



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146

WASHINGTON, TUESDAY, SEPTEMBER 26, 2000

No. 116

Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:30 a.m. on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we accept this new day as Your gracious gift. We enter into its challenges and opportunities with eagerness. We commit our way to You, put our trust in You, and know that You will bring to pass what is best for us and our Nation as we are obedient to Your guidance. We rest in You, Lord, and wait patiently for You to show us the way.

Bless the Senators today with a special measure of Your wisdom, knowledge, and discernment. Your wisdom is greater than our understanding, Your knowledge goes way beyond our comprehension of the facts, and Your discernment gives x-ray penetration to Your plan for America. Thank You for Your Commandments that keep us rooted in what's morally right, Your justice that guides our thinking, and Your righteousness that falls as a plumb line on all that we do and say.

Father, we pray for the reversal of the spiritual and moral drift of our Nation away from You. May the people of our land be able to look to the women and men of this Senate as they exemplify righteousness, repentance, and rectitude. May these leaders and all of us who work as part of the Senate family confess our own need for Your forgiveness and reconciliation. Then help us to be courageous in calling for a great spiritual awakening in America beginning with us. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. VOINOVICH. Today the Senate will begin 45 minutes of debate on the H-1B visa bill, with a cloture vote on amendment No. 4178 scheduled to occur at 10:15. As a reminder, Senators have until 10:15 a.m. to file second-degree amendments at the desk. If cloture is invoked, the Senate will continue debate on the amendment. If cloture is not invoked, the Senate is expected to resume debate on the motion to proceed to S. 2557, the National Energy Security Act of 2000. Also this week, the Senate is expected to take up any appropriations conference reports available for action.

I thank my colleagues for their attention.

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the bill.

The clerk will report the bill.
The bill clerk read as follows:

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

Pending:

Lott (for Abraham) amendment No. 4177, in the nature of a substitute.

Lott amendment No. 4178 (to amendment No. 4177), of a perfecting nature.

Lott motion to recommit the bill to the Committee on the Judiciary, with instructions to report back forthwith.

Lott amendment No. 4179 (to the motion to recommit), of a perfecting nature.

Lott amendment No. 4180 (to amendment No. 4179), of a perfecting nature.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Massachusetts.

Mr. KENNEDY. With the understanding of the acting majority leader, if I could have the attention of the Senator from Ohio, I ask that the time be evenly divided.

The PRESIDING OFFICER. That is already the order.

Mr. KENNEDY. I ask consent I be allowed to yield myself 12 minutes, and I ask consent that the Senator from Rhode Island be allowed to follow with 10 minutes.

The PRESIDING OFFICER. The Senator has just allocated more time than the Senator has.

Mr. KENNEDY. As I understand the time allocation, there are 45 minutes. I thought I would yield 12 minutes to myself and 10 minutes to the Senator.

The PRESIDING OFFICER. Twenty-two minutes a side.

Mr. KENNEDY. I ask consent that the Senator from Rhode Island be permitted to be recognized after me in the remaining time, and I yield myself 12 minutes.

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

Mr. KENNEDY. I yield myself 10 minutes at this time, if the clerk will let me know.

Mr. President, I support the pending H-1B high-tech visa legislation. The high technology industry needs skilled workers to ensure its continued growth. As we all know, the Nation is stretched thin to support these firms

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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that are so important to the Nation's continuing economic growth. Demand for employees with training in computer science, electrical engineering, software and communications is very high, and Congress has a responsibility to meet these needs.

In 1998, in an effort to find a stop-gap solution to this labor shortage, we enacted legislation which increased the number of temporary visas available to skilled foreign workers. Despite the availability of additional visas, we have reached the cap before the end of the year in the last 2 fiscal years.

The legislation before us today addresses this problem in two ways. The short-term solution is to raise the H-1B visa cap and admit greater numbers of foreign workers to fill these jobs. The long-term solution is to do more to provide skills training for American workers and educational opportunities for American students.

Raising the cap for foreign workers without addressing our domestic job training needs would be a serious mistake. We cannot and should not count on foreign sources of labor indefinitely. It is unfair to U.S. workers, and the supply of foreign workers is limited. In their 1999 book, *The Supply of Information Technology Workers in the United States*, Peter Freeman and William Aspray report that other countries are experiencing their own IT labor shortages and are "placing pressures on or providing incentives to their indigenous IT work force to stay at home or return home."

Furthermore, the jobs currently being filled by H-1B workers are solid, middle-class jobs for which well-trained Americans should have the opportunity to compete. The American work force is the best in the world—energetic, determined, and hard working. Given the proper skills and education, American workers can fill the jobs being created by the new high tech businesses.

It makes sense to insist that more of our domestic workers must be recruited into and placed in these jobs. Countless reports cite age and race discrimination as a major problem in the IT industry, along with the hiring of foreign workers and layoff of domestic workers. According to an article *Computerworld* magazine, U.S. Census Bureau data show that the unemployment rate for IT workers over age 40 is more than five times that of other unemployed workers.

Similar problems face women and minorities who are under-represented in the IT work force, and the shortage will continue unless they are recruited and trained more effectively by schools, corporations, and government programs.

Under the solution that may of us favor, the Department of Labor, in consultation with the Department of Commerce, will provide grants to local work force investment boards in areas with substantial shortages of high-tech workers. Grants will be awarded on a

competitive basis for innovative high-tech training proposals developed by the work force boards in cooperation with area employers, unions, and higher education institutions. This approach will provide state-of-the-art high-tech training for approximately 46,000 workers in primarily high-tech, information technology, and biotechnology skills.

Similarly, we must also increase scholarship opportunities for talented minority and low-income students whose families cannot afford today's tuition costs. We must also expand the National Science Foundation's merit-based, competitive grants to programs that emphasize these skills.

To provide adequate training and education opportunities for American workers and students, we must increase the H-1B visa user fee.

At a time when the IT industry is experiencing major growth and record profits, it is clear that even the smallest of businesses can afford to pay a higher fee in order to support needed investments in technology skills and education. A modest increase in the user fee will generate approximately \$280 million each year compared to current law, which raises less than one-third of this amount.

This fee is fair. Immigrant families with very modest incomes were able to pay a \$1,000 fee to allow family members to obtain green cards. Certainly, high-tech companies can afford to pay at least that amount during this prosperous economy.

In fact, according to public financial information, for the top 20 companies that received the most H-1B workers this year, a \$2,000 fee would cost between .002 percent and .5 percent of their net worth. A \$1,000 fee would cost them even less.

This fee proposal will clearly benefit the country in the short- and long-term. Companies get H-1B workers now, and they will benefit from the workers and students served by programs funded with these fees.

This proposal presents a win-win, bipartisan approach to meeting the needs and business and the U.S. work force. It is fair, responsible, and necessary, given the rapidly changing needs of society and our prosperous economy.

If we build on existing education and training programs and force our labor and civil rights laws to prevent age, race, and gender discrimination, American workers and students can meet the long-term high-tech needs we face in the years ahead.

I look forward to debate on this legislation in the days to come. I think it is a good bill, which can be improved with amendments to address several key issues. For example, we must ensure that the H-1B visa program is narrowly focused to address the skill-shortage. The unprecedented exemptions to the cap in the Hatch bill are unwarranted. Instead, we should ensure that workers with an advanced degree have priority for H-1B visas within the cap, and are

subject to the same requirements as all other applications.

Similarly, we must also ensure that the INS has sufficient funds to process high-tech visa applications and that certain institutions—all educational institutions, university teaching hospitals, nonprofits, and governmental research organizations—are appropriately exempted from the fee requirement.

The high-tech industry's pressing need for skilled workers isn't the only immigration issue before Congress. There are also important family immigration issues that must be addressed.

On several occasions in recent weeks, Democrats have attempted to bring the Latino and Immigrant Fairness Act to the floor of the Senate for debate and a vote. Before the August recess, Democrats attempted to bring this legislation before the Senate, but the Republican leadership objected. Two weeks ago, Democrats were prepared to debate and vote on this legislation as part of the high-tech visa bill, but our Republican colleagues were unwilling to bring this measure to the floor and take a vote. Last Friday, Senator REID asked Senator LOTT for consent to offer the Latino and immigrant fairness bill and the majority leader objected. It is clear that Republican support for the Latino community is all talk and no action. When it's time to pass legislation of importance to the Latino community, the Republican leadership is nowhere to be found.

Our Republican friends tell us that 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, how can that 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, for he strongly supports this bill. But Republican support for the Latino and Immigrant Fairness Act doesn't match Republican rhetoric on the campaign trail. Rather than admit this hypocrisy, the Senate Republican leadership continues to pay lip service to these goals while blocking any realistic action to achieve them.

The immigrant community—particularly the Latino community—has waited far too long for the fundamental justice that the Latino and Immigrant Fairness Act will provide. These issues are not new to Congress. The immigrants who will benefit from this legislation should have received permanent status from the INS long ago.

The Latino and Immigrant Fairness Act includes parity for Central Americans, Haitians, nationals of the former Soviet bloc, and Liberians. In 1997, Congress enacted the Nicaraguan Adjustment and Central American Relief

Act, which granted permanent residence to Nicaraguans and Cubans who had fled their repressive governments.

Other similarly situated Central Americans, Soviet bloc nationals, and Haitians were only provided an opportunity to apply for green cards under a much more difficult and narrower standard and much more cumbersome procedures. Hondurans and Liberians received nothing.

The Latino and Immigrant Fairness Act will eliminate the disparities for all of these asylum seekers, and give them all the same opportunity that Nicaraguans and Cubans now have. Assurances were given at the time that we granted that kind of special consideration for Nicaraguans and Cubans that the others would follow in the next year. Those assurances were given by Republican Senators and the administration alike. Now, if we do not do that, we are failing that commitment. It will create a fair, uniform set of procedures for all immigrants from this region who have been in this country since 1995.

The Latino and Immigrant Fairness Act will also provide long overdue relief to all immigrants who, because of bureaucratic mistakes, were prevented from receiving green cards many years ago. In 1986, Congress passed the Immigration Reform and Control Act, which included legalization for persons who could demonstrate that they had been present in the United States since before 1982. There was a 1-year period to file.

However, the INS misinterpreted the provisions in the 1986 act, and thousands of otherwise qualified immigrants were denied the opportunity to make timely applications.

Several successful class action lawsuits were filed on behalf of individuals who were harmed by these INS misinterpretations of the law, and the courts required the INS to accept filings for these individuals. As one court decision stated: "The evidence is clear that the INS' . . . regulations deterred many aliens who would otherwise qualify for legalization from applying."

To add insult to injury, however, the 1996 immigration law stripped the courts of jurisdiction to review INS decisions, and the Attorney General ruled that the law superceded the court cases. As a result of these actions, this group of immigrants has been in legal limbo, fighting government bureaucracy for over 14 years.

Looking across the landscape, I cannot think of such a group of individuals who were excluded from participation in a process that would have permitted them to work legitimately in the United States. It was the intention of Congress they be eligible to do so. It was the INS that misled them and effectively denied them that opportunity. The courts have found for those individuals.

Then legislation was passed to further exclude them, to take away the jurisdiction of the Justice Department

from implementing the court's decision. That is unfair, and we have a responsibility to remedy that. We can do that. We can do that here, on this legislation. We should do it. That process will permit about 300,000 Latinos to be able to get their green cards and become legitimate workers in our economy.

Our bill will alleviate this problem by allowing all individuals who have resided in the United States prior to 1986 to obtain permanent residency, including those who were denied legalization because of the INS misinterpretation, or who were turned away by the INS before applying.

Our bill will also restore section 245(i), a vital provision of the immigration law that was repealed in 1997 and that permitted immigrants about to become permanent residents to pay a fee of \$1,000 and apply for green cards while in the United States, rather than returning to their home countries to apply. Section 245(i) was pro-family, pro-business, fiscally prudent, and a matter of common sense. Under it, immigrants with close family members in the United States are able to remain here with their families while applying for legal permanent residence. The section also allows businesses to retain valuable employees. In addition, it provided INS with millions of dollars in annual revenue, at no cost to taxpayers. Restoring section 245(i) will keep thousands of immigrants from being separated from their families and jobs for as long as 10 years.

The Nation's history has long been tainted with periods of anti-immigrant sentiment. The Naturalization Act of 1790 prevented Asian immigrants from attaining citizenship. The Chinese Exclusion Act of 1882 was passed to reduce the number of Chinese laborers. The Asian Exclusion Act and the National Origins Act which made up the Immigration Act of 1924, were passed to block immigration from the "Asian Pacific Triangle"—Japan, China, the Philippines, Laos, Thailand, Cambodia, Singapore, Korea, Vietnam, Indonesia, Burma, India, Sri Lanka, and Malaysia—and prevent them from entering the United States for permanent residence. Those discriminatory provisions weren't repealed until 1965. The Mexican Farm Labor Supply Program—the Bracero Program—provided Mexican labor to the United States under harsh and unacceptable conditions and wasn't repealed until 1964.

The Latino and Immigrant Fairness Act provides us with an opportunity to end a series of unjust provisions in our current immigration laws, and build on the most noble aspects of our American immigrant tradition.

It restores fairness to the immigrant community and fairness in the Nation's immigration laws. It is good for families and it is good for American business.

The Essential Worker Immigration Coalition, a consortium of businesses and trade associations and other orga-

nizations strongly supports the Latino and Immigrant Fairness Act. This coalition includes the U.S. Chamber of Commerce, health care and home care associations, hotel, motel, restaurant and tourism associations, manufacturing and retail concerns, and the construction and transportation industries.

These key industries have added their voices to the broad coalition of business, labor, religious, Latino and other immigrant organizations in support of the Latino and Immigrant Fairness Act.

This bill is strongly supported by a wide range of different groups, from the Chamber of Commerce to the AFL-CIO, to the various religious groups, as a matter of basic, fundamental equity and fairness.

I daresay there are probably more groups that support the Latino fairness—just if you look at numbers—than even the H-1B. This is an issue of fairness. We ought to be about doing it. We are being denied that opportunity by the Republican leadership, make no mistake about it.

Our bill will alleviate the problem also by allowing individuals who resided in the United States prior to 1986 to obtain permanent residency by eliminating unfair procedures.

As I mentioned, this particular proposal has broad support from the business community, from the workers, and from religious groups. Few days remain in this Congress, but my Democratic colleagues and I are committed to doing all we can to see both the Latino and Immigrant Fairness Act and the H-1B high-tech visa become law this year. That is what this whole effort is about.

If we are going to look out for the H-1B—and I am all for it—we ought to also remedy the injustice out there applying to hundreds of thousands of individuals whose principal desire is to be with their families and work here in the United States, and do so legally and legitimately. We are being effectively shut out by the majority decision to have a cloture motion filed which would exclude the possibility of inclusion. Our attempts to try to get it included have been denied. That is basically wrong.

I welcome the leadership of Senator DASCHLE and others to make sure we are going to address this issue before we leave. Both of these matters need attention. Both of them deserve action. Both of them deserve to be passed.

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

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today to also speak about a grave omission with respect to the debate that is ongoing regarding H-1B visas.

There is widespread support for the H-1B visa program. What has happened is that our ability to also address other compelling immigration issues has

been totally frustrated by this cloture process, by this overt attempt to eliminate amendments, to eliminate our ability to deal with other issues. One in particular that is compelling to me is the status of 10,000 Liberians who have been here in the United States since 1989-1990, when the country of Liberia was thrust into a destructive civil war.

These people came here. They were recognized, because of the violence in their homeland, as being deserving of temporary protective status. That status was granted in 1991 by the Attorney General. For almost a decade now they have been here in the United States, working, paying taxes, raising families while not qualifying for any type of social benefits such as welfare. Many of these people, who are here legally, have children who are American citizens. They are within hours of losing their protection and being deported back to Liberia.

In response to this pressing dilemma, I introduced legislation in March of 1999 cosponsored by Senator WELLSTONE, Senator KENNEDY, Senator DURBIN, Senator KERRY, Senator LANDRIEU, Senator HAGEL, and Senator L. CHAFEE. Our attempt was to allow these Liberians the opportunity to adjust to permanent resident status and one day become citizens of this country. There are 10,000 located across the country. They have been contributing members of these communities. Yet, because of the process we have adopted here, because of the unwillingness to take up this issue—which is a key immigration issue, along with the H-1B—these individuals are perhaps facing expulsion from this country in the next few days.

I hope we can deal with this. It is essential we do so. One of the great ironies of our treatment of the Liberians is that at the moment we are prepared to deport them to Liberia, we are urging American citizens not to go to that country because it is so violent.

Our State Department has released official guidance to Americans warning them not to travel to Liberia because of the instability, because of the potential for violence, because of the inability of civil authorities to protect not only Americans but to protect anyone in Liberia.

So we are at one time saying, don't go to Liberia if you are an American citizen, but unless we pass this legislation or unless, once again, the President authorizes deferral of forced departure—essentially staying the deportation of these Liberians—we are going to send these people back into a country to which we are advising Americans not to go.

Although this country had a democratic election a few years ago, it was an election more in form than substance. It is a country governed by a President who is a warlord, someone who is not a constructive force for peace and progress in that part of Africa. In fact, he started his political career by escaping from a prison in Mas-

sachusetts, going back to Liberia, and then organizing his military forces to begin this civil war. One of his first accomplishments, according to the New Republic, was the creation of a small boys unit, a battalion of intensely loyal child soldiers who are fed crack cocaine and refer to Taylor as "our father."

This is the leader of a country who has also been implicated in a disturbance in the adjoining country of Sierra Leone. Month after month, we have seen horrible pictures of the degradations that are going on there in Sierra Leone. He is involved in that, supporting homicidal forces in Sierra Leone.

This is not a place we want to send people back to—people who have resided in our country for 10 years, people who have been part of our communities, young people particularly, who know very little about Liberia and will be thrust back into a situation where their protection is in jeopardy and where their future is in great jeopardy in terms of access to schools and education and other necessary programs.

For months now—starting last March—we have been lobbying intensively to get an opportunity at least to vote on legislation that would allow these individuals to adjust to permanent status. That legislative approach has been frustrated time and time again, most recently with the decision that we would not accept certain amendments to this H-1B visa bill.

In fact, one of the ironies is that of those 10,000 Liberians, many of whom were professionals in their homeland, I suspect at least a few of them are working in these high-tech industries. If they are, the irony is that we would be sending them home so that the high-tech community can complain about losing workers and needing more H-1B visas. I think simple justice demands that we do both, that we press not only for H-1B visas but also for some of the issues that have been addressed by Senator KENNEDY, and the issue in Liberia. These people deserve a chance to adjust their status and become full-fledged Americans.

There is some discussion that they should go back to Liberia, but as I have tried to suggest in my remarks, this is a country that is chaotic at best. The Government is really subservient to the leadership of the President, Charles Taylor. It is an area of the world where there are not social services and the basic economics of the country are faulty. I think all of these together suggest compellingly the need to allow the individuals to adjust.

I hope in the next few days, or in the remaining days of this legislative session, we will have another opportunity to address this legislatively. I certainly hope that if we are unable to do so, the cause will be taken up by the administration when it comes to discussions for the final legislative initiatives of this Congress, so we will not leave these people once again in a gray area,

in a "twilight zone," where they want to stay in this country but face the threat of deportation each and every year. I hope we do better. I am disappointed—gravely disappointed—we did not allow an opportunity to vote on this measure in conjunction with this H-1B legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise this morning to implore my colleagues to support cloture and to quit playing around with this bill. There is no reason to have a filibuster on the motion to proceed on bills as important as this. There has been a filibuster on the bill.

It seems to me we need to work together in moving forward to enact the American Competitiveness in the Twenty-first Century Act, S. 2045. One of our greatest priorities is, and ought to be, keeping our economy vibrant and expanding educational opportunities for America's children and its workers. That is my priority for this country and for my own home State of Utah.

I am proud of the growth and development in my own home State that has made Utah one of the leaders in the country and in the world in our high-tech economy. Utah's IT—or information technology—vendor industry is among Utah's largest industries and among the top 10 regions of IT activity in the United States.

Notably, Utah was listed among the top 10 IT centers in the world by Newsweek magazine in November 1998. The growth of information technology is nowhere more evident and dramatic than in my own home State of Utah. According to UTAA, the Utah Information Technologies Association, our IT vendor industry grew nearly 9 percent between 1997 and 1998 and consists of 2,427 business enterprises.

In Utah and elsewhere, however, our continued economic growth and our competitive edge in the world economy require an adequate supply of highly skilled high-tech workers. This remains one of our greatest challenges in the 21st century, requiring both short- and long-term solutions. This legislation, S. 2045, contains both types of solutions.

Specifically, a tight labor market, increasing globalization, and a burgeoning economy have combined to increase demand for skilled workers well beyond what was forecast when Congress last addressed the issue of temporary visas for highly skilled workers in 1998. Therefore, my bill, once again, increases the annual cap for the next 3 years.

But that is nothing more than a short-term solution to the workforce needs in my State and across the country. The longer term solution lies with our own children and our own workers and in ensuring that education and training for our current and future workforce matches the demands in our high-tech 21st century global economy.

Thus, working with my colleagues, I have included in this bill strong, effective, and forward-looking provisions directing the more than \$100 million in fees generated by the visas toward the education and retraining of our children and our workforce. These provisions are included in the substitute which is before us today.

We are here today, however, as this session of Congress comes to a close, with the fate of this critical legislation extremely uncertain. Frankly, when this bill was reported by the committee by an overwhelming vote of 16-2, I thought we were on track to move this rapidly through the Senate. I offered to sit down with other Members, including Senators KENNEDY, FEINSTEIN, and LIEBERMAN, to work with them on provisions regarding education and training. We have done that. I am pleased to report that the substitute to which I have referred reflects many of their ideas and proposals.

I look forward to working with my colleagues in the coming days to try to avoid a confrontational process. I hope we can get this done for American workers and children and for our continued economic expansion.

The situation, as I understand it, is that there is little disagreement on this bill itself. I have heard no arguments that the high-tech shortage is not real or that we should not move forward with this short-term fix. Rather, it appears that the only dispute has been whether or not we use the bill as a vehicle for other major and far-reaching changes in our immigration policy over which there is much contention and which could scuttle this bill. And I think those who are trying to get us in that posture understand that.

I sincerely hope we can move forward today. I hope my colleagues will overwhelmingly support this modest H-1B increase and quit delaying this bill. Let's get it through. This bill has important training and education proposals for the children and workers in the 21st century.

The Hatch substitute amendment to S. 2045, the American Competitiveness in the 21st Century Act, is a comprehensive legislative proposal to insure America's continued leadership edge in the Information Age. It takes both short-term and long-term steps.

Let me summarize the proposal. With regard to long-term steps, this bill invests in the American workforce through a designated stream of funding for high-tech job training; K-12 education initiatives; authorizes a new program which provides grants for after school technology education; and helps our educational and research communities by exempting them from the cap on high-skilled professionals.

No. 2., the short-term steps: This bill addresses immediate skilled worker needs by authorizing a modest increase in temporary visas for high-skilled professionals.

When skilled professionals are at a premium, America faces a serious di-

lemma when employers find that they cannot grow, innovate, and compete in global markets without increased access to skilled personnel. Our employers' current inability to hire skilled personnel presents both a short-term and a long-term problem. The country needs to increase its access to skilled personnel immediately in order to prevent current needs from going unfilled. To meet these needs over the long term, however, the American education system must produce more young people interested in, and qualified to enter, key fields, and we must increase our other training efforts, so that more Americans can be prepared to keep this country at the cutting edge and competitive in global markets.

The Hatch substitute to S. 2045 addresses both aspects of this problem. In order to meet immediate needs, the bill raises the current ceiling on temporary visas to 195,000 for fiscal year 2000, fiscal year 2001, and fiscal year 2002. In addition, it provides for exemptions from the ceiling for graduate degree recipients from American universities and personnel at universities and research facilities to allow these educators and top graduates to remain in the country.

The Hatch substitute to S. 2045 also addresses the long-term problem that too few U.S. students are entering and excelling in mathematics, computer science, engineering and related fields. It contains measures to encourage more young people to study mathematics, engineering, and computer science and to train more Americans in these areas.

Under predecessor legislation enacted in 1998, a \$500 fee per visa is assessed on each initial petition for H-1B status for an individual, on each initial application for extension of that individual's status, and on each petition required on account of a change of employer or concurrent employment. Under the Hatch substitute, this money is used to fund scholarships for low income students and training for U.S. workers. Using the same assumptions on the rate of renewals, changes of employer and the like that the committee and the administration relied on in estimating the impact of the 1998 legislation, the increase in visas should result in funding for training, scholarships and administration of H-1B visas of approximately \$150 million per year over fiscal year 2000, fiscal year 2001, and fiscal year 2002 for a total of \$450 million. This should fund approximately 40,000 scholarships. This is important.

Mr. President, I hope my colleagues will vote for cloture today. I hope we can put this bill to bed. I hope there won't be any postcloture filibusters. I hope there won't be any postcloture delays.

Let us get this bill passed. It is critical to our country. It is critical to our information technology age, to our high-tech communities, and it is critical to keep us the No. 1 Nation in the

world. It makes sense, and it has widespread support throughout Congress.

It is being delayed by just a few people in this body—maybe not so few but a number of people who basically claim they are interested in the information technology industries and high-tech industries themselves but who want to play politics with this bill.

I think we ought to quit playing politics and do what is right for our country. This is a bipartisan bill that really ought to be passed today.

With that, how much time do both sides have remaining?

The PRESIDING OFFICER. The Senator from Utah controls all remaining time and he has 9 minutes.

Mr. HATCH. Mr. President, I yield the 9 minutes to my colleague from Louisiana.

Ms. LANDRIEU. Mr. President, I appreciate being yielded the remaining time.

I am a supporter of the H-1B visa legislation and have been so for quite some time, recognizing that it is very important for our country to make the accommodations to be able to supply this great and booming economy the skilled workers necessary. I have been voting accordingly.

This debate should bring more urgency to our discussion on how to strengthen our public school system, our college training opportunities, and our technical college network in this Nation so that in the future we don't have to fill these slots with workers who are not Americans; that we can fill them with hard-working Americans because our school system and our education system have met the challenge the taxpayers have laid out for us. We cannot hold our industries hostage because perhaps there has been some failing on our part to provide the kind of educational system this Nation needs. That is why I have been supportive.

In addition, I wish there was more support in this body for including the Latino fairness provision. I am disappointed that the amendment tree was filled in order to keep those of us on both sides of the aisle, Democrats and Republicans, from considering this as a proper place to add this important legislation—not to kill it, not to slow it down, but to make it stronger. That is such an important issue to the Latino community, to Hispanic Americans who are looking for the same justice and equality that was promised for the Hondurans and Guatemalans as provided for the Nicaraguans.

I will be supplying a more in-depth statement on that subject.

The PRESIDING OFFICER. All time has expired. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 4178 to Calendar No. 490, S. 2045, a

bill to amend the Immigration and Nationality Act with respect to H-1B non-immigrant aliens:

Trent Lott, Chuck Hagel, Spencer Abraham, Phil Gramm, Jim Bunning, Kay Bailey Hutchison, Sam Brownback, Rod Grams, Jesse Helms, Gordon Smith of Oregon, Pat Roberts, Slade Gorton, Connie Mack, John Warner and Robert Bennett.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4178 to S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant 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 result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—94

Abraham	Fitzgerald	McConnell
Allard	Frist	Mikulski
Ashcroft	Gorton	Miller
Baucus	Graham	Moynihan
Bayh	Gramm	Murkowski
Bennett	Grams	Murray
Biden	Grassley	Nickles
Bingaman	Gregg	Reid
Bond	Hagel	Robb
Boxer	Harkin	Roberts
Breaux	Hatch	Rockefeller
Brownback	Helms	Roth
Bryan	Hutchinson	Santorum
Bunning	Hutchison	Sarbanes
Burns	Inhofe	Schumer
Byrd	Inouye	Sessions
Campbell	Jeffords	Shelby
Cleland	Johnson	Smith (NH)
Cochran	Kennedy	Smith (OR)
Collins	Kerrey	Snowe
Conrad	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lautenberg	Thurmond
Dodd	Leahy	Torricelli
Domenici	Levin	Voivovich
Dorgan	Lincoln	Warner
Durbin	Lott	Wellstone
Edwards	Lugar	Wyden
Enzi	Mack	
Feingold	McCain	

NAYS—3

Chafee, L. Hollings Reid

NOT VOTING—3

Akaka Feinstein Lieberman

The PRESIDING OFFICER (Mr. ENZI). On this vote, the yeas are 94, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to. The pending motion to recommit is out of order.

The Chair recognizes the majority leader.

AMENDMENT NO. 4183

Mr. LOTT. Mr. President, I now call up amendment No. 4183.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. CONRAD, proposes an amendment numbered 4183.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To Exclude certain "J" non-immigrants from numerical limitations applicable to "H-1B" nonimmigrants)

At the end of the bill, add the following:

SEC. . EXCLUSION OF CERTAIN "J" NON-IMMIGRANTS FROM NUMERICAL LIMITATIONS APPLICABLE TO "H-1B" NONIMMIGRANTS.

The numerical limitations contained in section 2 of this Act shall not apply to any nonimmigrant alien granted a waiver that is subject to the limitation contained in paragraph (1)(B) of the first section 214(l) of the Immigration and Nationality Act (relating to restrictions on waivers).

AMENDMENT NO. 4201 TO AMENDMENT NO. 4183

Mr. LOTT. Mr. President, I now call up amendment No. 4201.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4201 to amendment No. 4183.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, 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. REID. 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. LOTT. Mr. President, I suggest the absence of a quorum.

Mr. REID. I had the floor, Mr. President.

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

Mr. REID. Mr. President, would the Chair be so kind as to explain where we are on the legislation now before the Senate?

The PRESIDING OFFICER. There are amendments pending, first and second degree, to the underlying text of the bill, and there is a perfecting amendment to the committee substitute, with a second-degree amendment thereto.

Mr. REID. Mr. President, I rise to talk a little bit about this legislation.

First, I think it is important to know that we—that is, Senator KENNEDY, Senator REED of Rhode Island, myself, Senator DURBIN, Senator LEAHY, and Senator GRAHAM—have a very important amendment we believe should be considered during the time we are debating this issue. Our amendment is

called the Latino and Immigrant Fairness Act.

We have had, in recent days, an inability to bring up legislation that is extremely important to the Senate. This legislation deals with a number of issues that were discussed on the floor yesterday briefly, but it deals with the lives of hundreds of thousands of people.

In 1996, there was slipped into one of the bills a provision that took away a basic, fundamental American right of due process.

As a result of legislation we passed in 1986, thousands of people who came to this country were entitled to apply to adjust their legalization status. However, inserted in legislation that we passed in 1996, was language that, in effect, denied them a due process hearing.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. REID. I am happy to yield to my friend for a question.

Mr. KENNEDY. I don't want to interrupt the line of thought of the Senator. I understand the majority leader put in place two amendments that were actually Democratic amendments—at least one amendment was proposed by Members of our side. I have been in the institution now for 38 years, and I have never heard of another Senator calling up someone else's amendment before the Senate.

We want to be involved in the substance of this and get the H-1B measure put on through. But I am just wondering if I understand correctly that the majority leader now has filed a cloture motion and gone ahead and called up the Senator's amendment. Maybe that Senator has been notified; maybe he is on his way here. But I am just wondering, I say to the deputy leader for the Democrats, whether I understand the situation correctly. Is that the understanding of the Senator from Nevada, that this is the situation?

Mr. REID. Mr. President, this is interesting. This is an unusual situation where we have amendments that have been filed by other Senators being called up by someone else. I think it is very transparent, I say to my friend from Massachusetts and others within the sound of my voice, it is very transparent. All we want is a fair debate and the ability to vote on this amendment.

For example, George W. Bush says he wants to make sure that our immigration laws are fair to the Hispanic population of this country. If he wants to be so fair to the Hispanic population of this country, why doesn't he call the Republican leadership in the House and Senate to let us bring forward this legislation that the Hispanic communities all over America want? They won't let us do that. They know the Senator from Massachusetts was here to be recognized so that this amendment could be offered.

I have the floor now. I had other things to do this morning, but with Senate procedures such as they are, I

had the opportunity to get the floor, and I am going to keep the floor for a while because I am going to talk about what is going on in this country.

Does the Senator have a question, without my losing the floor?

Mr. KENNEDY. Yes. So that people watching this have some understanding, we have an H-1B proposal that is before the Senate, and there is virtual unanimity in the Senate in favor of it. There are some differences in terms of the training programs, to make sure we get additional funding so these jobs will be available for Americans down the road. Maybe people are trying to block that particular amendment. These are good jobs. Why should we not have training for Americans to be able to have these jobs in the future? I would like to be able to make that case and move ahead.

There are other amendments, as the Senator pointed out. On the one hand—I ask my colleague if he doesn't agree—we are looking out after the high-tech community with the H-1Bs. There is a need also in Massachusetts, and I support that. On the other hand, there is a need in terms of equity, fairness, justice, and also economically to make an adjustment of status so that men and women who are qualified ought to be able to get a green card to be able to work. It just so happens they are Latinos.

Evidently, that is the difference here, as far as I can figure out. Otherwise, I can't understand why, on the one hand, we are permitting and encouraging people to go to high-tech, but not to go to work in some of the other industries, even though the Chamber of Commerce, the AFL, and the various church groups are in strong support of it. The economics of it are that there is a very critical need for it.

Can the Senator possibly explain why we are being denied an opportunity to complete our business in terms of the high-tech and also in the other areas that have been strongly supported by groups across this country? As far as I can figure out, it is that they are basically of Hispanic heritage.

I am asking a question to the Senator from Nevada. Has the Senator heard one reason from the other side—because it is the other side that is stopping this—why they won't do it? What is the reason? Why won't they engage in a debate on this particular issue? All we have, Mr. President, is silence on the other side. Here we are trying to give fairness to the Latinos and against the background where we had two Members on the other side, Senator ABRAHAM and Senator MACK, who last year said they favored these kinds of adjustments for the Latinos. They said it in the last Congress. I don't doubt that that is their position now.

We can dispose of this in an hour or so this afternoon. But what possibly is the reason the majority leader says, no, we are not going to deal with that? We are going to call up amendments of other Senators who haven't even been

notified to come over here and deal with this. What is going on here?

Mr. REID. Mr. President, let me answer a number of questions because the Senator asked a number of questions.

First of all, I spoke yesterday to the National Restaurant Association. I agree with my friend from Massachusetts that it is important we do something for high-tech workers. I support efforts in Congress that have allowed 430,000 people to come to the United States to be high-tech workers, principally from India—

Mr. KENNEDY. A good chunk from China. India is No. 1 and China is No. 2.

Mr. REID. Yes, I agree with the Senator from Massachusetts. I am glad we have done that.

There is another group of people the restaurant owners believe should be allowed to come. They are essential workers, skilled and semi-skilled workers. We have hundreds of thousands of jobs in America today that aren't being filled. Why? Because there aren't enough Americans to take the jobs. That is why we have, as listed on the chart behind the Senator from Massachusetts, so many supporters from the business community of the Latino and Immigrant Fairness Act. If we had a bigger board, we would have three times that many names on it.

Mr. KENNEDY. If the Senator will withhold, here is another chart showing double the numbers of groups that support this proposal as well. These are all of the groups. Here is the National Restaurant Association listed in support of this proposal.

What is the argument on the other side? I thought I heard somebody say, "We don't want to confuse these issues." I don't think there is much confusion about what is being considered around here. There isn't a lot of confusion about it. It is very basic and rather fundamental. The adjustment of status that was applied just over a year ago in terms of the Nicaraguans and Cubans was going to be extended to others, including the El Salvadorans, Hondurans, Haitians, and Guatemalans. They have been effectively discriminated against. We were going to adjust for those. And then for about 300,000 citizens here in this country who are being denied a green card, under the law, according to the courts, they should be entitled to go to work.

The courts have said it was a bureaucratic mistake that they were denied that opportunity to be able to get a green card to go to work. Then the Congress went ahead and effectively withdrew the authority of the Justice Department to implement what the courts have found was a gross injustice and gross unfairness to Latinos. Effectively, they wiped out their remedy.

What this amendment will do is just give them the opportunity to make that adjustment. This is all about working. It is about working. It is about a green card and working. That is what this is basically about. We hear lectures from the other side all the

time about how we want to encourage people to work. These groups want to work. They want to work. They are unable to work because of the refusal of the majority leader to permit consideration of this amendment.

I see we are joined by the Senator from Illinois.

Then the majority leader calls up Democrats' amendments without even notifying the Senators they are being called up.

This is rather embarrassing, I would think, for Members to have amendments called up and they are over in their office trying to do constituency work. Their constituencies are going to wonder: Where in the world is my Senator? His amendment, or her amendment, is before the Senate. Where is that individual?

In 38 years I have never seen that.

I hope we are not going to have lectures from the other side: Well, we are in charge around here. Evidently they don't care very much about the rules, or at least about the courtesies and the degree of civility we have had about calling up other Senators' amendments. This goes just as far as I can possibly imagine.

The one thing that bothers me is, what is it that they fear? What is it possibly that they fear which causes us to have to take all of this time to pass this legislation?

Maybe the Senator from Illinois will respond. I want to direct it to the Senator from Nevada. What is it that they fear? Why is it that they take these extraordinary, unique, exceptional steps to deny a fair debate about fairness to Latinos?

Mr. REID. In answer to the Senator, I repeat that I have the greatest respect for the thousands of people who came to this country and are here now as a result of H-1B legislation. It is very important. Those high-tech jobs are important. But I say to my friend from Massachusetts that it is just as important to people who work in these restaurants and who work in these health care facilities as nurses, as cooks, as waiters, as waitresses, and as maids, their jobs are just as important because people who are running these establishments need these essential workers. That is who they are. "Essential workers." They are skilled and semi-skilled workers.

I say to my friend from Massachusetts that we have had a hue and cry from the people on the other side of the aisle and from the Governor of Texas and others saying they believe there should be fairness to Latino immigrants. The best way to express that desire for fairness is to allow us to vote on this measure.

Let's have an up-or-down vote on the amendment offered by myself, the Senator from Massachusetts, the Senator from Illinois, Senator REED of Rhode Island, and Senator GRAHAM of Florida. Let's move this debate along. We could speed up the time. We would agree to a half hour evenly divided. It could take 30 minutes. Vote on it and move on.

I would like to see how people would express themselves on this vote. It is very important.

I have a constituency that is watching this very closely. The State of Nevada has the sixth largest school district in America: the Clark County School District. In that school district, over 25 percent of the children are Hispanic.

In Nevada, we also have 20,000 people, the majority of whom are Hispanic who are unable to work because they were, in effect, denied due process by a sneaky thing put in the 1996 act. I want them to have a due process hearing to determine whether or not they should remain in the United States. I believe the vast majority would remain here because fairness would dictate that they should.

That is what this is all about—basic fairness. That is why we call it the Immigrant Fairness Act.

I say to anyone within the sound of my voice that if we are interested in speeding up what is going on here in Washington, in the Congress, let's have a vote on this measure that Senator KENNEDY, I, and others are pressing. We will agree. I said we will take 30 minutes, but we would agree to 10 minutes evenly divided. Let's have a vote up or down on this measure.

Mr. HATCH. Will the Senator yield for a question?

Mr. REID. I yield to the Senator for a question without losing my right to the floor.

Mr. HATCH. What seems interesting to me is I helped to lead the fight years ago in 1996 in my own committee to increase legal immigration in this country. I have led the fight for that. We are talking about giving amnesty to illegal immigrants while not increasing the caps on legal immigration. Something is wrong.

Mr. REID. Is that the question?

Mr. HATCH. Let me complete my question. In order to make my question clear, I have to make these points.

We can't get caps lifted on legal immigration. It is my understanding that on the H-1B bill—which just had a 94 to 3 vote and that should pass right out of here, has had hearings, and everything else—you want to hold it hostage because you want to give amnesty to 500,000 illegal immigrants.

Mr. REID. Is that the Senator's question to me?

Mr. HATCH. Let me ask my question. Is it not true that this major new amnesty program, which has not had one day of hearings, if it passes would legalize up to 2 million people? I know there are those on your side who say there are one-half million illegal immigrants. Is it not true that the price tag for this major new amnesty program to legalize up to 2 million people is almost \$1.4 billion, and that the underlying bill that we are trying to pass here—the H-1B bill—would basically provide the high-tech workers that we absolutely have to have?

Mr. REID. With the greatest respect, I say to my friend, ask me a question.

I have the floor, and I will be happy to answer.

Mr. HATCH. I did. Isn't it going to cost us \$1.4 billion to give amnesty to these illegal immigrants?

Mr. REID. I would be happy to respond to the question.

First of all, we are not talking about illegal immigrants. We are talking about giving people who are in this country due process.

Mr. HATCH. Illegally in this country.

Mr. REID. And whether or not they are entitled to remain in this country. I believe in due process. One of the basic and fundamental assets that we have in this country, which sets us far and above any other country, is the legal system. We require and expect due process.

What we are saying is the bill that we passed in 1996 gave amnesty to people who had been in this country for an extended period of time. A provision was stuck in the 1996 Immigration Reform bill that denied these people due process. Some of them didn't meet the deadline to file for their amnesty because the INS ignored a law that we passed and President Reagan signed into law.

The question is not how much it is going to cost the Government but how much it is going to cost the business sector in this country.

The U.S. Chamber of Commerce, the American Health Care Association, the American Hotel and Motel Association, the American Nursing Association, the American Nursery and Landscape Association, Associated Builders and Contractors, and the Associated General Contractors support this amendment. I could read further for the next 15 minutes and give chart after chart of organizations that support this amendment.

We believe it is good for the American economy. It is good for American industry. It is the fair thing to do.

Mr. DASCHLE. Will the assistant Democratic leader yield for a question as well?

Mr. REID. I would be happy to yield to my friend, the Democratic leader, for a question, without losing the floor.

Mr. DASCHLE. I ask the assistant Democratic leader—I wasn't on the floor when this began. I ask if the Senator from Nevada could confirm what I understand to be our circumstance. I apologize for not being here sooner. But as I understand the circumstances, our Republican colleagues have filed cloture on second-degree amendments, and they had intended, as I understand it, to file it on the bill and made a mistake. We understand that. They have created a problem for themselves that they are trying to get out of.

But my question is: I ask the Senator from Nevada if the issue is whether or not we ought to have the right to offer an amendment.

We have been debating the issue of immigration as if an amendment were pending. We have been debating this issue assuming that somehow there is

opposition on the Republican side and support for an amendment on the Democratic side.

In the normal course of debate, you ultimately lead to a vote on an amendment. As I understand it, the Republicans have denied us the right to offer an amendment. Is that correct?

Mr. REID. The Senator is correct.

It would seem to me the best way to handle this is to accept the two amendments. We, the minority, will accept, on a voice vote, the two amendments that have been filed, and then I think the fair thing would be to allow us to proceed on an amendment that has been filed. It is right here: Mr. KENNEDY, for himself, Mr. REID, Mr. DURBIN, Mr. REED, Mr. GRAHAM, Mr. LEAHY, Mr. WELLSTONE, and Mr. DASCHLE submitted an amendment intended to be proposed by them to the bill, S. 2045, the Latino and Immigrant Fairness Act of 2000.

Mr. DASCHLE. Let me ask the assistant Democratic leader, I have to say for those who may not have watched the 106th Congress, we have established a new threshold. It used to be anytime a majority opposed an amendment, they would vote against it. They would perhaps make a motion to table an amendment, we would have the debate, they would vote, and the issue would be behind us. Oftentimes, the minority would lose. That is the way it used to be.

Then our colleagues on the other side of the aisle raised it another notch. They said: We don't think you ought to have the right to offer an amendment, so we will file cloture on a bill denying you the right to even offer an amendment. That was the new threshold.

We have gone through many, many of these—in fact, a record number. I have given presentations on the floor regarding the number of times our colleagues have actually filed cloture to deny us the right to offer an amendment.

This now reaches way beyond that. For the first time—maybe in history—our Republican colleague, without his even knowing it, has offered a Democratic amendment, has second-degreed that amendment, continued to file cloture, to say with even greater determination, we are not going to let you offer an amendment.

I ask the assistant Democratic leader in the time he has been in the Senate whether he can recall a time when we have ever seen the majority go to that length to deny Members the right to offer an amendment in the RECORD dealing with immigration or any other issue for that matter?

Mr. REID. I have not. I don't think anyone else has. I say to the leader and anyone else listening, all we want to do—

Mr. HATCH. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nevada has the floor; does he yield for a parliamentary inquiry?

Mr. REID. I do not.

Mr. HATCH. Just this point.

Mr. REID. I am happy to yield to my friend, without losing the floor, Mr. President, or any of the time I might have. I ask unanimous consent the Senator from Utah be allowed to direct a parliamentary inquiry to the Chair without my losing the floor.

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

Mr. HATCH. My colleague is always gracious. I have heard this comment about this being the first time anybody has called up another person's amendment. Parliamentary inquiry: Is this the first time?

As I recall, last year Senator REID called up an amendment of Senator JEFFORDS.

Mr. REID. Would the Chair repeat the question?

The PRESIDING OFFICER. The question was, Is this the first time this has happened? Do you recall Senator REID calling up an amendment of Senator JEFFORDS? That was the question. "Riddick's Rules of Procedure," on page 34, cites several examples.

Mr. HATCH. This isn't the first time.

Mr. REID. Reclaiming the floor, I say to my friend from Utah, there may have been other occasions, and the Chair certainly is right in indicating that it has been done before.

Mr. HATCH. Will the Senator allow the Chair to state the answer to my parliamentary inquiry?

Mr. REID. The Chair already stated the answer.

Mr. HATCH. I don't think so.

The PRESIDING OFFICER. The answer was on page 34 of Riddick's; there are several examples of that having happened.

Mr. DASCHLE. Would the assistant Democratic leader yield?

Mr. REID. I am happy to yield to the Senator.

Mr. DASCHLE. Mr. President, I think the point I was trying to make, and I asked the response of the assistant Democratic leader, I don't know that I have ever seen the majority go to the extremes they have on so many of the levels I have described to deny Members the right to offer amendments.

Have there been precedents where the Senators have offered another Democrat or Republican amendment? Of course. But have they done so with all of the other layers of opposition, parliamentarily, that have been now shown to be the case here? Again, I argue, no, they have not. I think this is the most remarkable set of circumstances.

What is amazing to me is we have already offered a limit on time. All we want is a simple opportunity to debate the issue for a brief period so we can be on record with regard to fairness for these many millions of immigrants who are looking to us right now for relief. That is all they are doing. Whether they are Liberians, whether they are Latinos, we have a responsibility in this Congress to respond.

The President has said to me personally, and he has said in as many ways

as he knows how, that he will demand this legislation be addressed before the end of the Congress. He has said that. If we don't do it on this, on what will we do it?

So I ask the assistant Democratic leader if he shares my conviction that, first, this extraordinarily unique set of circumstances again reflects the opposition on the part of the majority to basic fairness procedurally and basic fairness with regard to Latinos in this country today?

Mr. REID. I answer the leader's question as follows: First of all, it is very clear that the President will accept nothing short of this legislation. In fact, there is a letter. I don't think it is any secret. We have more than 40 signatures from the Democrats—we only needed 34—to the President, saying if, in fact, he does veto this, we will sustain that veto.

I also say to my friend, it is obvious the majority does not want this legislation to pass. They are trying to confuse it. The managing word is always "illegal immigration." This is not about illegal immigration. It has everything to do with fairness in our immigration laws, and helping the American business community in essential fields where they cannot fill the jobs.

In Nevada, we have approximately 20,000 people who want to work—who want to go back to work. They have had their work cards withdrawn. They have had their mortgages foreclosed. They have had their cars repossessed. People in America who have children—wives, husbands, American citizens—all they want is a fair hearing. All they want is a fair hearing that would allow them to keep their families together. That is what this legislation is all about.

Mr. DASCHLE. If the Senator will yield for one last question, I also yield the Senator from Nevada 30 minutes of my time.

I hope the Latino community, the Liberian community, all of those communities concerned about this immigration language, understand why we are here. We are here in the last days of this session to make right the problem that has existed all too long. We want to make it right. The President wants to sign this legislation. Unfortunately, apparently with unanimity, every one of our Republican colleagues oppose this. We haven't heard one of them come to our position on this issue.

I hope the Latino community understands that. I hope those who are concerned about fairness at the end of this session understand that. I hope they will do all they can to reflect their feelings and their opinions before it is too late. We still have time to do this. We still should do it this week. We ought to do it on this bill. I hope our Republican colleagues will reconsider.

I thank the Senator for yielding.

Mr. REID. The Senator is a national leader as part of his responsibilities. The Senator from South Dakota is not doing this because there are a lot of

minorities in South Dakota; in fact, there are very few. He is doing this because it is the right thing to do. It is fair to people who are in America and want the right to have their status adjusted or reviewed in a due process hearing. That doesn't sound too unreasonable to me.

Mrs. BOXER. Will my colleague yield for a question?

Mr. REID. I will be happy to yield for a question from my colleague from California without losing the floor.

Mrs. BOXER. I thank my friend. I thank him and Senator DASCHLE, our leadership team here, for what you are doing. The Senator from Utah asked, I thought, a very reasonable question when he said: What is this going to cost?

I say to my friend, on the issue of cost—and I think this is important—what happens to a family when the worker in that family is told to leave? Because if we do not pass this law—which is what our friends want; they do not want us to pass this law—that worker goes back to the country of origin and has to wait 10 years there, leaving behind—let us say it is a man in this case—a wife and children, children who are citizens of this country.

My friend from Utah says: Illegal.

Those are American children. If we do not act, their dad is going to be deported. For 10 years they will have to wait. What happens to the cost when a wage earner has to leave this country, perhaps for up to 10 years, leaving the children behind? The Senator pointed out the business community is without workers, so they are going to have to pay more to get fewer workers. That is a cost. But what is the cost if these people have to go on welfare, I say to my friend, because the breadwinner is summarily removed from this country because we have failed to act on this immigration fairness act?

Mr. HATCH. Will the distinguished assistant leader yield for another parliamentary inquiry?

Mr. REID. The cost here is very apparent. First of all, this person is being deported without a due process hearing.

Mrs. BOXER. Right.

Mr. REID. This person being deported leaves behind a job that is unfilled. That employer looks and looks to try to find somebody to fill that job. What is the cost of that, and then the cost, many times, to our welfare system, our criminal justice system, our education system.

Mrs. BOXER. Exactly.

Mr. REID. The costs are untold. I do not know what they would be, but we know they would be remarkably high. There are sociologists and mathematicians who could figure it out. That is why I say to my friend from California, we have dozens and dozens and dozens of groups of people and organizations that support doing something.

I said earlier, I say to my friend from California—I spoke yesterday to the National Restaurant Association. They

are desperate for people to work in their establishments. They are desperate for people to clean dishes, wait tables, cook food, serve food. I say to my friend from California, that job may not be very glamorous, one of those jobs I have described, but it is just as important to the individual who has it as the 420,000 high-tech jobs that we have allowed people from outside the U.S. to come here to fill, just as important.

Mr. HATCH. Will the assistant minority leader yield for a parliamentary inquiry?

Mrs. BOXER. When I am completed I am sure there will be time for others, but I do not want to lose my train of thought.

What my friend has said is when someone asks what is the cost of this immigration fairness act amendment, we are saying it is more costly not to act because of the impact on the business community and their ability to get help is huge. The impact on the family, when the breadwinner has to leave behind American citizen children and perhaps the mom has to go on welfare, is very high, not to mention the cost of splitting up families. My friend has been a leader on this, as has my friend from Utah as well. We know what happens when parents split up. We know the costs to society. We know what happens to the kids. We know what happens to people using alcohol to dull the pain and all those things, when a family is summarily split apart.

I do not hear my friends on the other side saying, "change the law for Nicaraguans or Cubans." Good for them, we should allow those people to stay. What about the Salvadorans?

Mr. REID. I respond to my friend from California by saying she is absolutely right. But one cost we have not calculated is: What is the cost to a family that is broken up? I said on the floor yesterday, and I will repeat—I am sorry some will have to listen to it more than once—Secretary Richardson, now Secretary of Energy, was Ambassador to the United Nations. He came to Nevada. We had a good day visiting, doing work.

The last stop of the day was at a recreation center in an area of Las Vegas that is mostly Hispanic. As we were approaching, our staffs said: Let's take you in the back door because there is a big demonstration out front. We think you should not be disturbed. You can go in; we have people we have invited in and you could have a conversation.

We thought it over and we said, no, we are going to go in the front door. As we walked in the front door, we saw hundreds of people, many with brown faces—although I have to tell you there were many white faces as well and they were there to tell Secretary Richardson and I that what was happening was unfair. They qualified under the 1986 amnesty, but they had taken more than a year to file because the INS was

not playing by the rules, and they were not entitled, under the 1996 provision that was tacked into the immigration reform bill, to a due process hearing. They were saying:

I worked at Caesar's Palace. I was a cook. I made good money. I had a union job. I bought my own home. I have lost my home, I have lost my car, and now I am being asked to lose my family. That is unfair. I have American children. Here, do you want to see them? Here they are.

So I say to my friend from California, it is absolutely mandatory that we push this legislation. I am so grateful that Vice President GORE has stated publicly that he supports this legislation; not some different legislation, not trying to wiggle out of it—he supports this legislation.

I say to George W. Bush, I can't speak Spanish. I have three children who speak fluent Spanish. I can't speak Spanish. He shows off speaking the little bit of Spanish he knows. Let him speak English and come here and tell us he supports this legislation. That will show he supports the Hispanic community in America and their priorities.

Mr. HATCH. Will the Senator yield?

Mr. REID. I will yield for a question without losing the floor.

Mrs. BOXER. Mr. President, I ask to be added as cosponsor to this amendment, that is so important, to the Latino and Immigrant Fairness Act.

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

Mrs. BOXER. The last question I have is this: Our colleagues are up in arms about allowing us to have a vote on this, but they are bringing out amendments without even asking the authors if they want them attached to this particular bill. It amazes me.

I guess the final question I have for my assistant leader is this: If our friends on the other side do not like this bill, why do they not just vote against it? We are not asking to pass this without a vote. Are we not asking for the ability to put this on the Senate floor, debate it very briefly—or as long as they want? You yourself said, I think, you would take 10 minutes of debate and whatever the other side wants. Is it not their right to vote against this fairness legislation if they so desire?

Mr. REID. I say to my friend from California, as usual, you brought things down so it is very easy to portray what is going on here; that is, they do not want to vote.

Mrs. BOXER. That is it.

Mr. REID. They don't what to vote. They want to be able to go home and say they are for all this fairness and immigration. How can they prove it? Well, because they say so.

I say to my friend from California, the only way to prove this is to allow us to vote. This is a basic principle. If you don't like something, vote against it.

It appears to me that because the President and Vice President have been

unflinching in this—they have said this legislation will pass or this Congress will not adjourn. We have enough votes to sustain a veto. I think we are in good shape.

Several Senators addressed the Chair.

Mr. REID. I am happy to yield to my friend from Vermont. My friend from Illinois indicated he had a question. I will be happy to yield to my friend from Illinois for a question without losing the floor.

Mr. LEAHY. And then, Mr. President, if he will yield to me for a question also?

Mr. DURBIN. I thank the Senator from Nevada for leading this debate. I think it is important from time to time, as we get into debate, if the Senator would respond, for us to recap where we are so those who are trying to follow the debate understand it.

The underlying bill, the H-1B visa bill, will allow companies in America to bring in skilled workers from overseas. They are telling us they cannot find those workers in America's labor pool. We decided under the H-1B visa, in 1998, to increase the number who could be brought in this fiscal year to 107,500. They are telling us that number is inadequate. They cannot find the workers in America to fill their needs and they do not want to move their companies overseas.

So the underlying bill—I ask the Senator from Nevada to confirm this—the underlying bill, at the request of businesses across America, would increase the number who can be brought in for these skilled labor jobs to 195,000 a year. Am I correct?

Mr. REID. Yes. I say to my friend from Illinois, that is part of the bill. There are other things included in it, but that is absolutely right.

Mr. DURBIN. So the idea behind the underlying bill is that, at the request of business, we will bring in these skilled workers so they can continue to thrive in this economy, continue to create more jobs, and not have to move their businesses overseas?

Mr. REID. I say to my friend from Illinois, we hear a hue and cry—and you and I have been doing some of the crying—about the businesses moving overseas. One reason they are doing that is, of course, there is cheap labor overseas. But the other is they can't find enough people to do the work here. So they throw their arms up and ask us to help them.

I believe it is so important we understand this legislation, of which the Senator from Illinois has been a constant supporter, and as a cosponsor of the amendment we have filed, this Latino and Immigrant Fairness Act of 2000.

Let's not confuse this. My friend from Utah raised the words: "Illegal immigration. Aren't we supporting illegal immigration?" Let the Record be spread with the fact this is not about illegal immigration. This has everything to do with fairness—fairness not

for some mystical people off on the horizon but for human beings who live in Las Vegas, who live in Winnemucca, or Chicago, and other places throughout America. All they want is a chance at the American dream. They are not asking for anything other than a fair hearing and the right to work as they know how.

Mr. DURBIN. If the Senator would further yield for a question, the underlying bill, at the request of the business interests in this Nation, will allow us to increase the number of skilled immigrants coming in on temporary visas to 195,000 a year.

The amendment which the Senator from Nevada, Mr. REID, the Senator from Massachusetts, Mr. KENNEDY, as well as the Senator from Rhode Island, Mr. REED, Senator LEAHY of Vermont, and I want to offer to this legislation even addresses it, I think, with more persuasion because the Latino and Immigrant Fairness Act, which we are pushing as an amendment to this bill, is supported not only by the U.S. Chamber of Commerce but by the AFL-CIO as well. Business groups and labor groups have come together and said: If you are going to address the issue of immigration, jobs, keeping the economy moving, don't stop with the H-1B, 195,000; deal with American workers who are here who need to be treated fairly.

Am I correct in saying to the Senator from Nevada, this is one of the rare examples I have seen on an immigration issue where business and labor have come together so strongly, saying to us this is the best thing for workers and their families and the economy, the amendment we are cosponsoring—the amendment being resisted by the Republican leadership, is it the same amendment?

Mr. REID. I say to my friend from Illinois—and I apologize for not answering the last question directly; the Senator from Illinois has projected what is absolutely the question before the Senate; and that is, we, the Democrats, have been willing to support bringing high-tech workers here. In fact, almost 500,000 of them have come here to work because the high-tech sector which is fueling our economy needs such workers.

All we want to do is make sure that other essential workers—which is how I refer to them—skilled and semi-skilled workers come here so that they are able to do the work at Ingersoll-Rand, at Harborside Healthcare Corporation, at Cracker Barrel Old Country Store, at Carlson Restaurants Worldwide and TGI Friday's, and at the Brickman Group, Ltd.

As the Senator has indicated, the American Federation of Labor, the American Chamber of Commerce—where else have we been able to see these two groups coming together pushing a single piece of legislation? I can tell you one other, and that is a Patients' Bill of Rights.

Mr. DURBIN. That is right.

If the Senator would yield for a further question?

Mr. REID. I am happy to yield without losing my right to the floor.

Mr. DURBIN. I think the distinction here on the H-1B visa question is, we are talking about bringing new workers, new skilled workers, in on a temporary basis to fill the needs of companies. The amendment, which we want to offer and which the Republicans are resisting, deals with workers already in America, many of whom are asking to be treated fairly under our immigration laws. Business and labor, as well, are saying they deserve to be treated fairly.

As an example, the Senator from Nevada has talked about those who came to this country, started families, started working, paid their taxes, never once committed a crime, building their communities and their neighborhoods, and are now caught in this snarl, this tangle, this bureaucratic nightmare of the Immigration and Naturalization Service. They are asking for their chance, as many of our parents and grandparents had, to become American citizens legally and finally.

It strikes me as odd that those of us in the Senate who understand how bad this immigration battle is for individuals and families would resist this amendment, the Latino and Immigrant Fairness Act.

In my office in Chicago, in my senatorial office, two-thirds of the casework is on immigration. We are in a constant battle with the INS. What our amendment seeks to do is to say these people deserve fair treatment. For goodness' sake, you can call yourself a compassionate conservative or a compassionate liberal or a compassionate moderate, but if you believe in compassion, how can you resist an amendment that is going to give to these families here in America—working hard, building our Nation—a chance to be treated fairly under the law?

Mr. REID. I respond to my distinguished friend from Illinois, all these people want is a fair hearing. Some of them, after they have a fair hearing, may not have merits to their case, and they may have to go back to their country of origin. But in America, shouldn't they at least be entitled to a fair hearing where they have due process? The obvious answer is yes.

I appreciate very much the leadership of the Senator from Illinois on this issue and his ability to articulate something that is so important. We all have the same situation in our offices, those of us who have large minority populations. In my office, I have two Spanish-speaking people working in my Las Vegas office, one in my Reno office, the purpose of which is to work on these very difficult cases. I think it is very good that the Senator from Illinois can condense an issue so understandably.

It is my understanding that the Senator from Vermont wishes me to yield.

Mr. LEAHY. Just for a question.

Mr. REID. I will yield without losing my right to the floor. But before yielding to my friend, without losing my right to the floor, I want to say to my friend from Vermont—

The PRESIDING OFFICER. The Senator can only yield for a question.

Mr. REID. I understand that. I have the floor. I am just making a statement.

I say to my friend from Vermont, I am so proud of you. I say that for this reason: I saw some statistics the other day about the State of Vermont. You have very few minorities in Vermont. For you to be the national leader on this issue that you have been takes a lot of political courage. It would be easy for you to be an "immigrant basher," to talk about how bad illegal immigrants are and how bad it is to be dealing with this issue. But you, as the ranking Democrat on the Judiciary Committee, have stepped forward.

I say to my friend, the Senator from Vermont, you have stepped forward in a way that brings a sense of relief to this body because you have no dog in the fight, so to speak. You are here because you are trying to be a fair arbiter. You are the ranking Democrat on the Judiciary Committee. That is why we, the rest of the members of the minority, have followed you as a leader on matters relating to things that come through that very important Judiciary Committee.

I am happy to yield to my friend from Vermont for a question, without my losing the floor.

Mr. LEAHY. Mr. President, my friend the Senator from Nevada has given me more credit than I deserve, but I do strongly support the Latino and Immigrant Fairness Act, as just that, a matter of fairness, as something we should do. Whether we have a large immigrant population in our States or not, this is something where Senators are going to reflect the conscience of the Nation, as this body should.

My question is this. I was over at one of our latest investigation committee meetings. We tend to investigate rather than legislate in this body. I was at a meeting where the Senate decided to go ahead and investigate the Wen Ho Lee investigation and, thus, hold up the FBI, who were supposed to be debriefing Dr. Wen Ho Lee today under the court agreement. Instead, in the Senate we jumped in, feet first, to interfere with that. I had to be off the floor to serve as Ranking Democrat of Judiciary at that hearing. So I wonder if the Senator from Nevada could explain the parliamentary procedure in which we find ourselves. It seems somewhat of a strange one.

Mr. REID. I am happy to respond to my friend from Vermont. There will probably be chapters of books written about what has gone on today. It is going to take some political scientists and some academicians to figure out what went on here today.

As of now, Senator CONRAD from North Dakota filed an amendment, according to the unanimous consent

order that was in effect. The majority leader called up his amendment without notifying the Senator from North Dakota. Then Senator LOTT called Senator CONRAD's amendment and then offered a second-degree amendment to Senator CONRAD's amendment. It was very unusual.

The purpose, of course, is so we, the minority, once again, would be stymied from offering an amendment and how would that be so? Because the majority does not want to vote on amendments, whether it is an amendment on whether we should close the gun loophole as to whether emotionally disturbed people or criminals, may buy guns at gun shows or pawnshops. That doesn't sound too unreasonable to me. This is a loophole that should be closed. They won't let us vote on the Patients' Bill of Rights either.

Mr. HATCH. Will the Senator yield for a simple parliamentary inquiry?

Mr. REID. They won't let us vote on anything dealing with prescription drugs, school construction, or lowering class size, as well as on the very "bad" concept called the minimum wage. They don't allow us to vote on that because they don't want to be recorded. You know how they will vote; they will vote no.

Mr. HATCH. Will the Senator yield for a parliamentary inquiry?

Mr. REID. I say to my friend from Vermont, that is why we are in the position we are in.

Mr. HATCH. Will the Senator yield for a—

Mr. REID. Once again, we are prevented from moving forward. The Senate has worked a couple hundred years to vote on amendments. But recently we have a new style. If you don't vote on something, you are better off than if you do.

In fact, I saw something earlier today where the majority leader said "that when the Republicans aren't here, their popularity goes up." But here is the quote:

We were out of town two months and our approval rating went up 11 points.

That was from February 3, 2000, by the leader. I think they have just extended this a little bit. Not only when they are out of town does their approval rating go up, I think they learned that if they don't have to vote, their approval rating doesn't go down.

Mr. LEAHY. Will the Senator yield for a further question?

Mr. REID. I am happy to yield to my friend from Vermont, without losing my right to the floor.

Mr. HATCH. Will my friend yield for a parliamentary inquiry?

Mr. LEAHY. On this question, I have been here now with a number of distinguished majority leaders, all of whom have been friends of mine: the Senator from Montana, Mr. Mike Mansfield; the Senator from West Virginia, Mr. ROBERT C. BYRD; the Senator from Tennessee, Mr. Howard Baker; the Senator from Kansas, Mr. Robert Dole; the Senator from Maine, Mr. George Mitchell.

During that time, I do not recall a case where a majority leader, even though they have the ability to call up an amendment, has ever done that without giving notice first to the Senator who sponsored the amendment. That is during my now almost 26 years with all these distinguished, both Democratic and Republican, majority leaders. Has it been the experience of the distinguished Democratic deputy leader that if the leader is going to call up another Senator's amendment, that they give the sponsor notice?

Mr. REID. I say to my friend from Vermont, there was an interesting discussion on the floor yesterday where a Senator mentioned another Senator's name on the floor without advising that Senator that he was going to be using his name. And the most senior Democrat disagreed with that. He said it was unfair to talk about another Senator when that Senator was not on the floor.

If we carry that logic to what the Senator just asked, I think it would also be improper if Senator LEAHY filed an amendment pursuant to an order that had been entered into the Senate and the Senator from Nevada, without saying a word to the Senator from Vermont, called it up.

Now, we have been told by the Parliamentarian that there have been times in the past when other Senators have called up other Senator's amendments. We all know that. I have called up amendments for you when you haven't been here.

Mr. LEAHY. With my permission.

Mr. REID. With your permission. And you have done the same for me. That is the way it works. But to do something where the Senator is over in his office waiting for a time to be able to offer his amendment and it is suddenly called up, I am not totally aware of this.

I say, through the Chair, to my friend from Utah, I would be happy to yield to my friend from Utah for a parliamentary inquiry, if I do not lose the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATCH. I have three or four parliamentary inquiries. I will make them very short.

It is my understanding, is it not, that the Latino fairness bill, amendment No. 4185, was just introduced on July 25 of this year; is that correct?

The PRESIDING OFFICER. The Chair does not have access to those dates.

Mr. LEAHY. Is that a parliamentary inquiry, Mr. President?

Mr. HATCH. Is it not true that the amendment called the Latino fairness bill is No. 4184 and that it is not germane because 94-3, Republicans and Democrats, have voted for cloture; is that correct?

The PRESIDING OFFICER. It is the opinion of the Chair that amendment No. 4184 is not germane.

Mr. HATCH. Parliamentary inquiry: Since the Senate voted 94-3, Democrats

and Republicans, on a bipartisan way to limit debate, that amendment would be moved out of order; is that correct?

Mr. REID. I would say to the Chair—

Mr. HATCH. May I get an answer to my question?

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

Mr. REID. I would say to my friend, through the Chair, I have no problem with the Senator making these parliamentary inquiries. July 25, I don't know if that is right, but that is fine. I also think, as we say in the law, his inquiry is not at this time justiciable. The fact that the Parliamentarian, through the Chair, ruled that this amendment, if offered, would not be germane does not mean that that ruling is taking place now. There is no ruling at this stage.

The PRESIDING OFFICER. That is correct.

Mr. REID. Did the Senator have other parliamentary inquiries.

Mr. HATCH. Yes, parliamentary inquiry.

The PRESIDING OFFICER. Is there objection?

Mr. REID. As long as I don't lose the floor.

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

Mr. HATCH. As I understand it, the amendment, No. 4184, would not be germane.

Mr. REID. I am reclaiming the floor. I say to my friend from Utah, that question has already been answered.

The PRESIDING OFFICER. The Senator from Nevada can reclaim the floor.

Mr. REID. At an appropriate time, I hope we have the opportunity to offer this amendment. I came to the floor Friday and asked unanimous consent that we be allowed to proceed to this. What the minority is saying, is that there is no need to play any parliamentary games. What we want to do is to be able to have an up-or-down vote on amendment No. 4184, whether the underlying legislation was filed on July 25, February 1, or 2 minutes ago. We want a vote on the Latino and Immigrant Fairness Act of 2000. We want a vote. But, if the majority is going to come in here under some parliamentary guise and say that it is not germane, that is their right. But I want everyone to know—and I spread it across the record of this Senate—that is an obstacle that is unnecessary.

They should allow us to vote on this if they believe that there should be fairness, as we have tried to outline here today, people who are already here, already working, or trying to work. We are not hauling in new people from outside the borders of the country. We want the people here to have a fair shot. That is all we want. If the majority does not want that, let them vote against it. I started out saying we would have an hour evenly divided. Then I said a half hour evenly divided. We are down to 10 minutes now, 5 minutes a side, that we would take on this.

We want an up-or-down vote. I think it is fair to have an up-or-down vote on this amendment.

Mr. LEAHY. Will the Senator yield for another question?

Mr. REID. Yes, without my losing my right to the floor.

Mr. LEAHY. Mr. President, the Senator from Nevada makes a compelling argument. Consider the extraordinary and, I believe, unprecedented procedure of the majority leader in calling up an amendment of a Democratic Senator who was not consulted. Note that the amendment is the amendment filed just before the amendment that we have been trying to have considered to provide Latino and immigration fairness, the one on which we are being denied consideration or a vote. The amendment on the Latino and Immigrant Fairness Act is something we ought to at least have the guts to stand up and vote up or down on and let the Latino population of this country know where we stand.

I say to my friend from Nevada, this exercise—to me, at least—appears to be an attempt to keep us from voting on something of significance to this country. Isn't this very similar to what we have seen on the question of judges, where anonymous holds from the Republican side have stopped us from voting up or down on judicial nominations for months and years in some cases; and anonymous holds from the Republican side are currently preventing Senate action on the Violence Against Women Act reauthorization; and anonymous holds from the Republican side have been preventing Senate action on the Bulletproof Vest Partnership Grant Act of 2000, a bill to help fund bulletproof vests to protect our State and local police officers; and anonymous holds on the Republican side have prevented passage of the visa waiver legislation; and anonymous holds on the Republican side are preventing the Senate from passing the Computer Crime Enforcement Act? Is there a pattern here? The majority appears not to want to allow the Senate to either vote for or against these measures. They should at least allow us to vote.

Mr. REID. Mr. President, I will respond to only one of the things he has listed because the obvious answer to every one is that he is right. About the bulletproof vests, that is very important to the people of Nevada. Why? Because some people believe that Nevada, is a State that is very rural in nature. That is not true. Nevada is the most urban State in America because 90 percent of the people live in the metropolitan Reno or Las Vegas areas. Ten percent live outside of Reno or Las Vegas. Those 10 percent, in Winnemucca and Lovelock, all through Nevada—those little police departments cannot afford bulletproof vests. As a result of that, we have people who are hurt and not able to do their work as well. Some of them have to buy their own vests and usually they are not very good.

What the legislation the Senator from Vermont has pushed, and we have gotten a little money on some of his legislation, we need to make sure that in rural America, rural Nevada, in places such as Ely and Pioche and police officers in these rural places in Nevada get the same protection against the criminal element that the people who are police officers in the big cities have. So the Senator from Vermont is absolutely right. We have a game being played here; they don't want to vote on tough issues. They have been pretty successful. And, I am sorry to say that they have been successful. We have spent little time debating issues and voting. We have spent a lot of time thinking about what we are going to do next, which is normally nothing.

My friend from Rhode Island has asked that I yield to him for a question, which I will do if I do not lose my right to the floor.

Mr. REED. Mr. President, like the Senator, I am frustrated because we are trying to simply recognize the reality that there are many, many individuals in the United States who have been here for years and who deserve an opportunity to become permanent residents, and it is not only within the Latino community but the Liberian community. These individuals from Liberia came over legally, under temporary protective status. That is one of the pieces of legislation also frustrated by this device to preclude amendments.

I wonder if the Senator might amplify the fact that, indeed, if we were successful to get a vote on this measure, we could also address the issue of 10,000 Liberians who are literally perhaps hours from being deported, except for administrative order, and it is a population that has contributed to our communities; and we should recognize that they deserve the opportunity to adjust to permanent status, and they are being ignored by these parliamentary maneuvers—worse than ignored.

Mr. REID. Mr. President, if there are ever any prizes given by a higher being to someone who cares about a group of people who have no one out there as their advocate or champion, JACK REED from Rhode Island will get one of those prizes. Nobody else has been as vocal a proponent for doing justice to those 10,000 individuals who have no other spokesperson. I congratulate the Senator for being very open and vocal. I have to tell him that but for him his amendment would not be part of this legislation about which we are speaking. I am very proud of the Senator from Rhode Island for the great work he has done.

I also respond in this way. Some of the people I am trying to help in Nevada have been there 30 years—not 30 days, 30 hours, 30 months, but 30 years. They want a fair hearing. When I first went to law school, I heard the words "due process" and really didn't know what that meant. I quickly came to learn in law school that it is the foundation of our system of justice. People

who are here, no matter how they got here, should be entitled to basic fairness. So I thank my friend from Rhode Island for trying to help more than 10,000 Liberians get a fair hearing. That is basically what this is all about.

My friend from Florida has been on the floor now for a long period of time. He has indicated to me that he has a question. I am happy to yield for a question without my losing the floor.

Mr. GRAHAM. I thank the Senator.

Mr. President, Senator REED from Rhode Island has done an outstanding job of bringing to our attention the plight of those 10,000 Liberians, many of whom are his friends in Rhode Island. I want to talk about another group of about 10,000. That is a group of Haitians. There are many more than 10,000 Haitians who have come to the United States in the last decade, decade and a half, fleeing first the dictatorship of the Duvaliers, and then the military dictatorship that succeeded the Duvaliers. Most of those Haitians came by boat and most had no documentation. They had no papers of any type when they came into the country.

Under the immigration law we passed in 1998, subject to one additional complexity—which I will talk about at another time—which we are trying to get resolved with this legislation, they will be entitled to make their case for legal residence in the United States. I think at this point it is important we indicate that in virtually every instance we are talking about, we are not talking about granting a legal status and, certainly, not granting citizenship. What we are talking about is giving people a chance to apply, and that their application will be accepted and given appropriate due process and consideration. Without the kind of provisions we are trying to accomplish in this Latino and Immigrant Fairness Act, they can't even submit the papers to start the process.

Let me go back to the 10,000 Haitians who arrived by air. The irony is that they tended to be people who were under a particular threat of death or serious abuse and persecution. They felt the necessity not to be able to wait for a boat but to get out as quickly as possible. In order to get on the airplane, they had to go to somebody who counterfeits passports and other documentation that was required to get on the plane and get out of Haiti in the 1980s and early part of the 1990s. When they arrived in the United States they were not without documents. But they had false, counterfeit documents.

If you can believe it, under our current immigration law, we make a distinction between a person who is flying—and arguably in a severe case of persecution—with false documents and is denied the right to apply for legal status, whereas a person who comes with no documents at all is allowed.

This legislation will correct what I think is one of the most indefensible examples of unfairness to people who essentially are in the same condition

but have a minor technical differentiation—in this case, with no documents, OK; and, with false or counterfeit documents precluded from the opportunity to apply. We would eliminate that and allow both the no-document Haitians and the counterfeit-document Haitians the opportunity to submit their case and attempt to persuade the INS to justify granting some legal status in the United States.

They have 10,000—what are referred to as the “airport Haitians”—immigrants with all of the characteristics that the Senator talked about before. They have lived here a long time. Many of them have established families. Either they have U.S. citizen children or they have become positive members of a community. They have all of the bases to be seriously considered for legal status, but they are being denied even the opportunity to apply because of this peculiarly perverse unfairness in our immigration law, which this legislation—if we had a chance to take it up, debate it, and vote on it—has the chance to rectify.

I appreciate my good friend, Senator REID, giving me this opportunity to ask him the question.

Does the Senator think we ought to seize this moment and correct the unfairness that Senator REED has pointed out with the Liberians—I suggest an equal number of Haitians—in this Nation?

Mr. REID. The Senator from Florida has been such a leader on immigration issues generally but more specifically this issue dealing with Haitians. The State of Florida has been greatly affected by Haitian immigrants. All we are saying is let these people have their status adjusted. If it doesn't work out, they will have to suffer whatever consequences. But don't deny them basic due process.

My friend from Louisiana asked that I yield to her for a question. I would be happy to do so without losing the right to the floor.

Mr. LOTT. Mr. President, before the Senator takes advantage of that time, I would like to make an inquiry.

The PRESIDING OFFICER. Does the Senator from Nevada yield?

Mr. REID. I would be happy to yield to the majority leader without losing my right to the floor, which I lose in 5 minutes anyway.

Mr. LOTT. That is what I was going to inquire about. I believe we are scheduled to take a break in 5 minutes, at 12:30, for the respective party policy luncheons. I had hoped to be able to make some comments and respond to some of the things that were said. I know that Senator HATCH hoped to do that, too. In order to do that, if he is not going to have time yielded, I guess the only alternative would be for me to yield leader time and ask unanimous consent that we extend the time for 5 minutes beyond 12:30. Is that correct, Mr. President?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I ask a question of my good friend from Nevada. The Senator from Florida has raised some interesting questions about a particular group of people whom we, under our amendment, would seek to not give automatic citizenship to but the opportunity to apply. The Senator from Rhode Island has spoken eloquently about a fairly large group of applicants who are just seeking an opportunity to apply.

Does the Senator know that there is a very large group of people from Honduras that are living in the New Orleans area of Louisiana with families that will really be disrupted and separated if we don't provide some kind of response?

I wish the Senator could perhaps shed some light on how difficult it is going to be for me to have to go back to Louisiana and explain to my business leaders that I am trying to help them get visas for people to build the ships we need, to build powerplants to fuel this economy, and to bring people into this Nation, but yet I am not able to get our Senate to help us keep people who are already there employed and working in shipbuilding, running our hotels, and our hospitals.

The leader has done such a good job. I just wanted to come to the floor to say it is going to be very difficult for me to go back and say: While we gave you some help with visas for people to be brought in to help, we are taking people away from you who are already employed, and we weren't able to correct that.

Could the Senator shed some light for people who are following this debate on how it doesn't seem to make sense that on the one hand we are giving new visas to people to come into our country, and yet we are telling employers who are desperate for workers, particularly in my State of Louisiana in the New Orleans area, that we are going to actually take good workers away from them and ship them back to either Honduras or Guatemala or El Salvador?

Mr. REID. Mr. President, my friend from Louisiana is absolutely right. We know there was a promise made to Honduran immigrants in this country that their status would be adjusted the same as the Cubans and the Nicaraguans were adjusted. I was happy to recognize that the Cubans and Nicaraguans who are here deserve that. But for the Hondurans, this country has not lived up to the promise made to these people.

The Senator is absolutely right. That is why we have company after company and organization after organization supporting this legislation. Senator DURBIN has worked very hard on it, and the Senator from Louisiana has worked with him.

As has already been pointed out, supporters of the legislation include the Americans for Tax Reform, Empower American, AFL-CIO, Union of

Needletrades and Industrial Textile Employees, Service Employees International Union, National Council of La Raza, League of United Latin American Citizens, Anti-Defamation League, Hadassah, The Women's Zionist Organization, Hebrew Immigrant Aid Society, Lutheran Immigration and Refugee Services, Jesuit Conference, American Bar Association, American Immigration Lawyers Association, Center for Equal Opportunity Club for Growth, Resort Recreation and Tourism Management, and the National School Transportation Association.

All we are saying is that these organizations are well-meaning. Why? Because their livelihoods depend on having people to do the work.

All we want to do is satisfy basic fairness. I think the way that we could have basic fairness is if the majority would allow us the right to vote on amendment No. 4184. It is as simple as that. I know my time is up.

Ms. LANDRIEU. I couldn't agree with the Senator more. I thank the Senator for yielding for that question.

Mr. LOTT. Mr. President, I yield myself a minute of leader time and allot the remainder of the time to Senator HATCH to comment on where we are and some of the things that have been said.

I know there is a lot of clarification and correcting that the RECORD needs.

With regard particularly to workers in shipbuilding, I believe we have plenty of people in my State of Mississippi who would be perfectly happy to fill any job that might be available in the shipyards in my State.

It is very clear what has happened. For weeks, for months, this bill has been delayed, stalled, by all kinds of demands for unrelated amendments, amendments of all kinds. That resistance still continues.

The high-tech industry indicates this is vital to them—big and small—this has to be done, and there is bipartisan support.

The time is here. We are going to see very clearly whether we want to extend these immigrants visas or not. All the delays to change the subject, deflect it, to demand votes on other things which could tangle up and cause problems for this bill will not work. We will file cloture. We are going to have successful cloture and we will either get this bill done or not.

Everybody needs to understand here and outside this Chamber that it is time we get to the issue at hand, that we have a vote, get this work done, and move on.

The Senators are entitled to make their case for other amendments. I thought we recognized last Friday in our exchange that there are other bills, there will be other venues where these amendments could possibly be considered, if that is the will of the House and the Senate and the Congress.

The point is, do we want to pass it or not? Time is running out. It is time to make that decision. We will have a clear vote on it before this week is out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have heard my friends on the other side talk about how important this is. Why didn't they file the bill before July 25 of this year if it is so darned important, if politics isn't being played here.

Secondly, why did they all vote for this? Forty-three Democrats voted for cloture. If they wanted this amendment, why did they vote for cloture? They understand the rule that, by gosh, we vote for cloture, end debate, so we can pass the bill.

The high-tech industry needs this bill, but it will be brought down if we can't get it passed. The Latino fairness bill has not even had 1 day of hearings. Yet they want to grant amnesty to illegal aliens of at least a half million, and some think up to 2 million people, without 1 day of hearings. Where are the amendments to increase the number of legal immigrants?

In 1996, we had a major debate on immigration and there was a serious effort to restrict the numbers of legal immigrants. I fought the fight to preserve the number of legal immigrants. That is Latino fairness. What my colleagues are advocating is a major amnesty program for illegal immigrants, without 1 day of hearing.

Let's just understand the 1982, 1986 situation. The fact is the bill before us, while termed "Latino fairness," does nothing to increase or preserve the categories of illegal immigrants allowed in this country annually. If you listen to their arguments, why don't we just forget all our immigration laws and let everybody come in? There is an argument for everybody.

We all know what is going on: This is a doggone political game, stopping a very important bill that 94 people basically voted for today in voting to invoke cloture.

Their idea does nothing to shorten the long waiting period or the hurdles of persons waiting years to come to this country, playing by the rules to wait their turn. What we hear is an urgent call to grant broad amnesty to what could be more than a million to two million illegal aliens. Now, let's be clear about what is at issue here. Some refer to the fact that a certain class of persons that may have been entitled to amnesty in 1986, have been unfairly treated and should therefore be granted amnesty now. That is one issue, and I am certainly prepared to discuss—outside the context of S. 2045—what we might be able to do to help that class of persons. But that is not really what S. 2912 is about. Rather, this bill also covers that class plus hundreds of thousands, if not millions of illegal aliens who were never eligible for amnesty under the 1986 Act because that Act only went back to 1982.

This is a difficult issue, Mr. President, and one with major policy implications for the future. When we supported amnesty in 1986, it was not with

the assumption that this was going to be a continuous process. What kind of signal does this send? On the one hand, our government spends millions each year to combat illegal immigration and departs thousands of persons each year who are here illegally. But—But if an illegal alien can manage to escape law enforcement for long enough, we reward that person with citizenship, or at least permanent resident status.

Finally, Mr. President, I hope that my colleagues are aware of the cost of this bill to American taxpayers. Specifically, a draft and preliminary CBO estimate indicates this bill comes with a price tag just short of \$1.4 billion over 10 years.

The bottom line is that the Senate is not and should not be prepared to consider this bill at this time. It raises far-reaching questions concerning immigration policy, whose consequences have never been addressed by proponents.

Mr. REID. Mr. President, my final few minutes is time that has been given to me by the leader and that time that I claim for myself to deal with the pending legislation, the postcloture debate.

My friend from Utah indicated he was wondering why we didn't file our legislation prior to May of this year. I say to my friend from Utah, as he knows, we have been working on this legislation for more than 2 years, following the 1996 legislation, which has caused much of the controversy and consternation to immigrants. That is the reason this legislation is coming forward—one of the main reasons. Furthermore, one of the main components of the Latino and Immigrant Fairness Act would update the date of registry. I introduced legislation in August of 1999—last year—and updated legislation in April of this year, to change the date of registry. So, I respect this isn't something we just started working on. We have been fighting for these provisions for years.

We have talked about this. In fact, in May of this year, I wrote a letter to the majority leader urging him to move expeditiously to allow us time on the floor to consider the H-1B legislation. There have been no surprises. There has been adequate time for all the committees of jurisdiction to hear this legislation at great length. There have certainly been no surprises.

I repeat what was said earlier in this debate. The Democrats, by virtue of this record, support H-1B. We voted for cloture. We believe this legislation should move forward. But in the process of it moving forward, we think in fairness that the legislation about which we speak; namely, the Latino and Immigrant Fairness Act of 2000, should move forward also.

I repeat, if my friends on the other side of the aisle do not like the legislation, then they should vote against it. We are not trying to take up the valuable time of this Senate. But what we are doing is saying we want to move

forward on this legislation, and we are not going to budge from this Congress until this legislation is passed.

We have a record that substantiates the statement I just made. No. 1, we moved Friday, we moved today, to proceed on this legislation. We have been denied that opportunity.

No. 2, we have letters signed by more than 40 Senators and we have more than 150 House Members who have signed a letter to the President, saying if he vetoes this legislation, we will certainly support his veto. Your veto will be based on the fact that the Latino and Immigrant Fairness Act of 2000 is not included in something coming out of this Congress.

What we are looking to, and the vehicle that should go forward, is the Commerce-Justice-State appropriations bill. But if there is some other area, we will also support the President's veto on that.

This legislation, among other things, seeks to provide permanent and legally defined groups of immigrants who are already here, already working, already contributing to the tax base and social fabric of our country, with a way to gain U.S. citizenship. They are people who are already here. They are working or have been working. The only reason they are now not working is because the Immigration and Naturalization Service slipped into the 1996 bill that these people, like the people in Nevada, are not entitled to due process. Some of my constituents in Nevada have not had the ability to have their work permits renewed. They have been rejected. Some have been taken away from them. People lost their homes, their cars, their jobs. I am sorry to say in some instances it has even caused divorce. It has caused domestic abuse, domestic violence. People who have been gainfully employed suddenly find themselves without a job. . . their families torn apart.

We want a vote, an up-or-down vote. As I have said, we don't want a lot of time. We will take 10 minutes, 5 minutes for the majority, 5 minutes by the minority: Vote on this bill. We will take it as it is written.

I think anything less than an up-or-down vote on this shows the majority, who in effect run this Senate, are unwilling to take what we do not believe is a hard vote. From their perspective, I guess it is a hard vote because they do not want to be on record voting against basic fairness for people who are here. Although we are willing to vote to bring 200,000 people to this country—we support that, too—we think in addition to the people who are coming here for high-tech jobs, the people who have skilled and semi-skilled jobs, who are badly needed in this country, also need the basic fairness that this legislation provides.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now