

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 es-

tablished, 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 Ghey cell 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.

The Senator from Nevada was asking for consideration—since we have been in a quorum call, we probably do have the time to deal with these issues, which are not new issues—that we take the steps to try to provide some simple justice for many of our fellow citizens and workers here in the United States who have, because of the failure of ac-

tion by Congress, or because of the particular decisions of the courts, been denied fairness in their treatment before the law.

I would like to ask the Senator from Nevada if he remembers the time, about 3 years ago, when we saw action taken in order to permit permanent resident status for Nicaraguans and Cubans. And yet, at least at that time, there were solemn guarantees that we were going to be able to have similar consideration for Guatemalans, El Salvadorans, Haitians, the other Central Americans who have been involved in similar kinds of conflict.

There was a unified position within the community that—because of the turmoil, because of the dangers to many of those people in returning to their country, dangers of retribution—that we ought to give them at least the opportunity for permanent resident status. A decision was made at that time to only do it for the Nicaraguans and the Cubans. But there was the promise that we were going to do it for the rest of the Central Americans.

This effort by the Senator from Nevada basically says: we made the promise. We gave the guarantee to these individuals. This is an effort by the Senator from Nevada to make sure that Nicaraguans, Cubans, Haitians, Guatemalans, and El Salvadorans are treated fairly and treated the same.

Is that one of the efforts that the good Senator is attempting to achieve?

Mr. REID. I respond to my friend from Massachusetts, that is true. We were promised. It was not a question that we would work on it. We were given every assurance that Haitians, Central Americans, people who lived under some of the most oppressive regimes in the history of their countries, would be granted the same privileges that the Cubans and Nicaraguans received. I was happy that the Cubans and Nicaraguans received basic fairness.

However, I say to my friend from Massachusetts, we are not asking for anything that is outlandish or new. This is the way America has been conducting its immigration policy since the birth of our republic. Is that not true?

Mr. KENNEDY. The Senator is correct. At this time, our fellow citizens ought to understand that if you are Guatemalan, El Salvadoran—someone who has been involved in the conflict in that region over the years and is now in the United States—you go off to work in the morning, and you may be married to an American wife, and you may have children who are Americans, and you can be picked up and deported, while the person who is working right next to you in the same shop may have been born 5 miles away but will have the protections of law.

Does that seem fair to the Senator from Nevada?

Mr. REID. No, it does not seem fair, I say to my friend from Massachusetts. It does not seem any more fair than a

story I will tell the Senator, which he has heard me tell before. It is a story that is embedded in my heart and which has prompted me to speak out on these issues.

Secretary Richardson and I visited a community center in Las Vegas. We were told to go in through the backdoor because there were people outside who were demonstrating. I say to my friend from Massachusetts, we decided that we would not go through the backdoor.

These people that were demonstrating were good American people who were there saying: I am married to someone from Mexico, or El Salvador, or Guatemala. They were saying: We have children who have been born in this country. They have taken my husband's work card away from him. He can no longer make payments on our house, our car.

Other people I talked to, they had lost their houses, they had been evicted from their homes, they had lost their jobs. And those jobs are not that easy to fill in Las Vegas.

I say to my friend, I believe that justice calls out for this. We hear terms such as "fairness" and "social justice." Those terms are spoken on this floor a lot. But sometimes they are only words. To the people Bill Richardson and I met with in Las Vegas, however, these are more than words. These people, if the legislation we are trying to consider today was passed, would be able to have the satisfaction that their husbands or wives could go back to work, that their children would have parents who were legally employed, that they could live in their own home, and pay their taxes.

So I say to my friend from Massachusetts, who, I repeat, has been a leader on these issues for more than 30 years, that we not only have to do something about NACARA, which would give parity to Central Americans and Haitians, but also the legislation which I have introduced which would change the date of registry from 1972 to 1986. We have people here who have kids who have graduated from high school—American citizens. They are deporting the fathers and mothers of these children.

I would also say to my friend from Massachusetts that the date of registry has been in effect in this country for decades. Since 1929, we have changed the date of registry several times. I repeat, this isn't something we are doing that is unique or outlandish or bizarre. It is something that has been done for decades upon decades in this country.

Mr. KENNEDY. The part of this proposal that the Senator was trying to have before the Senate is really to equalize the treatment of those in Central America and Haiti with those from Nicaragua and Cuba because of the assurances that were given.

The Senator has talked about the registry which has been periodically updated since the 1920s, to reflect the importance of allowing long-time,

deeply rooted immigrants who are contributing to the country to obtain permanent resident status and eventually become citizens.

Consider the case of Adriana, who came to the United States with her parents in 1981. In 1986, her family became eligible for legalization, since they had arrived here before 1982. They completed their applications and attempted to submit them to the INS. However, the INS erroneously declared them ineligible because they had briefly left the country in 1985. That year, Adriana and her parents had returned to their native land to visit her dying grandmother. They returned to the United States on tourist visas. In 1989, Adriana learned that the INS had been wrong in denying their right to apply for legalization. They successfully challenged the INS action, but because of changes in 1996, the family is still in legal limbo. Adriana's dream of becoming a special education teacher is on hold, and every day she lives in fear of deportation.

Here is a person who, under the law, under the holdings, should be permitted to remain in the United States permanently but is being denied that because of some legal impediments. I understand that the Senator's proposal effectively says to those who have been adjudicated in courts of law, which is the basis of this legislation, that those courts of law holdings should be upheld legislatively here in the Senate. Isn't that effectively what the second provision of the Senator's proposal would do?

Mr. REID. That is absolutely true. The Senator graphically painted a picture for us of Adriana. The sad part about that story is, it doesn't end with Adriana.

I went to a little place in rural Nevada a number of years ago called Smith Valley, a farming community in northwestern Nevada. After I gave my speech to the high school students, this very attractive, very bright-eyed young lady said: Senator, could I speak to you alone? I said: Sure. And this young lady proceeded to tell me what her family had gone through and how she, one of the top two or three kids in her graduating class, now could not go to college because she couldn't get loans because her parents' status needed to be readjusted. The story of Adriana is one of hundreds of thousands, if not millions, of stories of unfairness faced by people in this country.

We in America pride ourselves on being fair. This is unfair. What we are doing to these people is un-American. These are people who are already American in many ways: They have spouses. They are families: a husband, a wife, a father, a mother who are American; many of the children are American citizens. In the process, somebody has been left out. We want to bring them in. We pride ourselves on doing everything we can to be family friendly. It would truly be family

friendly to unite some of these immigrant families.

Mr. KENNEDY. There are three major provisions in the legislation. The other important part of the bill is what is called 245(i), which was a section of the immigration bill that should not have been allowed to expire in 1997. It had been in effect for years. Then it was allowed to expire. All we are trying to do is give it some life again because it had been so successful prior to that time. This provision would permit immigrants eligible to become permanent residents to apply for green cards here in the United States for a \$1,000 fee, instead of being forced to return to their native land to apply. The fee was a significant source of funds for INS enforcement and for the processing of applications. Section 245(i) is pro-family and pro-business. It allows immigrants with close family members in this country to remain here and apply for permanent residence. It enables businesses to keep valuable employees, and it provides INS with millions of dollars in additional revenues each year, at no cost to taxpayers.

Restoring the ability to apply for green cards in this country also alleviates other unnecessarily harsh provisions in the law which bar these immigrants from returning to the United States for up to 10 years.

Consider the case of Norma, who entered the United States from Mexico, settled in North Carolina, and married a U.S. citizen. They have been married for 2 years, have a child, and are expecting another this fall. They recently purchased a new home for their growing family. Norma and her husband are troubled over what to do about her immigration status. She can stay here and risk being deported. Or she can return to Mexico to apply for an immigrant visa, but she would be barred from re-entering the United States for 10 years. That is the current law, 10 years. The restoration of section 245(I) will allow this new family to stay together. Until then, she remains here in legal limbo, unable to become a permanent resident.

Section 245(I) had been in effect for 8 years without any kind of abuses. I remember the hearings we had on the 1996 act. I was amazed when this was added. I fought it, voted against it, but it was put into law. The restoration of section 245(I) will allow this new family to stay together. Until then, she remains here in legal limbo, unable to become a permanent resident, and risks being deported.

We describe it as 245(I), but this is a real family. These are real cases, real cases of family unity. It is something that is closely related to how parents are going to be able to deal with their children.

In talking about the registry, these are individuals who should be entitled to remain here under court order because they comply legally, but because there was a mix-up in the INS, they have been denied that opportunity. We

are trying to bring justice to them, justice and fairness to Central Americans, and treat them equally. These don't seem to me to be very complex issues. These issues do not demand a great deal of time in order to be able to understand them or to debate them. These issues, it seems to me, should be very comprehensible to Members of the Senate.

I understand the Senator from Nevada is attempting to say: as we come to the end of this session we have been unable to get these matters to the floor because of a range of different activities. Now, in the final days, as a matter of simple fairness, as a matter of family policy, as a matter of common sense, as a matter of continuing our commitment to these individuals, and as a matter of basic and fundamental justice, we ought to take this action. Is that the position of the Senator from Nevada?

Mr. REID. Mr. President, I don't know the case of Norma. The Senator has again painted a very vivid picture. I personally have been acquainted with case after case out of my Las Vegas and Reno offices, the same kind of cases. We can change the name, but they are tragic stories. Remember, we are not saying grant citizenship to somebody who is not entitled to it. We are saying, don't send them back to the country they go to for a silly clerical revisit. We think the law should be that if they are eligible for citizenship, let them apply, and remain in the United States with their families and loved ones.

If we look at our own personal backgrounds, these issues become pretty personal. My father-in-law was born in Russia, my grandmother in England. People need to be treated fairly. Thank goodness my father-in-law and his family were able to work through the bureaucratic programs we have here in the United States and, as a result of that, my wife is an American citizen.

We are dealing with people's lives, people such as my father-in-law. All they wanted to do was come to America. They were oppressed in Russia.

Mr. KENNEDY. That is a very moving story.

I see others who want to address the Senate. Let me ask the Senator a final question. Does the Senator hope the Republican leadership will come and either explain their objection to considering and taking action on these issues, or at least that the Republican leadership will give the Senator the assurance that we will bring this up after the completion of the debate on the China trade issue by, say, mid-September? The Senator would certainly welcome that, would he not? And if we are not able to get those kinds of assurances, the silence by the Republican leadership in addressing this issue, I think, would be very significant indeed.

We all know what is happening around here. I think if the leadership gave assurances to the Senator from

Nevada and most importantly, to the many families in this country affected by our unfair immigration laws, that we will consider this legislation—would the Senator not agree with me—that that would be an enormous step forward and magnificent progress? But if we are not able to get those assurances, how does the Senator interpret the silence of the leadership on this issue?

Mr. REID. Mr. President, I would go one step beyond what my friend from Massachusetts has said. I call upon Governor George W. Bush, who goes around the country and even speaks in Spanish once in a while, talking about how compassionate he is, and how important the priorities of the Latino community are to him. I want him to speak out and say to my colleagues, the Republican leadership in the Congress, let's vote on these issues because they are about fairness. Let's take up and pass these reasonable provisions. If he is really compassionate, there is no area that deserves more compassion than what we are trying to do in this legislation. Not only do I call upon the Republican leadership to allow us to vote on these matters, I call upon the Republican nominee for President of the United States to speak out publicly. Is he for or against what we are trying to do?

Mr. KENNEDY. Is the Senator suggesting he'll call upon Governor Bush and the Republican leadership in the House and Senate and say that this is something that needs to be supported, that this is something that is a priority with 4 weeks left in this session and that he hopes very much that the leadership will bring this up for final action?

Mr. REID. The Vice President of the United States has put it in writing that he supports this. Vice President GORE put it in writing that he supports the provisions of the Latino and Immigrant Fairness Act.

I hope we can move forward with this legislation. There has been much talk about H-1B visa, and I believe that this legislation is very important. We live in a high-tech society. We want to move forward to try to meet our obligations. But let's not think we are going to lay over on these issues, which are issues of basic fairness, because of threats on the other side that we are not going to be able to do H-1B. Basic fairness dictates that we do both of them. And, we can if the Republicans would just allow us to move forward.

Mr. KENNEDY. I agree. I think we can and we should do both of them. We can do them very quickly. We have had the hearings in the Judiciary Committee. The Judiciary Committee members understand these issues. They can help provide information to our colleagues if they are in doubt. But the compelling need for action in these areas is just extraordinary.

I hope my friend and colleague from Nevada is not going to just end with this challenge. I hope he will continue

to work, and I certainly will join him, as many colleagues will, and try to get action. We are unable to get the action today, but we have time remaining. I want to say I look forward to working with him to make sure we get action one way or another, hopefully with the support of the Republican leadership. But if we are not able to have that support, I hope at least they will get out of the way so we can give justice to these very fine individuals.

I thank the Senator.

Mr. REID. I close by publicly expressing my appreciation to the Senator from Massachusetts for his clear and consistent understanding of what fairness is. Also, I assure him that we have just begun to fight.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

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

HOW WE CAN MOVE BEYOND THE FALSE DEBATE AND ON TO REAL SALMON RECOVERY

Mrs. MURRAY. Mr. President, for several years the people of the Pacific Northwest have been working to save several wild salmon and steelhead runs that are currently threatened with extinction.

Today, the administration presented a number of proposals for how we can recover these species.

Specifically, the administration released its draft biological opinion for technical review by the four affected States and the region's tribes.

The administration also released an updated All-H paper—also known as the Basin-wide Recovery Strategy.

This paper details proposals in the areas of hatchery reform, harvest levels, hydroelectric power generation, and habitat recovery.

I take this opportunity to talk about how we can work together to restore the threatened and endangers species of the Columbia Basin.

From the ancient history of Native Americans to the explorations of Lewis and Clark nearly 200 years ago, the natural bounty of the Pacific Northwest has always been a source of pride.

We have been blessed with great rivers—including the Columbia, the Yakima and the Snake. Over the years, we have drawn from these rivers.

Dams have provided us with vital hydroelectric power—forever improving the quality of life in our region and providing an engine for our robust economic development.

These rivers have helped generations of farmers from Longview to Walla Walla by providing water for irrigation. And, they have provided a watery highway, allowing us to bring our products to market.

Clearly, Washington state has benefited from our rivers and natural resources.

I am proud that today we are home to the best airplane manufacturer in the world. We are home to the best software company in the world. We grow the best apples. Mr. President, our future is bright.

But Mr. President, this progress has come at a price. Our wild salmon stocks are struggling. In fact, the National Marine Fisheries Service has listed 12 wild salmon and steelhead stocks in the Columbia basin as threatened or endangered.

In addition, several butt-trout and sturgeon populations are also threatened.

Let me be clear. Those listings mean that right now—we are on the path of extinction.

So the question before us is: Do we have the will to come together and choose a different path—the path of recovery?

I believe that we do. I believe that the ingenuity and optimism of the people of Washington State will allow us to meet this challenge.

And I am proud of the tough decisions that people all across my State—from farmers and Native Americans to sport fishermen and the fishing industry—have made so far.

But it will be difficult. Unfortunately, the current debate about saving salmon makes finding a real solution even more difficult.

The debate today is too short-sighted, it is too narrow, and it's too partisan.

When I say the debate has been short-sighted, I mean that this isn't an issue that's going to be resolved in one month or one year or even one generation.

We are dealing with an issue that has a long history.

In the Pacific Northwest, salmon are part of our heritage, our culture and our economy.

We know from the oral history of Native Americans the significance that salmon played in the lives of North-westerners as long as 12,000 years ago.

The question before us today is: Will salmon still spawn in these rivers in the next 1,000 years, the next 100 years, or even 10 years from now?

Salmon are a link to our past, and if they are going to be part of our future, we will have to find solutions that look beyond the next season or the next election.

I am committed to make sure we take the long view when it comes to saving salmon.

In addition, the debate has been too narrow. If someone from another part of the country heard the debate, they would think that only one thing affects salmon—dams.

We know that dams are just one of four factors that affect salmon. It may help to think of the challenge before us as a table—a table with four legs.

Each one of those legs must hold its share of the weight. If one leg is too short, the table will be out of balance.