadline coming and going, and the Senate has yet to take action on this legislation. The Senate Judiciary Committee will not be able to meet this week to approve this legislation. We cannot purport to offer our constituents good and fair government if we let this deadline come and go without the

simple action of extending the deadline by one year. When I spoke on the Senate Floor earlier this year, I tried to put a human story with this legislation. It's her story, and others, that should spur us to action on this legislation.

Immigration attorneys in Florida are trying to help a young woman I will call "Francis." She is 22 years old this year. Her parents fled Haiti in the 1980's when she was very young. Her family settled in Florida and she now has 3 U.S. citizen brothers and sisters.

Then tragedy struck her family. Her father died when she was seven. Her mother died when she was in her early teens. She finished high school and is raising her younger brothers and sisters while working. She is an orphan, protected by our 1998 legislation.

She is trying to pull the documents together to apply to stay in the United States, and not be separated from her U.S. citizen brothers and sisters—the only family she has left. The 1-year extension and the ability to apply for relief under final regulations will make a huge difference in the life of this young woman.

I ask for the Senate's quick action on this timely and important matter. Many in the Senate worked diligently to protect Cuban, Haitian and Nicaraguan nationals in the original legislation. Let's not put these families at risk by our failure to act now.

WORKER ECONOMIC OPPORTUNITY ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the text of the Worker Economic Opportunity Act (S. 2323), which was introduced yesterday, be printed in the RECORD.

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

S. 2323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Worker Economic Opportunity Act".

SEC. 2. AMENDMENTS TO THE FAIR LABOR STANDARDS ACT OF 1938.

(a) EXCLUSION FROM REGULAR RATE.—Section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)) is amended—

(1) in paragraph (6), by striking "or" at the end;

(2) in paragraph (7), by striking the period and inserting ";; or"; and

(3) by adding at the end the following:

"(8) any value or income derived from employer-provided grants or rights provided pursuant to a stock option, stock appreciation right, or bona fide employee stock purchase program which is not otherwise excludable under any of paragraphs (1) through (7) if—

"(A) grants are made pursuant to a program, the terms and conditions of which are communicated to participating employees either at the beginning of the employee's

participation in the program or at the time of the grant;

"(B) in the case of stock options and stock appreciation rights, the grant or right cannot be exercisable for a period of at least 6 months after the time of grant (except that grants or rights may become exercisable because of an employee's death, disability, retirement, or a change in corporate ownership, or other circumstances permitted by regulation), and the exercise price is at least 85 percent of the fair market value of the stock at the time of grant;

"(C) exercise of any grant or right is voluntary; and

"(D) any determinations regarding the award of, and the amount of, employer-provided grants or rights that are based on performance are—

"(i) made based upon meeting previously established performance criteria (which may include hours of work, efficiency, or productivity) of any business unit consisting of at least 10 employees or of a facility, except that, any determinations may be based on length of service or minimum schedule of hours or days of work; or

"(ii) made based upon the past performance (which may include any criteria) of one or more employees in a given period so long as the determination is in the sole discretion of the employer and not pursuant to any prior contract."

(b) EXTRA COMPENSATION.—Section 7(h) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(h)) is amended—

(1) by striking "Extra" and inserting the following:

"(2) Extra"; and

(2) by inserting after the subsection designation the following:

"(1) Except as provided in paragraph (2), sums excluded from the regular rate pursuant to subsection (e) shall not be creditable toward wages required under section 6 or overtime compensation required under this section."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of enactment of this Act.

(d) LIABILITY OF EMPLOYERS.—No employer shall be liable under the Fair Labor Standards Act of 1938 for any failure to include in an employee's regular rate (as defined for purposes of such Act) any income or value derived from employer-provided grants or rights obtained pursuant to any stock option, stock appreciation right, or employee stock purchase program if—

(1) the grants or rights were obtained before the effective date described in subsection (c);

(2) the grants or rights were obtained within the 12-month period beginning on the effective date described in subsection (c), so long as such program was in existence on the date of enactment of this Act and will require shareholder approval to modify such program to comply with section 7(e)(8) of the Fair Labor Standards Act of 1938 (as added by the amendments made by subsection (a)); or

(3) such program is provided under a collective bargaining agreement that is in effect on the effective date described in subsection (c).

(e) REGULATIONS.—The Secretary of Labor may promulgate such regulations as may be necessary to carry out the amendments made by this Act.

The PRESIDING OFFICER. The Senator from Iowa.