

most importantly, the inclusion of this directive language could set a very bad precedent. This would be the first time Congress has usurped the authority of the Air Force in determining which units should receive new C130 aircraft.

It is my hope that this provision is an exception to the rule and that next year the Congress will not override the decision of the Air Force to allocate aircraft based on an objective evaluation of need. I hope that, and will work to ensure that, Congress allows the Air Force to exercise its judgement in deciding which units should be modernized with any aircraft approved in the budget process. To do otherwise raises serious doubts about our commitment to military readiness.

Mr. ROBB. Mr. President, I am supporting the fiscal year 2001 Defense Appropriations Act with a very mixed sense of frustrated resignation and expectant hope for the way we are resourcing our national defense. A major source of frustration this year is that we will have missed yet another opportunity through the decision made in the budget process to meet our new, growing or neglected national security requirements.

We should have been able to fix our military medical health care system and keep our promise of health care to thousands of military retirees who feel they have been cheated by the nation. We should have been able to raise the pay of our service members to bring it more in line with the private sector faster. We should have been able to fund our dangerous ship and aircraft maintenance backlogs. We should have been able to lay the foundation for increasing our ship construction rate to ensure we keep our 300-ship Navy strong and ready. We should have been able to increase our funding of basic science and technology to set the conditions for the rapid development of the next generations of ships, aircraft, and land combat forces.

It is a source of continuing disappointment to me that there is still too much parochial, pork-barrel spending in the defense appropriation process. Last year, the Defense Appropriations bill was so overburdened with pork, I voted against it in protest. Increasing defense spending, so necessary to the demands of our national security today and into the future, will not improve our military capability and readiness if money is funneled into projects that serve parochial interests, not the national interest.

My views on the need to increase defense spending and my objections to pork-barrel spending are well known and I regret the missed opportunity this appropriation represents. Yet, having said that, there are many elements of this defense appropriations act that are critically important and which I fully support. This appropriation continues the trend and our commitment

in the Congress to increase spending for our national defense—\$15 billion above last year's appropriation and \$3.3 billion above the President's request. Most importantly, it does more to take care of our most important national security resource—people. This appropriation increases pay for our service men and women by 3.7 percent, increases housing allowances for military families, increases quality of life enhancements, and increases enlistment and retention bonuses to deal with critical challenges in personnel.

This appropriation supports important ship construction and maintenance requirements to keep our Navy strong and ready. It provides full funding, \$4.1 billion, for our next aircraft carrier CVN-77 and \$1.7 billion for procurement of a third Virginia Class for New Attack submarines. Very importantly, this appropriation increases the President's request for ship depot maintenance by \$142 million, and appropriately makes these funds immediately available to the Navy as a matter of emergency to deal with a critical ship repair backlog.

We need to take a lesson from this session's consideration of how Congress provides for the common defense. We need to take advantage of historic budget surpluses to objectively and aggressively deal with the challenges of defending America's interests in a still very dangerous world. We need take advantage of a political and popular willingness to invest in today's and tomorrow's security and ensure that we fully resource our armed force's requirements for a good quality of life, training, equipment, maintenance, and modernization. Finally, Mr. President, we need to take advantage of an opportunity to keep our promise of health care to the thousands of military retirees who gave the best years of their lives to the defense of this nation. I regret we missed this opportunity, but on balance, this bill satisfies many of our national security requirements, and merits support.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am authorized to do so, and I yield the remainder of the time of the Senator from West Virginia, Mr. BYRD.

Mr. President, has all time now been yielded?

The PRESIDING OFFICER. It has.

Mr. STEVENS. The time set for the vote on this bill is 3:15. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ENERGY AND WATER APPROPRIATIONS

Mr. FEINGOLD. Mr. President, I rise to express my concern and the concerns of my constituents regarding Section 204 of the FY 2001 Energy and Water Appropriations legislation now before us, the provision which affects the conservation of the silvery minnow. News of the showdown between federal and state agencies over the conservation of this fish on the Rio Grande has reached my state. My constituents are now concerned, Mr. President, about the impact this language will have on the future survival of this species, as well as the precedent that language of this type will have on the implementation of the Endangered Species Act in Wisconsin and across the country. They are so concerned, that on July 22, 2000 a constituent drove from Madison to a fair in Waukesha to speak to me about this matter and missed me by minutes. When constituents are that concerned, I have to bring it to the attention of other members of this body.

The White House on Friday threatened to veto the Energy and Water Development bill, in part because of this provision that could prevent protection of the endangered Rio Grande silvery minnow.

I am concerned, Mr. President, that we would be seeking to take this action in this bill because, while we are here in Washington, in Albuquerque, federal, state, and environmental lawyers are continuing a federal court-ordered mediation. This mediation is seeking something much more important than legislative ink on the page, Mr. President, rather it seeks river water for the minnow before its critical habitat runs dry—unfortunately it could run dry potentially as soon as next week.

The Department of Interior, through its U.S. Fish and Wildlife Service and Bureau of Reclamation, is trying to keep the minnow from oblivion.

Let me explain my concerns, Mr. President. They are concerned that Section 204 would prevent the Bureau of Reclamation from using any funds to open irrigation dams. It is the opening of those dams that would provide direct river flow to sustain the minnow. I understand that earlier this month, the Bureau of Reclamation caused concern within the irrigation district with its legal opinion that the government owns the dams.

I understand that legal ownership and contractual and other water rights issues in the West are extremely contentious. I am grateful to come from a riparian water rights state, and to avoid these kinds of disputes in Wisconsin. But, I'll tell you, Mr. President, Wisconsinites expect that Congress will

stay out of this legal wrangling when a species' survival is at stake.

These dams help divert the flow of the river to some 10,000 farmers of the Middle Rio Grande Conservancy District. The conservancy district holds long-standing rights to the water under state law, which does not recognize in-stream flow for fish as a beneficial use. But the Bureau of Reclamation has told the conservancy district that the dams must be operated so an in-stream flow of at least 300 cubic feet per second can sustain a "last stand" surviving population of minnows downstream.

The White House has said "the Administration strongly objects to provisions included in the Senate bill" that would "severely constrain" the government's efforts to protect and sustain the minnow. Moreover the Office of Management and Budget has said that "adequate flows" must be ensured on the Rio Grande and warned that a "failure to protect the minnow this year could lead to its extinction."

Mr. President, my constituents want the water managers and environmentalists to continue the court ordered mediation they have begun. The parties to the mediation are environmental groups; the conservancy district; the Bureau of Reclamation; the state water engineer; and the city of Albuquerque.

The Rio Grande silvery minnow occurs only in the middle Rio Grande. Threats to the species include dewatering, channelization and regulation of river flow to provide water for irrigation; diminished water quality caused by municipal, industrial, and agricultural discharges; and competition or predation by introduced non-native fish species. Currently, the species occupies about five percent of its known historic range.

This species was historically one of the most abundant and widespread fishes in the Rio Grande basin, occurring from New Mexico, to the Gulf of Mexico. It was also found in the Pecos River, a major tributary of the Rio Grande, from Santa Rosa, New Mexico, downstream to its confluence with the Rio Grande in south Texas. It is now completely extinct in the Pecos River and its numbers have severely declined within the Rio Grande.

Decline of the species in the Rio Grande probably began as early as the beginning of the 20th century when water manipulation began along the Rio Grande. Elephant Butte was the first of five major dams constructed within the silvery minnow's habitat. These dams allow the flow of the river to be manipulated and diverted for the benefit of agriculture. As times this manipulation resulted in the dewatering of some river reaches and elimination of all fish. Concurrent with construction of these dams, there was an increase in the abundance of non-

native and exotic fish species, as these species were stocked into the reservoirs created by the dams. Once established, these species often out competed the native fish.

The only existing population of minnow continues to be threatened by annual dewatering of a large percentage of its habitat. My constituents want to be assured that their future survival is not threatened by legislative action. That is why I have strong concerns about this provision and would like to see that it is removed from the bill.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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.

UNANIMOUS CONSENT REQUEST— S. 2912

Mr. REID. Mr. President, I ask unanimous consent that, notwithstanding rule XXII, the Senate proceed to the consideration of S. 2912.

The PRESIDING OFFICER. In my capacity as a Senator from Illinois, I object.

Mr. REID. Mr. President, I am disappointed that there has been an objection, but I am not surprised.

I say to my friend from Massachusetts, who is on the floor, who has been a leader on these issues for 35 years—that is, in trying to establish some fairness in immigration policy.

Mr. KENNEDY. If the Senator would be good enough to yield.

Mr. REID. I am happy to yield to my friend from Massachusetts.

Mr. KENNEDY. It is a privilege to join my colleagues in introducing the "Latino and Immigrant Fairness Act of 2000." This important legislation will help re-establish fairness and balance in our immigration laws by making it fairer to apply for green cards, advancing the date for registry from 1972 to 1986, and providing equal treatment for Central American and Haitian immigrants.

Our legislation will also provide fairness for immigrants from Central American countries and Haiti. In 1997, Congress granted permanent residence to Nicaraguans and Cubans who had fled from dictatorships in those two countries. But it excluded many other Central Americans and Haitians facing similar conditions. The legislation will eliminate this unfair disparity by extending the provisions of the 1997 Act to all immigrants from Central America and Haiti.

By providing parity, we will help individuals such as Gheycell, who came to the United States at the age of 12

with her father and sister from worn-torn Guatemala. She went to school here, and became active in her community. In high school, she formed a club that helped the homeless in Los Angeles. She is now attending college. Her family applied for asylum and all were given work permits. They now qualify for permanent residence. But because Gheycell is 21, she no longer qualifies, and risks being deported to Guatemala. Under our proposal, she will be able to remain in the United States with her family and continue her education.

The legislation will also change the registry cut-off date so that undocumented immigrants who have been residing in this country since before 1986 can remain in the United States permanently. The registry date has periodically been updated since the 1920's to reflect the importance of allowing long-time, deeply-rooted immigrants who are contributing to this country to obtain permanent residence status and eventually become citizens.

These issues are matters of simple justice. The Latino and Immigrant Fairness Act is strongly supported by a broad coalition of business, labor, religious, Latino and other immigrant organizations. Conservative supporters include Americans for Tax Reform and Empower America. Labor supporters include the AFL-CIO, the Union of Needletrades and Industrial Textile Employees, and the Service Employees International Union. Business supporters include the National Restaurant Association and the American Health Care Association.

All of the major Latino organizations support the bill, including the Mexican American Legal Defense and Educational Fund, the National Council of La Raza, the League of United Latin American Citizens, and the National Association of Latino Elected and Appointed Officials. Religious organizations supporting the bill include the U.S. Catholic Conference, the Anti-Defamation League, and the Lutheran Immigration and Refugee Services. Members of these groups agree that immigrants are an important asset for the economy, and that by enabling them to become permanent residents, they will be freed from exploitation.

This legislation will adjust the status of thousands of workers already in the U.S. and authorize them to work. This policy is good for families and good for this country. It will correct past government mistakes that have kept countless hard-working immigrant families in a bureaucratic limbo far too long. In taking these steps, Congress will restore fairness to our immigration laws and help sustain our economic prosperity.

I understand, we are coming into the last day of this particular session of this Congress. We will have approximately 4 weeks when we return. But we are running into the last days.