Presidential advisory panel to monitor evolving bioethical issues in the area of stem cell research. In addition, require the Secretary of Health and Human Services to report to Congress annually on the status of Federal grants for stem cell research, the number of stem cell lines created, the results of stem cell research, the number of grant applications received and awarded, and the amount of Federal funding provided.

Stem cell research is so significant both ethically and scientifically, that continued Congressional oversight is important. All of this research should be the subject of ongoing scientific and ethical review.

Ten, harmonize restrictions on fetal tissue research: Because stem cell research would be subject to new, stringent Federal requirements, ensure that informed consent and oversight regulations applicable to federally funded fetal tissue research are consistent with these new rules.

These principles provide for an appropriate amount of research using human embryonic stem cells but ensure that such research is not conducted to the detriment of research utilizing adult stem cells. They balance the desire to move this research forward on a greater scale with the imperative to maintain the highest level of oversight to prevent abuses and the importance of continuing Federal oversight as this research advances.

These 10 principles help answer the question I posed earlier: ''Is there a line that should not be crossed even for scientific or other gain?'' The clear response is ''Yes.'' It is clear to me that the creation of human embryos for research purposes should not be undertaken, regardless of the potential for scientific gain. It is clear to me that the use of human cloning should be strictly prohibited to prevent the commoditization and exploitation of human life. It is clear that the present restriction on the use of Federal funds for the derivation should be maintained and strengthened to reflect the concerns of the American people.

I know that many people with deeply held views on this issue will disagree with some portion of the position I have outlined today. Others may attempt to divorce certain of these issues from consideration of the others.

This should not be done. The fact is that these issues—of stem cell research, the creation of embryos, human cloning, public restrictions on the scope of research broadly are all pieces of a larger whole.

By pursuing the policy framework I have laid out today, we can help set the stage for groundbreaking research with the potential to help untold millions of Americans and individuals worldwide. We will have laid a firm foundation for that research to succeed—a foundation without which the goal of seeing treatments through embryonic stem cell research will falter on the fears and uncertainties of Americans. This framework provides that firm ethical foundation instilling confidence in comprehensive and transparent oversight ensuring that such research is conducted with close attention to the difficult ethical and moral issues involved.

We must define the role of the Federal Government in harnessing this technology for good. Our task as citizens is to exercise responsible stewardship of the precious gift of life. This effort represents a first step in this process.

Mr. President, I look forward to continued participation in this dialog on embryonic and adult stem cell research.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask the Senator from Tennessee if he needs further time to finish his statement. His statement was very thoughtful, and this is a crucial issue facing our country. If he would require added time, I would be happy to yield.

Mr. FRIST. Mr. President, I appreciate the offer of the Senator from Texas. I believe my statement will complete my thoughts. I do look forward to continued participation of all of us. She and I were both in a hearing a few minutes ago talking about this very issue.

Mrs. HUTCHISON. Mr. President, I appreciate very much what Senator FRIST, who is the only physician in the Senate, is contributing to the issue of stem cell use for research purposes. We have just spent several hours in a hearing learning from scientists and many others about the differing viewpoints on the need for the use of stem cells for research into many diseases where it is hoped we can find an answer through the use of these embryonic stem cells. The debate is valid.

Senator FRIST has pointed out some of the legitimate ethical questions. I hope we can move forward in a way that does increase the ability to use these types of stem cells and cord blood for looking into the causes and, more importantly, even the treatment of some of the cancers and diseases, such as Alzheimer's, Parkinson's disease, multiple myeloma, many forms of cancer where there is great hope that we might have treatment that would allow people to live healthy lives, normal lives, with this kind of treatment, even though they have these diseases.

I thank the Senator from Tennessee for his thoughtful contribution to this debate.

## ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002—Continued

Mrs. HUTCHISON. Mr. President, I rise to talk about the Nation's lack of an energy policy. Many have spoken earlier today about the fact that we have not taken up an energy policy for our country. It doesn't seem to be a priority for the Senate.

I disagree with that. I think it is the highest priority for the Senate, and I urge the majority to let us debate an energy policy. It is time that we have a long-term strategy. We know from what is happening in California right now, where the energy shortage has hit very hard the people of California and the economy of California, that we can't wait and try to do something quickly because quickly doesn't work when you are dealing with something that is so long range.

For instance, one of California's big problems is they don't have a distribution system. They have a shortage. Even if they could get the energy into their State, they don't have an adequate distribution system.

President Bush has put forward an energy policy that would address long term some of these issues. As our economy is growing, they are going to become even more acute.

The Congress also has put forward a plan. Senator MURKOWSKI has been a leader in this effort, as past chairman of the Energy Committee. We need to be able to debate these issues and see where our country is going.

The interesting thing is, our country is going to increase its oil consumption by 33 percent in the next 10 years. It is expected that our foreign oil imports will go from 55 percent to 67 percent by the year 2020.

Natural gas consumption will increase by 50 percent. Demand for electricity will rise 45 percent in the next 20 years. We cannot sit on antiquated, unreliable, and inadequate distribution systems if we are going to be able to keep our economy strong, to keep the businesses going, to keep the jobs in America, and so consumers have good and adequate sources of energy. We must address this policy.

I call on the majority to make this a priority. Yes, appropriations bills are important, but that does not address the long-term needs of our country.

What would a good energy policy entail? It would entail modernization and expansion of our energy infrastructure. That is the distribution system. We need more pipelines. We need more powerplants. We need to be able to get the electricity into the homes and businesses of our country.

We must have diversification of our energy supplies. I have been trying for 3 years, with support across the aisle, very bipartisan, for tax credits for small drillers, people who drill 15-barrel-a-day wells. When prices go below $18 a barrel, those people cannot stay in business. Yet all of those little bitty producers together can produce 500,000 barrels of oil a day, the same amount we import from Saudi Arabia. But they can't stay in business when prices fall to $18, $17, $16 a barrel. We had $9-a-barrel oil just 2 and 3 years ago, and those people went out of business. They kept their wells, and they will never be able to reopen their wells because they are too small. The margins are too thin.

We want to encourage our small producers of oil and gas by saying there will be a leveling off and a stabilizing when prices go so low that you can't break even. It is the same thing we do for farmers. When crop prices fall below break even—we value having farmers make the food for our country—we stabilize the prices. If we don't open markets for our farmers, we give them subsidies so they can stay in business so they won't have to sell the family farm to a real estate developer.

That is the same concept we need for the smallest energy producers, so we can keep the jobs in America, not send them overseas, and so we can keep the prices at a stable level so that the little guys can stay in business and keep their employees employed when prices go below a break even.

This has been supported by Democrats and Republicans. We have actually passed it. It has been in other legislation that has been vetoed previously. I believe President Bush will sign a bill that includes this kind of tax incentive if we can pass a bill that is balanced, a bill that will give our country a long-term energy policy to which we can work for energy sufficiency for our country.

We must modernize our conservation and efficient energy use programs. I am going to introduce an amendment, if we ever make energy policy a priority, that will give incentives to people who buy cars that have more gasoline mileage efficiency. It may be a $250 credit if you buy a car that has a 25-mile-per-gallon efficiency level. These are the kinds of things that will encourage people to conserve energy so that it will be more available.

A good energy policy has three prongs. It has consumption energy efficiency as one leg of the stool, and we should make sure that we have an incentive that encourages that kind of energy consumption efficiency, and hopefully education so that people will want to do the right thing.

Secondly, we need diversification of our energy supplies. We need more oil and gas. We need nuclear power that is safe and clean. We need to have more dependence on our own resources rather than depending on foreign imports. We cannot be a secure country if 67 percent of our energy needs are imported, not to mention what that does to the jobs that go overseas rather than staying in America.

The third part of a good energy policy is expanding the infrastructure, making sure we have the ability to efficiently and safely get the energy into the businesses and into the homes.

I think it is high time—it is beyond time—that we should address the energy crisis in this country. The average price of gasoline is about $1.50 now. That is down from what it was, but it is not great; we can do a whole lot better. We can make the price of gasoline less if we have stability and if we have our own resources developed in our country.

Clean burning coal—it seems as if sometimes when I hear people talking about oil, gas, and coal, they are talking about technology 50 years ago, not today. When you talk about drilling at ANWR, you are talking about a little part of a vast area. It is the size of Dulles Airport and the State of South Carolina. That is what ANWR in Alaska is the size of—South Carolina. What you would need to drill, because of the new technology, is the area the size of Dulles Airport because the new technology allows you to go underground and drill without putting an oil well in every place.

We have new technology in coal. You can now have coal extraction with technology that does not disrupt the environment. We need to talk about the new technology, not the old technology, and we need to discuss an energy policy for this country. I think we can get a bipartisan agreement on the three prongs of a good energy policy—self-sufficiency of production and diversification and jobs in our country, conservation and incentives to conserve, and an infrastructure that gets the product from business to consumer in a safe and efficient way. But we can't come to a conclusion if we don't bring it up.

So I call on the majority to make this a priority and to say our energy policy is one of the areas that we must address before Congress goes out in August, and if we don't, we are not doing the job for the people of this country and for the long-term future of this country that we were sent here to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I rise to discuss the provision that funds Yucca Mountain in this appropriations bill. The senior Senator from Nevada has cut the funding that the President has requested, but Yucca Mountain is still being funded at somewhere around $275 million. Anybody who has been out to Yucca Mountain will see that they have spent a tremendous amount of money out there, to the tune of a little over $7 billion to this point. Most of the time people in this body are saying: Send more money to our State; build us more projects because they create economic opportunities.

But both Senators from Nevada, and the majority of the people in Nevada, believe that the Yucca Mountain project is misguided. We feel this way for many reasons. One is, we believe it is not meeting the safety requirements that are necessary to have a permanent repository.

Secondly, nuclear waste rods are really not just nuclear waste; they are partially spent nuclear fuel rods. They have a lot of valuable energy still in them.

I applaud, first of all, Senator DOMENICI, for putting into this bill research money for accelerated technology for something called transmutation, which is a modern recycling technology for nuclear waste. The administration has also said we need to, perhaps, look at reprocessing or other alternatives for disposing of the waste, other than just burying it in a mountain. Doing that is the worst thing we can do instead of unlocking this untapped energy from these partially spent nuclear fuel rods buried in the mountain—just putting it in there; it is a very valuable resource. I believe it would be nuclear waste at that point because we would be wasting a valuable resource.

What we should do instead of trying to build Yucca Mountain—the ratepayers from around the country have been paying into this fund. They say: Since we have been building this thing at $7 billion, we think the Federal Government should take the waste out there and finish the job. The problem with that is that Yucca Mountain, according to the GAO, is going to cost somewhere around $58 billion, and most people expect that number to go up much further than that. It will be the most expensive construction project in the history of the world.

This construction project will be borne not just by the ratepayers when it gets up to those kinds of numbers but by the taxpayers of the United States. It is a waste of the taxpayers' dollars to bury a valuable resource in a mountain in the middle of the desert instead of recycling this fuel that is a non-greenhouse-producing fuel when we do it.

The junior Senator from Texas just talked about the energy problems we have in this country. Let's not bury a valuable resource. Let's look at recycling technology to use this resource.

I also add that there is no hurry. People say they are running out of room at these nuclear plants around the country. In one sense, that is true. The cooling pools in which these partially spent nuclear fuel rods are sitting today are being filled up, but the easy solution to that is to take them out of the cooling pools and put them in what are called dry cask canisters. That is being done in several places around the country even as we speak. It is a cheaper thing to do, and it is also a better thing to do. By the way, dry cask storage is safe, by all estimates, for a conservative 100 years. That gives our country time to look into these new technologies about recycling.

I suggest that the people who are supporting taking nuclear waste to the State of Nevada should look at these new technologies and focus our resources there, instead of trying to put more money into really what is becoming a white elephant out in the State of Nevada.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. WYDEN). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the list of amendments which I will send to the desk be the only first-degree amendments in order to the bill, and that they be subject to relevant second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The list is as follows:

Biden, proliferation accounts;
Bingaman, relevant;
Byrd, relevant, relevant to any on list;
Conrad, Upper Great Plains;
Corzine, relevant;
Daschle, relevant, relevant to any on list, relevant to any on list;
Dorgan, transmission constraints;
Edwards, section 933 study;
Feinstein, 2 relevant;
Graham, 10 relevant;
Harkin, National Ignition Facility, Mad Creek;
Hollings, plutonium disposition;
Johnson, mid-Dakota rural water, James River Project;
Landrieu, Port of Iberia;
Levin, 2 relevant;
Reed, FERC ISO;
Reid, relevant, relevant to any on list, manager's amendment, relevant to any on list;
Sarbanes, Chesapeake Bay shoreline;
Torricelli, Green Brook Basin, navigational servitude, relevant;
Wyden, 2 Savage Rapid Dam.
Bond, 2 relevant;
G. Smith, clarifying BPA borrowing authority; Klamath;
Kyl, Lower Colorado River Basin Development Fund;
Allard No. 998, reduce funding in the bill by 1 percent;
Collins, Camp Ellis Beach, relevant;
Gramm, appropriation for Paul Coverdell, relevant; relevant to list;
Stevens, research; 2 relevant;
Chafee, Estuary Restoration Act, relevant;
Craig, Arrow Rock Dam, Lava Hot Springs, Yucca Mountain;
Bunning, Paducah Plant;
B. Smith, 4 Army Corp;
Nickles, 2 relevant, 2 relevant to list;
T. Hutchinson, relevant;
Inhofe, relevant;
Lott, 4 relevant, 2 relevant to list;
Domenici, 2 relevant, 2 relevant to list, Technical, Dept of Energy, FERC, NNSA;
Crapo, advance test reactor;
Murkowski, DOE workforce, Yucca Mountain, Price Anderson, Iraq, 4 relevant;
Warner, relevant;
Kyl, Indian water rights;
Roberts, Army Corps;
Thomas, relevant, Snake River;
Craig/Burns, Bonneville borrowing authority.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I rise today to call attention to one of the issues we face in protecting our water, our taxpayers, and our public lands. I am talking about the need to strengthen environmental mining regulations or so-called 3809 regulations.

These regulations protect lands managed by the Bureau of Land Management from the impacts of mining for minerals such as gold and copper. Earlier this year, the Clinton administration made long overdue revisions to the regulations after years of public comments, congressional hearings, and reports and evaluations.

Despite the thorough input, the Department of the Interior announced in March that they were going to roll back the updated 3809 regulations. What they were really rolling back are stronger protections for our environment and public health.

My colleagues in the House recognized the importance of maintaining strong environmental mining regulations. With bipartisan support, the House voted to prohibit the administration from overturning the updated regulations. I fully support the House in their effort and hope the Senate will accept the House language in conference.

Let me clarify the three major issues at risk.

First, the new rules would direct mining operators to protect water quality. This is a serious problem for the hardrock mining industry. Just last May, the U.S. Environmental Protection Agency recognized the industry as the Nation's largest toxic polluter. The Bureau of Mines estimated that 12,000 miles of streams are polluted by hard rock mining.

Second, the old rules were not interpreted to allow land managers to deny mining operations in environmentally or culturally sensitive areas. The updated regulations would allow the BLM to deny mining operations that would endanger towns or national parks.

Of course, the mining industry is opposed to any authority that would curtail mining operations. Based on their strong opposition one would think that every mining operation will be banned.

But the BLM has publicly and repeated stated that they would ''rarely invoke'' this authority. And before they would ever use this authority they would provide full opportunities for evaluation and public comment.

This provision is not about shutting down mining businesses. I recognize that they have a role to play in our economy. This provision is about responsible hardrock mining and responsible business practices.

Third, the old regulations too often allowed mining companies to declare bankruptcy after they finished mining, leaving taxpayers to pay for the cleanup. Independent reports show that taxpayers have a potential liability in excess of $1 billion for cleanup costs at current hardrock mining operations.

Keep in mind that these mining operations are taking place on public lands owned by Americans—lands owned by taxpayers. Too many times the people who come into these lands mine them for profit, making rather substantial profits in the process, pay little or nothing to the Federal Government for that right, and leave a mess to be cleaned up afterwards. When they leave that mess, the taxpayers have lost twice: First, when public lands have been exploited for profit; and, second, when those despoiled lands remain for the taxpayers to clean up.

To the administration's credit, they have acknowledged the importance of strengthening the financial requirements. But 33 percent was a failing grade where I went to school.

I recognize the need for a healthy mining industry. Under stronger mining regulations we will have a healthy, environmentally responsible mining industry that does not sacrifice the interest of communities for the interest of profit.

As my colleagues prepare to conference on the Interior appropriations bill, I urge them to support the hard rock mining language as it passed in the House.

Mr. REID. Mr. President, there is no question that we have to do something about the bonding of hard rock mines. It has caused problems recently in Nevada. The largest mining company in the world that has significant operations in Nevada is the Newmont Mining Company. The Newmont Mining Company is considering discontinuing the use of corporate guarantees. That is the way it should be. They are setting the example for the rest of the industry in saying corporate bonds simply may not work.

As I told my friend from Illinois, we need to be vigilant and do everything we can to change this hard rock mining bonding so that when mining operations are complete there are adequate resources to follow through and make sure they complete appropriate reclamation.

Mr. DURBIN. Mr. President, I thank the Senator from Nevada. I think it is perfectly reasonable, if someone is going to come along on the public lands owned by the taxpayers of this country and mine for profit, they should at least post a bond so if they should leave that land despoiled where there is a need for environmental cleanup there is money to do it and the taxpayers don't end up footing the bill.

The House version of this appropriations bill contains that provision. Hopefully, the chairman of the committee, the Senator from Nevada, will do everything in his power to make sure it is included as part of the conference.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1013

Mr. BOND. Mr. President, now that our distinguished majority leader is here, I send to the desk an amendment on behalf of myself, Senators CARNAHAN, GRASSLEY, and HARKIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mrs. CARNAHAN, Mr. GRASSLEY, and Mr. HARKIN, proposes an amendment numbered 1013.

Mr. BOND. 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 impose additional conditions on the consideration of revisions to the Missouri River Master Water Control Manual)

On page 11, at the end of line 16, add the following: ''During consideration of revisions to the manual in fiscal year 2002, the Secretary may consider and propose alternatives for achieving species recovery other than the alternatives specifically prescribed by the United States Fish and Wildlife Service in the biological opinion of the Service. The Secretary shall consider the views of other Federal agencies, non-Federal agencies, and individuals to ensure that other congressionally authorized purposes are maintained.''.

Mr. BOND. Mr. President, this is part of a continuing effort to prevent the U.S. Fish and Wildlife Service from advancing what we believe is a very ill-conceived directive to increase springtime releases of water from Missouri River upstream dams in an experiment to see if a controlled flood may improve the breeding habit of the pallid sturgeon.

House language was added to prevent implementation of the ''controlled flood'' during consideration in the House Committee on Appropriations. The majority leader has entered an amendment, which we appreciate, in this bill which says no decision on final disposition of the Missouri River manual should be made this year. I thank him for that. That is one step in the right direction.

This, however, goes beyond and makes clear there is a broader policy involved. Rather than let the Fish and Wildlife Service dictate national priorities to the Congress, the administration, the States, and the people, I believe the elected officials in Congress need to weigh in to protect human safety, property, and jobs. In sum, we ought to be able to do several things at once.

The authorizing legislation for the dams and other structures on the Missouri River says that they should be to prevent floods, to enhance transportation, provide hydropower, and to facilitate recreation. Subsequent to those enacting statutes, the Endangered Species Act was adopted with the hope that we would stop the disappearance of endangered species and help recover them. My purpose here today, along with my bipartisan colleagues, is to assure that the multiple uses of the Missouri River may be pursued.

As so many of my colleagues, I was a great fan of the work by Stephen Ambrose, ''Undaunted Courage.'' I had a great-great-grandfather who was one of the laborers who pulled the boats up the Missouri River. I find it fascinating. It was truly a remarkable chapter in our Nation's history.

That chapter has come and gone and people have moved in and live and farm by the river. They are dependent upon the river for water supply, water disposal, hydropower, transportation, and, yes, in the upstream States, for recreation.

While we have had continuing discussions throughout my career serving the State of Missouri over the proper uses of the river water between upstream and downstream States, I continue to assure my colleagues in the upstream States that if there are things we can do to help improve the recreational aspects of the impoundments on the river above the dams, I would be more than happy to do so.

This amendment—very short, very simple—says, simply put, that the Secretary, meaning the Secretary of the Army, who is the ultimate responsible official, may consider and propose alternatives for achieving species recovery other than the alternatives specifically prescribed by the U.S. Fish and Wildlife Service in the biological opinion of the Service.

In other words, they have already proposed one thing, controlled spring floods. The Secretary may also propose other alternatives. This doesn't say that he has to; it says that he can do it. He may do it. It mandates that the Secretary shall consider the views of other Federal agencies, non-Federal agencies, and individuals to ensure that other congressionally authorized purposes are maintained.

This amendment simply says, we enacted a number of different objectives for the Missouri River. Mr. Secretary, when you select an option, you have to take into consideration all of these specific congressionally authorized objectives.

I believe—and it makes a great deal of sense—that the Federal Government should prevent floods, not cause them. It should be providing more safe and efficient transportation options, not monopolies for railroads. It should not be curtailing energy production from an environmentally clean source of energy, water power, during peak summer periods of demand during an energy crisis.

People in our State of Missouri cannot believe that we need to have this debate. They cannot believe that the Endangered Species Act does not have enough flexibility in it to permit human safety and economic security to be considered. They cannot believe that their needs are necessarily subordinate to what the Fish and Wildlife Service said is the only way the pallid sturgeon can be saved.

Unfortunately, what the Fish and Wildlife Service says goes. And then to add insult to injury, after imposing their plan on the Corps of Engineers, the Corps of Engineers has to put the States and the citizens through the hoax—I say hoax advisedly—of a public comment period that is irrelevant to the Fish and Wildlife Service that has, in the past, demonstrated it will use its dictatorial power under the Endangered Species Act not just to put people out of business and increase damage to private property but to threaten human safety of urban and rural communities where there will be greater risk of flood and flood damage.

This amendment on behalf of my colleagues gives the Corps of Engineers the opportunity to propose alternative species recovery measures that help fish and don't hurt people. It requires the continuation of public input and directs that the Corps preserve the other authorized purposes for the Missouri River.

The current Fish and Wildlife Service proposal, which they offered as a dictate to the Corps of Engineers last July, saying you have 7 days to implement this plan that will flood Missouri and downstream States in the spring, is not some new proposal that just needs a little public sunlight to be fashioned into something that is sensible.

It represents the ''my way or the highway'' approach to regulatory enforcement and the reincarnation of what has previously been rejected by the people and the States involved.

A spring rise and low flow period was proposed by Fish and Wildlife through the Corps of Engineers in 1994. It was subjected to 6 months of public comment, and it was ridiculed at public forums from Omaha to Kansas City to St. Louis to Memphis to Quincy to New Orleans to Onawa, IA, and elsewhere. This is what the people of the heartland of America said about the spring rise. I have a bad hand, and I can only lift a third of the transcripts at a time, but these are the comments that the Corps of Engineers received in 1994. Guess what. They didn't think much of the plan then for spring rise.

President Clinton's Secretary of Agriculture and his Secretary of Transportation criticized the plan in writing. The plan was then shelved by the Clinton administration because of public opinion. They had their public comment. People did weigh in, and they said this is a disaster. The Clinton administration withdrew it.

However, that plan was subsequently resurrected by the Fish and Wildlife Service, using the force of the so-called consultation process sufficient to impose its will on the people in the States.

In other words, the Fish and Wildlife Service failed to convince the public

and the States of the wisdom of their plan, as represented by these comments, so they decided to force their plan by putting a gun to the head of the Corps.

If the Fish and Wildlife Service cared about the views of the States and the public opinion of those who live in and around the basin and depend upon the Missouri River, we would not be here today. There is very little hope that they would care about next year's comments than they care about the comments people took pains to make in 1994 because they simply don't have to. The Fish and Wildlife Service gets to do what it wants because while they are required to allow public comment, they are not required to listen. And I guarantee you, when it comes to this plan, they have not listened.

This process, as previously orchestrated, is more rigged than a WWF championship match. But for my citizens, the price of admission is the cost of losing a planning season, a levee, an export opportunity, a flood, and maybe even the loss of a life.

Some may tell you that the Government can control this proposed flood. I know they wish that were the case. But wishes are not going to provide accurate weather forecasts in the temperamental heartland spring. Unless someone in the Corps can forecast weather accurately 5 to 10 days to 2 weeks in advance, there will be accidents, people will be hurt, and it will be because the U.S. Government decided to risk their safety for an experiment. When the Government releases pulses of water from the dams, that water can't be brought back; it is not retrievable. It takes 5 days to get to Kansas City, 10 days to get to St. Louis, and further down the river, even longer.

On average, the river never floods. In the real world, though, it isn't the averages that hurt us but the extremes. I understand that a lot of people have drowned in lakes that average only 3 feet deep. With downstream tributary flow, we already have a natural ''spring rise'' every time it rains, and when that happens, a ''pulse'' released days before is a tragic gift courtesy of the Federal Government.

Just 6 weeks ago, following a series of low pressure systems in the basin, in less than 5 days gauging stations in Missouri went from below normal stage to flood stage. Right in the heart of our State, in Herman, MO, the streamflow increased from 85,000 cubic feet per second to 250,000 cubic feet per second in 5 days. That is almost a threefold increase in the amount of water coming down that river.

Now, neither the people of Herman nor the Corps of Engineers expected this dramatic tripling of the flows, but it shows the danger of intentionally increasing those flows during the spring season, and it shows what people in our State already know: We already have a spring rise. It is natural and it is dangerous. If the pallid sturgeon really liked spring rises, they would be coming out our ears. After the floods, we should have had little pallid sturgeons all over the place.

The second part of the Fish and Wildlife plan is an artificially low summer flow, which inverts the historical natural hydrograph. For those who may be a little concerned about the terms, that means the river ''ain't'' flowing like it used to flow before dams. The natural hydrograph is to have more water in the summer during the snowmelts in the upper basin. This natural pattern would be turned on its head if you had the releases in the spring and then low flows during the summer. It starves the hydropower generators of capacity during peak periods of energy demand, driving up the rates for customers, driving up the rates for Native American tribes and other citizens in rural areas.

According to data from the Western Area Power Administration, ''Risk analysis including river thermal powerplants: Both capacity and energy losses increase exponentially as the summer flow decreases in July.''

That means that when you cut the waterflow during the summer in peak cooling seasons, you get much greater than a straight line loss in capacity and energy production. The line doesn't go down like this; it goes up like that. That is what happens to power production when you reduce summer flows.

The plan does call for continued production of energy, just not when people need it. The middle part of the summer is when air-conditioning rates are the highest and when there is the greatest drain on electricity. Unless we no longer care about clean energy options, then we should not be taking deliberate steps to increase the cost of power.

Additionally, let me point out for our southern neighbors that low summer flows provide inadequate water to continue water commerce on the Missouri River and during very low water periods on the Mississippi River. During the drought years, up to 65 percent of the flow in the Mississippi River below St. Louis comes from the Missouri River.

Water commerce is important for another reason. One medium-sized 15-barge tow can carry the same amount of grain—usually going to the export markets—as 870 trucks. This one medium-sized tow is much better for safety, clean air, fuel efficiency, highway congestion, and the competitiveness of our shippers in the international marketplace than putting 870 trucks on the highway through congested metropolitan areas. Water commerce for our farmers, shippers, and exporters is a necessary insurance policy against high rates that occur when the absence of competition leaves shippers to the mercy of transportation monopolies. A key assumption of some is that freight carriers don't raise rates when they face no competition. That is a nice wish, but it is not a realistic assumption.

Other forms of transportation do raise rates when competition is not present. According to the Tennessee Valley Authority, which did a study, higher shipping costs would add up to as much as $200 million annually to farmers and other shippers in Missouri, South Dakota, and all the States in between, not including the Lower Mississippi River States. A shipper from the Omaha, NE, region told my office that he secures railroad rates of less than $25 per ton when they go up to Sioux City, where the river provides competition, but when he ships up to Sioux Falls, where the river doesn't go, where river transportation is not available, then rates double.

I am pleased and proud to say there are many ongoing programs and practices to improve Missouri River habitat. I have listened to the discussions that relate to this matter over the years, and there is some presumption that only the Federal Government should do something about it. That is false. There is that overtone, since Missouri strongly opposes the Federal Fish and Wildlife plan—on a bipartisan basis, I might add—we aren't as dedicated to fish and wildlife as some of our friends in the Dakotas, or Montana maybe.

Well, Mr. President, no State in the basin dedicates as much money as Missouri does to fish and wildlife conservation measures. Most States just take payments from the Pittman-Robertson and the Wallop-Breaux and licensing revenue. Some States have appropriations from their general fund.

The citizens of Missouri have imposed upon themselves by referendum a State sales tax for conservation. That has enabled Missouri to spend as much as California on fish and wildlife. This year that total will be $140 million.

Our State conservation tax has enabled Missouri to spend twice as much as Florida, 11 times more than Massachusetts, 11 times more than Vermont, 9 times more than Nevada, and 3 times more than Illinois.

According to the latest data from the Wildlife Conservation Fund of America, Missouri spends roughly 50 percent more on fish and wildlife than the Dakotas and Montana combined. Missouri spends 5 times more than South Dakota on fish and wildlife, and 10 times more than North Dakota.

Almost all States raise money from hunting and fishing licenses and all States get Federal money. If you go beyond those sources, the difference between what Missouri citizens have set aside for fish and wildlife compared to our upstream neighbors, the numbers are staggering. In the latest years, the figures available to me, Missouri dedicated 60 times more from State taxes in the general fund than South Dakota, for example.

I will not say anything beyond this except that Missouri citizens are doing their part, and certainly we encourage other States to follow the constructive example that Missouri has set.

What have we done? What have we done for wildlife habitat? What have we done to conserve species, to preserve and help restore endangered species? Our Department of Conservation has acquired 72 properties in the Missouri River flood plain totaling almost 45,000 acres. Senator HARKIN of Iowa and I and others have requested funding for a number of ongoing habitat projects, and while two are funded in this bill, one was not funded.

We have authorized and we have begun funding for a 60,000-acre flood plain refuge between St. Louis and Kansas City. We authorize an addition of 100,000 acres of land acquisition in the lower basin to restore habitat, with almost 13,700 acres already acquired.

I have been pleased to work with American Rivers and Missouri farm groups to authorize habitat restoration on the river, to create sandbars, islands, and side channels. These are the natural structures that support and facilitate species such as the pallid sturgeon.

I regret to say this administration, as the last administration, requested no funds to start the project, and the subcommittee this year did no new starts, so a consensus approach is lying in state. We have financed over 21,740 acres of wetland easements from the Wetlands Reserve Program in Missouri. Missouri is very active with the Conservation Reserve Program, and farmers are signing up for filter strips along waterways to reduce runoff.

We are working in Missouri on an agroforestry flood plain initiative and have demonstrated tree systems that take out nearly three-quarters of the phosphorous and nitrogen so it does not reach the waterways while providing excellent bird habitat.

According to our Department of Natural Resources, river engineering efforts on the Mississippi River have paid big dividends for endangered species. For example, at river mile 84 on the Upper Mississippi River, the Corps has created hard points in the river to separate a sandbar from the bank to create a nesting island for the federally endangered least tern. In addition, larval sturgeon have been collected in the resultant side channel.

Four islands around mile 100 on the Upper Mississippi were created by modifying existing navigational structures without interfering with water transport. Islands have flourished even through the flood of 1993.

At river mile 40 on the Upper Mississippi, the Corps has established critical off-channel connectivity essential as overwintering and rearing habitat for many Mississippi River fishes.

We know there are better approaches that do not hurt people, and that is where the focus has been in Missouri, and that is where the focus should be in Washington. The sooner we table the plan that is risky, untested, and dangerous, the sooner we can get to the plans that are tested and broadly supported.

Our bipartisan amendment is supported by members across the country: the National Waterways Alliance, National Corn Growers Association, American Soybean Association, American Farm Bureau Federation, National Association of Wheat Growers, National Council of Farmer Cooperatives, Agricultural Retailers Association, National Grain and Feed Association, and others.

The Fish and Wildlife Service plan has been opposed strongly by the Southern Governors Association which issued another resolution opposing it early this year. The Fish and Wildlife plan is opposed strongly by our current Governor, Governor Holden, and his Department of Natural Resources which is just as knowledgeable and just as committed to the protection of the river they live on as the Federal field representatives who live in other regions and States.

I say to all the Senators on the Mississippi River that objections were raised to the Fish and Wildlife Service plan in a recent letter to the President signed by nine Mississippi River Governors. These Governors include Governor Patton from Kentucky, Governor Sundquist from Tennessee, Governor Foster from Louisiana, Governor Musgrove from Mississippi, Governor Ryan from Illinois, Governor Huckabee from Arkansas, Governor McCallum from Wisconsin, and Governor Holden from Missouri.

This plan is opposed on a bipartisan basis by elected officials, by our late Governor Carnahan, by mayors, farmers, and the people all along the Missouri River.

Our amendment seeks to add some balance in the decisionmaking process and attempts to permit the administration to do what is right to find ways to address species recovery that do not harm people, that do not harm property, that do not interfere with the other legitimate multiple uses of the Missouri River.

I strongly urge my colleagues to adopt this bipartisan amendment. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I compliment the Senator from Missouri. He clearly feels as passionate about this issue as I do, and he, like I, has tried to find common ground. I have no objection to the amendment that Senator BOND is proposing this afternoon.

What he is saying through this amendment is that in addition to the proposal made by Fish and Wildlife, there ought to be consideration of other issues, other opportunities to address the problem. I have said that from the beginning.

I will support this amendment, and I urge my colleagues to support it as well. I also urge my colleagues to endorse this position as the bill proceeds through conference. This is a position that I think will clearly show unanimity on both sides of the aisle and, as a result, I hope we can maintain this position rather than the very negative approach adopted by the House.

I am hopeful as we go into conference that Senator BOND will support the position that he and I now have adopted as a Senate position.

While I am in agreement on the amendment, we are in vast disagreement about the issue. I feel compelled to address some of the questions raised by the distinguished Senator from Missouri.

First of all, it is important to remember, most importantly perhaps, it is important to remember that this goes beyond just the pallid sturgeon. Obviously, the pallid sturgeon is an endangered species, and we can argue all afternoon about the relevance of the pallid sturgeon to the master manual debate, but in my view, this is about more than an endangered species. This debate is about an endangered river. This debate and the master manual is about whether or not we can save an endangered river.

This is not about an endangered species. This debate is about an endangered river. This debate and the master manual is about whether or not we can save an endangered river.

The distinguished Senator mentioned the organization American Rivers. The American Rivers organization has now listed for the second year in a row the Missouri River as the most endangered river in America. It doesn't get any worse than that.

We talked about the Federal Government's commitments and regulatory approach. Citizens of South Dakota know a lot about commitments and regulatory approach. We were told if we gave up hundreds of thousands of acres of land to build four dams to help downstream States, we would benefit. We would have irrigation projects, and we would have water projects, and we would have an array of special consideration given the new jeopardy within which we find ourselves as a result of the dams' construction.

The first things to go, of course, were all the irrigation projects. We don't have any in South Dakota. That is done. The second thing to go, of course, was the quality of life for people who lived along the river. We had to move communities. That is done. We have moved them. Unfortunately, because the master manual is now so out of date, we are drowning communities all along the river as we speak.

The Senator from Missouri talks about his concern for spring rise and floods. We are getting that every year. We have already authorized the construction of new homes for 200 homeowners in Pierre, SD. We will have to commit $35 million to move homeowners because we flooded them out because the master manual isn't working.

So don't talk to us about spring rise. Don't talk to us about flooding. Don't talk to us about sacrifice. We know

sacrifice. We know the problem because we are living in it every single day.

Yes, this is about pallid sturgeons. But this is about a lot of South Dakotans who are living on the river who were told they were safe, who were told they had been given commitments, who were told they would get irrigation projects, who were told they would get all kinds of benefits which we have not seen.

This is about an endangered river. It is about a master manual written 50 years ago when times were a lot different. It is about a recognition that every once in a while, perhaps at least every two generations, we ought to look at a master manual and whether it is working or not and come to a conclusion about rewriting it so people are not flooded out.

This has been an effort 10 years in the making. In spite of all the assertions made by the Fish and Wildlife and the Corps of Engineers and others that the spring rise proposal provides 99 percent of the flood control we have today, that is not good enough for some of our people. In spite of the fact they tell us in any single year there would be high water, there would be no spring rise, we would not authorize it, that is not good enough for some people.

The distinguished Senator from Missouri mentioned a hero of mine, Steve Ambrose. I don't know of anybody who knows more about that river than he does. He has walked virtually every mile of it. He knows it backwards and forwards. He knows its history, he knows its splendor. He knows the river like no one knows the river. He has been very complimentary about the efforts made to protect it now. I will not speak for him, but I will say this. Were he here, I think he would express the same concern about how endangered this river is, as I just have.

Steve Ambrose is not the only one. The Senator from Missouri was talking about all the indignation, talking about all those who came out in opposition, and he mentioned quite a list of people. I could go on, too, with lists of organizations, lists of Governors on a bipartisan basis. I think perhaps the most important is the letter we received on May 21 from the Missouri River Natural Resources Committee. The Missouri River Natural Resources Committee is made up of people up and down the river, but especially people in the lower regions of the river. Here is what the Missouri River Natural Resources Committee has to say. I will read one sentence, and I ask unanimous consent the letter be printed in the RECORD at the end of my remarks.

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

(See Exhibit No. 1.)

Mr. DASCHLE. "The MRNRC supports the recommendations contained in the Biological Opinion as biologically sound and scientifically justified."

There you have it, perhaps the most authoritative organization on river management dealing with the Missouri River. This sentence is underlined: "This plan is biologically sound and scientifically justified."

I feel this as passionately as the distinguished Senator from Missouri. What happens when two people who feel as passionately as we both do, with polar opposite positions, come to the floor on a bill of this import, on an issue of this import? What I did early in the year—and I thank my very professional staff, Peter Hanson, and others, and my colleague, Senator JOHNSON, for his admirable work on the committee in working with us, and perhaps most importantly, my chairman on this subcommittee, HARRY REID. I thank them all for their extraordinary efforts to work with us to try to find some common ground.

Basically, what is in the bill is simply an amendment that says: Look, let's continue to look at this; let's see if we can find the common ground, with the depth of feeling we recognize on both sides. Let's not do any damage, but let's keep working.

That is what is in the bill. Let's not make any conclusions, let's not insert that somehow the States have to comply prematurely. We already have invested 10 years. What is another year? Let's keep working.

That is what is in the bill.

What the Senator from Missouri is saying is let's also ensure that there are other options that we look at. I have no objection to that. That is why I support this amendment. If we pass this legislation, we will look at other options, we will not take any specific action right now, but we will not deny, as the House did, the right to continue to move forward. I hope we can all agree this is a legitimate, balanced approach.

I also hope people recognize this: If we don't solve it, the Fish and Wildlife and the Corps don't solve us, there is only one other recourse: The courts of the United States will solve this. This will be tied up in the courts, and we will see litigation for a long time to come, and it will be North v. South in a new context. I don't want to see that.

I want to see a resolution to this problem. I want to see some understanding of the science that has gone into the solution to this problem. I want to see a recognition that there is pain on both sides of this problem. I want to see us not continuing to kick the ball down the field but coming to grips with it, finishing it, and moving on.

This master manual is now older than I am. The river has changed a lot, as I have, over the last 50 years. I think it is time to update it. Probably time to update, me, too. This river is a lot more important than I am. This river provides a lot more livelihood to people in South Dakota than I do. This river is dying, and we need to save it.

EXHIBIT NO. 1

MISSOURI RIVER
NATURAL RESOURCES COMMITTEE,
*Missouri Valley, IA, May 21, 2001.*

Secretary GALE NORTON,
*Department of the Interior,*
*Washington, DC.*

DEAR MS. NORTON: I am writing to express the position of the Missouri River Natural Resources Committee (MRNRC) concerning the biological and scientific merits of the November 30, 2000, final Biological Opinion of the U.S. Fish and Wildlife Service on the Operation of the Missouri River Main Stem Reservoir System, Operation and Maintenance of the Missouri River Bank Stabilization and Navigation Project, and Operation of the Kansas Reservoir System. By way of introduction, the MRNRC is an organization of appointed, professional biologists representing the seven main stem Missouri River Basin state fish and wildlife management agencies. Our agencies have statutory responsibilities for management and stewardship of river fish and wildlife resources held in trust for the public. We were established in 1987 to promote and facilitate the conservation and enhancement of river fish and wildlife recognizing that river management must encompass the system as a whole and cannot focus only on the interests of one state or agency. Besides an Executive Board of state representatives, we also have three technical sections—Fish Technical Section, Tern and Plover Section, and Wildlife Section—consisting of river field biologists and managers which advise the Board on river science, management, and technical matters.

The MRNRC supports the recommendations contained in the Biological Opinion as biologically sound and scientifically justified. Implementation of these recommendations will not only benefit the federally-listed pallid sturgeon, interior least tern and piping plover, but also many other river and reservoir fish and wildlife for which our agencies have responsibility and jurisdiction, including river fish species which have declined in many river reaches since development of the system. A sustainable river ecosystem requires restoring as much as possible those hydrological functions and river and floodplain habitat features under which native river fish and wildlife evolved. The scientific community is increasingly recommending restoration of natural flow patterns or some semblance of them to conserve native river biota and river ecosystem integrity (Richter et al., 1998; Galat et al., 1998). The Opinion takes the first, adaptive management step toward accomplishing this task while recognizing that the river has been drastically modified and must continue to meet other human needs for power generation, water supply, recreation, flood control, and commercial navigation.

The Opinion contains most of the operating and habitat rehabilitation objectives contained in an alternative submitted by the MRNRC in August, 1999, for the Corps of Engineers' Missouri River Master Manual Environmental Impact Statement Review and Study and in a white paper we developed in 1997 (Restoration of Missouri River Ecosystem Functions and Habitats). These objectives include higher spawning flow releases from Fort Peck and Gavins Point Dams in the spring, warmer water releases from Fort Peck Dam through the spring and summer, lower flows below Gavins Point Dam in the summer, unbalancing of reservoir storage (annual rotation of high, stable, and lower reservoir storage levels among the big three reservoirs), restoration of shallow water aquatic habitat in the channelized river reaches, and restoration of emergent sandbar habitat in least tern and piping

plover nesting areas, all of which have been advocated for many years by the MRNRC.

The MRNRC also commented on and supported the draft Biological Opinion. A copy of that letter is enclosed. The final Opinion is responsive to our comments on the draft. We are especially pleased to see the commitment to include our agencies in the Agency Coordination Team process for fine-tuning and implementing management actions identified in the Opinion. I am also enclosing a copy of the 1997 white paper and a brochure which explains the function of the MRNRC. I hope this letter and accompanying materials clarify the views of professional biologists responsible for Missouri River fish and wildlife. Please do not hesitate to contact me (712–336–1714) if we can be of further help in this regard.

Sincerely,

THOMAS GENGERKE,
*MRNRC Chair,*
*Iowa Department of Natural Resources.*

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If the Senator from Missouri will yield for a brief statement.

While the leader is here, I want to say this is legislation that is best. The provision in the bill could have been a benchmark for a lot of confusion and derision, but the staffs involved, because of all the concern for the river, sat down and did something constructive. I, personally, as well as Senator DOMENICI, appreciate this very much. This avoids a contentious fight. Because of the good heads of the staff and the wisdom of the Senators involved, we have resolved a very contentious issue. Senator DOMENICI and I are very thankful.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, I thank my colleague for that eloquent and enthusiastic support for a solution to the problem we have worked on for so many years. I love the opportunity to work with him in being able to find that solution.

Today, I want to speak about an issue that is important to the people of Missouri. As you see, my State lies at the confluence of these two great rivers, the Missouri and the Mississippi. The rise and the fall of these rivers has a tremendous effect on Missouri, on its agriculture and recreation and environment and economy.

The U.S. Fish and Wildlife Service has proposed to shift the flow of the Missouri River so that more water passes through our State in the spring and less in the summer. It is called the spring rise. If this proposal goes into effect, it could have devastating consequences, including increased likelihood of flooding and the shutdown of the barge industry on the Missouri.

The energy and water appropriations bill being considered by the Senate contains language that would prohibit the Army Corps of Engineers from expediting the schedule to finalize revisions to the master manual that governs waterflow on the Missouri River. In effect, this provision would ensure that the decision regarding the flow of the river would not be made until 2003.

While I welcome that language as a temporary stopgap for Missouri, it is not enough to protect Missourians or other downstream States, for without additional action by Congress, it is virtually certain that the Corps of Engineers will adopt the Fish and Wildlife Service's recommendation for spring rise. That is a condition that will do great harm to Missouri and other users of the Missouri and Mississippi Rivers.

The Bond-Carnahan amendment strengthens the bill to provide greater protections for Missourians. It would allow the Corps to propose alternatives to assist the recovery of endangered species, but it would not preclude the Corps from adopting the Fish and Wildlife Service's proposal for spring rise.

Just 8 years ago, Missourians faced one of the worst floods in their history. The water crested almost 50 feet over the normal level. Entire neighborhoods were washed away and damage estimates ran into the billions. This year, we saw communities up and down the river battling against floodwaters once again.

I cannot believe that a government agency would contemplate an action that would put Missourians and residents of other downstream States at risk of even more flooding.

The proposal is to release huge amounts of water from Gavins Point, SD, in the spring when the risk of flooding is already high. It takes 10 to 11 days for water from Gavins Point to reach St. Louis. What would happen if we received an unexpected heavy rainfall after the water had been released from Gavins Point? The answer is simple. Missourians would face a severe flood. Even the Corps admits that would be the case. That is an unacceptable risk.

The change would also damage the region's economy. The barge industry contributes as much as $200 million to our economy and would be severely hurt by the low river levels that would occur in the summer. The economic benefits to upstream users, approximately $65 to $85 million, pales in comparison.

We must also factor in the value of barge traffic on the Mississippi River. The proposed low summer flow would bring barge traffic to a near halt for at least 2 months during the summer at that area known as the bottleneck region of the Mississippi River. This is the portion of the river that stretches just south of the confluence of the Missouri and Mississippi Rivers, to Cairo, IL. The bottleneck needs the higher Missouri River flow to sustain barge traffic.

The disruption caused by this proposal would jeopardize 100 million tons of Mississippi River barge traffic which generates $12 to $15 billion in annual revenue.

Finally, there is no reason to believe that the Fish and Wildlife Service proposal will do anything to help endangered species. The Service claims that its recommended plan will benefit the pallid sturgeon below Gavins Point, but it provides no supporting evidence that any of the claimed benefits will be realized. In fact, the Service admits, in its own Biological Opinion, that enormous gaps exist in our knowledge of the needs of the pallid sturgeon. Furthermore, the Biological Opinion notes that commercial harvesting of sturgeon is allowed in five States.

If that is the case, I would think it would be more appropriate for the Service to halt the commercial harvesting, rather than risk severe flood and shut down barge traffic, all for unproven benefits to the sturgeon.

I am also not convinced that the Fish and Wildlife Service plan will accomplish the goal of helping two bird species: the interior least tern and the piping plover. In fact, many experts believe that the higher reservoir levels upstream resulting from the Service's proposal could actually harm these birds and their habitat at a critical point in the year. Fluctuations in the river level could also greatly disrupt nesting burdens below Gavins Dam. The Service's Biological Opinion fails to address the consequences of these unnatural changes.

There are better ways to ensure the continued healthy existence of these species. After the pallid sturgeon was added to the Federal endangered species list in 1990, the U.S. Fish and Wildlife Service formed the pallid sturgeon recovery team to rebuild the fish's dwindling numbers. The Missouri Department of Conservation joined this effort by working with commercial fishermen to obtain several wild sturgeon from the lower part of the Mississippi River. In 1992, the Department successfully spawned female pallid sturgeons, which has since lead to the production of thousands of 10- to 12-inch sturgeon for stocking. The pallid sturgeon had never been spawned in captivity, but the Department developed certain techniques to do so. The fish were then released into the rivers.

Before the release, the Missouri Department of Conservation tagged them for tracking purposes. They have since been amazed at the number of reported sightings of the tagged fish, which has surpassed anything they anticipated.

If we are dedicated to preserving these species, we can do so through efforts such as those carried out in Missouri.

In recent years, this has become a partisan issue. It should not be. Some say it is an environmental issue. It is not. The environmental benefits of a spring rise are totally unproven.

Some say it is an economic issue. It is not. On balance, it would harm our economy. This is an issue of fairness. It is not fair to expose Missourians and other downstream residents to severe flooding, economic loss, and potential environmental destruction.

Our amendment, the Bond-Carnahan amendment, will ensure fairness for everyone who shares these rivers. I urge its adoption.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I commend and applaud the work of Senator CARNAHAN and Senator BOND on crafting this amendment. We have been at a gridlock state on the master manual development now for many years. Senator CARNAHAN's work to try to break that gridlock ought to be applauded.

Last year, as many recall, this bill wound up being vetoed by President Clinton over this very issue. For years it has been an all-or-nothing struggle between upstream and downstream States over the management of the Missouri River. I think we may be moving ahead more constructively now, thanks to a more thoughtful approach being taken in this body.

The Missouri River is of utterly profound consequences to my home State of South Dakota. It divides the State in two, an East River and West River, as we say in South Dakota. It is central to the economy of the State. It is the corridor by which settlers came to Dakota territory. This Senator grew up on the Missouri River. My hometown is a college town situated on a bluff overlooking the Missouri River. Its welfare is of great concern to my State. It is of great concern to me personally.

My colleague, Senator DASCHLE, noted that the Missouri River has been referred to as ''America's most endangered river.'' I appreciate that could be the criteria you might happen to choose to apply, but, nonetheless, the Missouri River has gone through a great many changes from its pristine early days—largely impounded at least in the upper stretches of the river behind huge earthen dams, channelized in other stretches, and barge traffic.

In my home community of Vermilion, it remains as about as close to what Lewis and Clark saw as any stretch that remains. But that is only for a stretch of some 60 or 70 miles.

This river remains of enormous consequence. The management of the river has always been a matter of great import. For 40 or 50 years now, the existing master manual—the rules for the management of the river that guides the Corps of Engineers—has been in place. When the Pick-Sloan plan was implemented and these larger earthen dams were constructed, they were constructed with multiple purposes—flood control for South Dakota and for our downstream neighbors as well; energy production; and they remain a great source of hydroelectricity for our State and throughout the region; recreation certainly; barge traffic; and drinking and irrigation purposes.

The thought at the time was that these huge bodies of water would be used for massive irrigation development through the Dakotas, and that there would then, in turn, be a need for reliable barge traffic to haul this amount of grain from the heartland and the Dakotas downstream. For many reasons, irrigation never happened—at least not on a large scale. We have moved on from the irrigation that was envisioned.

The Missouri River is used as a significant source of drinking water. In the meantime, recreation, fish, and wildlife purposes have become paramount on the Missouri River. Although it is a far, far small industry than it was originally thought, it is of no one's interest to unnecessarily drive the barge industry out of existence. It still plays an important role in a much smaller way than was originally thought. But, nonetheless, it plays an important role, and to the degree that we can preserve it, that is well and good. But I think there is a very strong consensus that the vision for the Missouri Valley that existed at the time of the Pick-Sloan plan was envisioned and then implemented is much changed.

This master manual no longer serves the interest and no longer reflects the contemporary economic realities of the Missouri River—certainly in the upstream reaches of the river but downstream as well.

It is the responsibility of the Corps of Engineers to proceed with the study, public input, and with the science that goes into at long last a revamping of the master manual. Up until now, we have been caught up in the question of should we revise the manual or should we not revise the manual.

Now, at least in this body, there is an agreement that, yes, the manual should and needs to be revised. It should be done in a careful manner. I am pleased that we have gotten over that hurdle. That hurdle still remains in the other body, the House of Representatives, but I think as the Senate approaches this issue in a more thoughtful and wiser fashion, it is important for the Corps to take the best biological science available from the Fish and Wildlife Service.

It is also important for the Corps to listen to those who have concerns about flooding. It is important for the Corps to listen to those concerned about energy production. Our rural electrics, and public power in particular, have a great concern about levels of energy production from these hydrodams. This year more than most, we have had a lesser amount of waterflow from the head waters of the Missouri than in past years. In fact, our water levels are down this year in any event regardless of the master manual. That remains of concern.

We have endangered species. We have a great recreation and wildlife industry on the Missouri River. Much of it has been at risk because of the unreliability of the waterflows on the river and the lack of consideration given to this huge industry, the recreation and wildlife industry. In fact, every dollar's worth far exceeds that of the barge industry that has been there for so long.

We have concerns about erosion. We have concerns about the supply of drinking water on the Missouri River. We have concerns about the health of the Missouri River itself. Steps need to be taken to restore this river to the grand status that it once had.

I am pleased we are taking this step today. This does not mean that Fish and Wildlife's views will be ignored, or that the ultimate plan developed by the Corps of Engineers will be contrary to what the Fish and Wildlife Service wishes. But it does suggest that there are other perspectives that ought to be considered as well, and that the Corps will proceed, that they will move forward finally, at last, with the revision of the master manual—one that I hope will more fully reflect the contemporary economic and environmental realities of the Missouri River.

It is my hope again that as we proceed on with this bill—again, my commendation to Senator REID, our friend from Nevada, and Senator DOMENICI, our friend from New Mexico, who have done such great work on this bill as a whole—we will proceed with an excellent piece of legislation, so that when we reach a conference circumstance with the other body, the views of the Senate on this critical issue will, in fact, prevail.

I yield the floor.

Mr. HARKIN. Mr. President, the Missouri River is a tremendous resource for the Midwest. It is used for recreation and for transportation. It supplies water for drinking, for irrigation, to cool power plants, and it can, at times provide far too much water resulting in flooding, hurting many farmers and sometimes communities as a whole.

It is also the home for a wide variety of wildlife, providing excellent hunting and fishing opportunities. It has many beautiful views to be enjoyed by all. And it is the habitat for a number of species that, unfortunately, appear to be in very serious difficulty, endangered.

I believe we have a responsibility to protect endangered and threatened species, and I take that responsibility very seriously. And, I take the needs of my constituents to minimize flooding, to maximize the benefits of barge traffic and to use the areas along the river for good hunting and fishing very seriously as well.

The Corps of Engineers which manages the large dams on the river is charged with a number of legislative purposes such as navigation, flood control, recreation and environmental remediation and enhancement. And, many of those responsibilities are in regular conflict. Doing more to promote one priority can and regularly does hurt another priority. Few Members are happy with the Corps in this balancing effort. I understand lots of Corps officials are not happy with the Corps either at times.

Under the Endangered Species Act, passed in the early 1970s just before I became a member of Congress, we said that saving endangered species was a

top priority. And, I strongly support that goal. It is often a difficult task. We so often know so little and, at times, can be so very wrong. But we should work in a determined manner to help species that are endangered.

In this case, the Fish and Wildlife Service has issued a biological opinion of what they think is the best course of action. Is it the best path to take? Under the law, there is a process that the Corps is supposed to follow in making the determination of what they will do to move forward towards saving the endangered species. It is a long process. But, as the language already in the bill notes, under its timetable, the Corps is more than a year away from coming to a final ''record of decision'' and then more months away from that decision's implementation.

I believe that the Corps needs to very carefully consider the input it gets during that time. Many, including the state governments, learned professors, organizations representing many sides, have a great deal of resources and expertise. I feel that the comment period is not supposed to be for show, or to allow people to vent. I believe that it should be an opportunity for people to not only forcefully note their interest, but for those with the capability to propose creative solutions, solutions that can both do more to help the endangered species and more to maintain the historic priorities of the Corps.

Do I know what that solution is? No. Is there such a solution? I don't know.

I did propose increasing funding in this measure to increase sandbars of benefit to birds and towards slow moving water which I am told will help the endangered fish. And, the committee placed a portion of that funding in the bill. But, I am certainly not sure that it will be effective. A Senator is constantly listening to experts who may or may not be correct.

I believe the Corps is responsible for truly sifting through all of the ideas and taking the best and melding them, to do what it can to find the best path. Some say the Fish and Wildlife Service has already spoken—period. This is only correct to a point. Yes, they have spoken, but that does not mean that they can't learn about new options and become aware of more information that can, with an open mind, lead to different alternatives.

Last year, I opposed Senator BOND's amendment because it simply precluded under all circumstances one type of action from being used that might help endangered species. I understand his strong concerns about a spring rise that his proposal of last year was designed to prevent under all circumstances. I certainly have considerable doubts about the logic of the Fish and Wildlife Service's proposed spring rise. But, frankly, I believe that the best path is not to legislatively say: No, this option shall be excluded. The best path is for knowledgeable parties to propose better alternatives to be considered on their merits.

Frankly, I also was told that last year's amendment would have quickly resulted in a strong lawsuit, with a likely judgement that the restrictions on the Corps to implement a spring rise would violate the Endangered Species Act. My fear was that a Federal judge, instead of the Corps would have replaced the Corp of Engineers.

Today's amendment is a balanced one. Under the already existing language of the bill, clearly, the process is not going to come to a final judgement in the coming year. The amendment adds to that reality, saying to the Corps: look at the need of the endangered species, look at the many purposes of the river. Listen to those who come to testify and to provide meritorious input. And, put together some options.

Ideally, the Corps will do just that. And, a year from now, hopefully, something will be presented that provides for the protection of the endangered species and the many benefits that are derived from its flowing waters.

Mr. President, I am pleased that I was able to help develop this language which has genuine balance.

Mr. BAUCUS. Mr. President, last year, Mr. DASCHLE and I fought hard against efforts to halt the progress of the new Missouri River Master Manual. As my distinguished colleague from South Dakota pointed out both last year and this year, the Missouri River is a river in jeopardy and the manual is long overdue for a revision.

We need a more balanced management of this river system, a balance that will, among other things, give more weight to the use of the water for recreation upstream, at places like Fort Peck reservoir in Montana. Under the current river operations, there are times when the lake has been drawn down so low that boat ramps are a mile or more from the water's edge, all to send water downstream to support the barge industry. Recreation is vital to the eastern Montana economy and to economies of other upper Missouri states. It's time the Army Corps' management practices reflected that reality.

This year, one of the worst water years in my State's history, the problems started back in March and April. The Corps told me their hands were tied by the old manual as to how much they could protect lake levels at Ft. Peck and at other upstream Missouri reservoirs—in short, they had to keep letting water out even though lake levels were dropping fast.

Which is why I applaud Senator BOND's decision to search for compromise because we all want a solution to this problem. We all want to make sure the river is managed in the best way possible. Mr. BOND has come forward with an amendment that will allow the Corps flexibility to work towards that goal. Mr. REID and Mr. DOMENICI agreed to language in the Energy and Water bill that will make sure the Corps won't accelerate this process, and that a decision on a new master manual won't be made until 2003. The Corps now has breathing room to do what's right for the Missouri River, for upstream and downstream interests and for fish and wildlife. After more than 50 years, it's about time.

Mr. GRASSLEY. Mr. President, I strongly urge my colleagues to support the Bond-Carranhan-Grassley amendment to the energy and water appropriations bill. This amendment will allow the Secretary of the Army to propose alternatives to the decision mandated by the last administration which will unquestionably increase flood risk and limit barge travel on the lower Missouri and Mississippi Rivers.

If we do not correct the ill-informed position that was shoved down our throats last year by the previous administration, landowners in Iowa along the Missouri River will face the threat of increased flooding. Thanks to a few of my colleagues that have obviously never been over to Freemont, Mills, Pottawattamie, Harrison, or Monona counties in Iowa, just to name a few, we have let an issue that was decided for political gain put lives and livelihoods at risk.

This is not a new issue. Provisions to limit significant changes in flow had been placed in five previous appropriations bills by my distinguished colleague from Missouri, Senator BOND. Each of these bills had been signed into law by the last administration, except for the legislation last year. Last year a few members let special interest groups drive the agenda and place my constituents in harm's way. It was not acceptable then and it is not acceptable now.

Senator BOND's amendment will allow the U.S. Army Corps of Engineers to propose alternatives to achieve species recovery other than those specifically prescribed by the U.S. Fish and Wildlife Service plan to increase releases of water from Missouri River dams in the spring. Majority Leader DASCHLE championed the Fish and Wildlife Service's position last year which will eventually result in significant flooding downstream given the heavy rains that are usually experienced in my, and other downstream states during that time.

Last year our opposition described their position as a ''slight revision'' to increase spring flows, known as ''spring rise'' once every three years. They emphasized, ''not every year, but once every three''. When they emphasized that point I guess I'm wondering whether that somehow makes it better or excusable to risk the lives and the livelihood of Iowans and other Americans living on the Missouri once out of every three years instead of every year.

This issue is exactly what is wrong with our representative government. How many times have we heard about special interests having too much influence and the decisions that are being made not representing the majority. Well here is my casebook example.

How many Americans would view increasing the flow of the river to scour sandbars more important than protecting life and livelihood. There might be a few, and I realize as hard as this is to believe, there were 45 in the Senate last year. But if we could let the American people vote, I bet they would feel protecting Americans is more important than scouring sandbars.

The opposition's approach is a terribly risky scheme. Keep in mind that it takes 8 days for water to travel from Gavins Point to the mouth of the Missouri. Unanticipated downstream storms can make a ''controlled release'' a deadly flood inflicting a widespread destruction. There are many small communities along the Missouri River in Iowa. Why should they face increased risk for flooding and its devastation? They should not.

Equally unacceptable is the low-flow summer release schedule. A so-called split navigation season would be catastrophic to the transportation of Iowa grain. In effect, the Missouri River will be shut-down to barge traffic during a good portion of the summer. It will also have a disastrous effect on the transportation of steel to Iowa steel mills, construction materials and farm inputs such as fertilizer along the Missouri.

Opponents of common sense argue that a spring flood is necessary for species protection under the Endangered Species Act, and that grain and other goods can be transported to market by railroad. I do not accept that argument.

I believe that there is significant difference of opinion whether or not a spring flood will benefit pallid sturgeon, the interior least tern, or the piping plover. In fact, the Corps has demonstrated that it can successfully create nesting habitat for the birds through mechanical means so there would be little need to scour the sandbars. Further, it is in dispute among biologists whether or not a flood can create the necessary habitat for sturgeon.

This is why it is important to allow the Secretary to propose alternatives to achieve the same goals without the same deadly, ruinous side effects.

One thing I do know for sure is that loss of barge traffic would deliver the western part of America's grain belt into the monopolistic hands of the railroads. Without question, grain transportation prices would drastically increase with disastrous results to on farm income.

Every farmer in Iowa knows that the balance in grain transportation is competition between barges and railroads. This competition keeps both means of transportation honest. This competition keeps transportation prices down and helps to give the Iowa farmer a better financial return on the sale of his grain. This competition helps to make the grain transportation system in America the most efficient and cost effective in the world. It is crucial in keeping American grain competitively priced in the world market. The Corps itself has estimated that barge competition reduces rail rates along the Missouri by $75–$200 million annually.

If a drought hits during the split navigation season, there will be even less water flowing along the Missouri unless we make this necessary change. Low flow will also significantly inhibit navigation along the Mississippi River. We cannot let this happen.

Less water flowing in the late summer will also affect hydroelectric rates. Decreased flow means less power generation and higher electric rates for Iowans who depend upon this power source. This is not the time to be increasing the price of energy. In my opinion, the last administration already accomplished increasing energy costs to the breaking point for consumers, now it is time to start bringing those rates down.

The corngrowers summed it up best last year when they stated, ''an intentional spring rise is an unwarranted, unscientific assault on farmers and citizens throughout the Missouri River Basin. ''Unfortunately, the past administration felt sandbars were more important than citizens. Let's fix this. I urge my colleagues to support the Bond-Carnahan-Grassley amendment. Vote for common sense.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank you. I will be very brief.

I remind the Senate how important this Missouri River issue is and was. First of all, I am very grateful to hear that it is going to get resolved, which I understand to be the case. I haven't seen the language yet, but obviously there are very good Senators who have a more genuine interest than this Senator. So it will be right.

But last year, believe it or not, this entire bill that we are talking about was put at risk because Senator BOND sought to protect the river. An amendment passed, which I supported, that made the entire energy and water bill subject to that amendment with reference to not moving ahead too fast with the new ideas. It had a veto threat with it.

Believe it or not, since 1979, I think is the case, energy and water types of appropriations bills had never been vetoed. So we put at risk all the things that are needed in this bill and said we would take it. If the President vetoes it, we will find a way to pass the bill one way or another.

The reason I state that is because, obviously, the issue is a very important one. It brought down this entire energy and water appropriations bill.

Incidentally, we found a way to fix it. It became an issue. I am hopeful that today it remains an issue, and that, with this amendment which has been spoken to and about by those who are Missouri River affected, we will end up with something that is really an achievement.

Last year, I wondered—it is a very important bill—whether it was worth putting the entire bill at risk of a veto. My good friend, Senator BOND, who is now joined by others—and I compliment them all—told me: It is a worthwhile thing to do, Senator. I don't like putting your entire bill at risk—the one I happened to have managed then; the one I am ranking member of now—but I willingly did it, and I think that had ultimately a bit to do with resolving this issue in a better way. Because the Senate did find out it was a very serious issue and that they would put it at risk, with a veto pen, with reference to the issues between the river people and the professional Federal bureaucracies and the environmentalists. Hopefully, it has been worked out in an amendment that will be agreed to today.

I compliment everybody who has worked on it. I can see the fine hand of the majority leader. I can see other Senators from the other side of the aisle who got together to do it. I must, with all respect, compliment Senator KIT BOND for not giving up and for his tenaciousness last year in seeing to it that we, as a Senate, understood that some of our Government people were busy about changing things and that we ought to get ourselves involved.

Normally, we would not like to get involved, but we did. Today, perhaps, within an hour or so, we will end this issue with a compromise, which will mean we will not have anyone objecting, and everyone—whether they are so-called river people or environmental people or commerce interests—will all agree that their Senators have done a yeoman's job.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, while I understand the reason the amendment was put in the energy and water bill, and understand the reason that there has been discussion about a modification of it that the majority leader says he will accept, nonetheless, let me say that I would prefer that we not have this issue in this bill, that the revision of the master manual on the management of the Missouri River has been going on a long, long time—far too long.

For 12 years the Corps of Engineers has been wrestling with this issue of how to revise the master manual to manage the Missouri River. For 12 years it has been ongoing. The root of all of these amendments has been to try to continue to stall.

Let me describe why this is an important issue from the perspective of those of us who live in the upstream States. We have a flood in the state of North Dakota—a flood that came and stayed a manmade, permanent flood. It is the size of the State of Rhode Island. It visited North Dakota in the 1950s.

Why did that happen? Because this Missouri River—this wonderful 2,500

miles of wild and interesting river—was causing a lot of problems for a lot of people in some springs. On some occasions during the springtime, those downstream reaches of the Missouri River would have an awful flood. You could not play softball in the parks of St. Louis in the spring because the Missouri River had gone over its banks and caused substantial flooding. It was true, for a substantial portion of the Missouri River. And for flood control, and other reasons, it was decided that there ought to be a plan to see if they could harness, somehow, this river called the Missouri River.

A man named Lewis Pick and a man named Glenn Sloan put together a plan, as you might guess, called the Pick-Sloan plan of the 1940s. As almost anyone who knows anything about the river understands, the Pick-Sloan plan was a mechanism by which they would harness the forces of the Missouri River and create six main stem dams. One of those dams was in North Dakota, at the time, the world's largest, earth-filled dam. It was dedicated by President Eisenhower. It flooded 500,000 acres of North Dakota land. It created a manmade, permanent flood the size of Rhode Island in the middle of our State.

One might ask the question, Why would North Dakotans, in the 1950s, say: All right, you can do that. You can come to our State and create a Rhode Island-sized flood? I will tell you the answer to that. The answer to that was, the Pick-Sloan plan was a plan that said: What we would like to do is provide some benefits for everyone. Downstream, we provide the benefits of flood control, the benefits of perhaps achieving more stable navigation opportunities. Upstream, you have the opportunity to have a substantial shoreline for the recreation, fishing, and tourism industries. And then, in addition, and more importantly, what we will do for you upstream is to take from this huge body of water the ability to move water around your State, something called Garrison Diversion. And by the way, you can use that water to irrigate 1 million acres in your State.

So those were the costs and the benefits. Our cost? Our cost was the one-half million acre flood that came and stayed forever.

Now we have the cost. Take a plane and fly over it, and you will find the cost. It is there. That big old body of water is there. So we have a permanent flood. As a result of that permanent flood, some of the folks downstream do not get flooded in the spring. And some of those wonderful cities downstream in the springtime, late in the day, when the shafts of sunlight come through the leaves or trees, they can gear up and play a good softball game because there is no flooding. Good for them. That is their benefit. They have the benefits. We have the flood. But we never got the rest of what was promised to us.

But in addition to all of that, the master manual by which the river is managed was created in a way that said to the Corps of Engineers, here are the things we want to do with this river. And then the Corps of Engineers went about managing to what they thought was written in the master manual. And they have always insisted, notwithstanding the fact that the Government Accounting Office, and others, that have studied this have said they are wrong, that the issues of recreation and fishing and tourism—the industries that have spawned upstream, the industries that have spawned in my State—are somehow of lesser consequence to barge traffic and flood control downstream.

So as a result of all of that, there has been discussion about the need to revise the master manual. In 1989, we began to have the Corps of Engineers work to revise the master manual.

No one in America has ever accused the Corps of Engineers of speeding, and I expect they never will. It is as slow and as bureaucratic an organization as there is. But 12 years to revise the master manual? Twelve years? I don't think so. That is not reasonable. Yet here we are today. We do not have a master manual revision. And we have propositions that need to be delayed further. There needs to be intervals that are artificially created.

Let me say this about the states that are involved. We have had a group called the Missouri River Basin Association—eight States, all of which harbor the Missouri River. All of these States are enriched by the presence of the Missouri River. These eight States together have tried to work on plans about how one would manage the Missouri River and what kind of a master manual plan one would develop.

Seven of the eight States have reached agreement. One has not. Seven of the eight States have reached an agreement, and one will not. Can anyone guess which State is outside of the seven? The only State among the eight States that said, no, we will not agree? That is right, the state of Missouri.

Compromise is important. Compromise is an art. But it is not just in this Senate Chamber. In the Missouri Basin Association, there is not the ability to compromise on the fundamental issue of how you rewrite the master manual with respect to the Missouri River.

I have talked a little about the Rhode Island-sized flood that came and stayed in my State. Let me talk for a moment about this river.

Lewis and Clark went up that river. In the years 1804, 1805, they took keelboats and went up that river. It is a fascinating story. My colleague from South Dakota mentioned just a bit of it, but the story is really quite remarkable. Captain Lewis, Mr. Clark, and one of the world's great expeditions—what a remarkable thing they did.

Thomas Jefferson actually, with an appropriation of $2,000 that was not disclosed, enlisted Captain Lewis to begin this bold venture. He told them: When you get to St. Louis, charge what you need for your venture and sign a requisition to the Federal Government, and we will pay for it. He purchased keelboats. He purchased a whole series of things. In fact, in St. Louis, he purchased 110 gallons of whiskey. Think of what they would make of that today. Requisition that to the U.S. Government.

So he left St. Louis with this band of men, his keelboats, his 110 gallons of whiskey, and so many other things to enrich that trip, and they went up the Missouri River. According to their journals, they saw their first grizzly bear when they got to what is now Williston, ND. They even made notes in their journals about the mosquitoes they encountered. You can encounter some of those same mosquitoes or relatives of them.

They wintered near where the city of Washburn, ND, now exists, and spent the winter with the Mandan Indians. Here is what the description of that river was and is by Mr. Clark and others: ''A tawny, restless, brawling flood,'' one observer scribbled about the Missouri River. ''It makes farming as fascinating as gambling; you never know whether you are going to harvest corn or catfish.'' What an apt description of that wonderful river.

William Clark, who braved that wilderness, admired the lush swaths of oak, ash, and cottonwood on the Missouri's floodplain. He said: It is ''one of the most butifill Plains I ever Saw, open and butifully diversified.'' ''No other river was ever so dead-set against being navigated,'' another Missouri watcher wrote.

This river is unique, remarkable, and wonderful in many ways. But the river has suffered. The people who make a living on that river and near that river have suffered as well. We have not done right by that river. We have created the six main stem dams, and a whole series of things have intervened in the way the river is managed. They have upset the ecosystem. They have caused a series of problems for plants and for animals and for mankind.

We can do better. That is the purpose of this issue of rewriting the master manual. It is said that rewriting the master manual will mean that less attention will be paid to downstream barge traffic. The downstream barge traffic is a minnow compared to the upstream tourism, recreation, and fishing industries, which are a whale. We are talking about less than $10 million compared to nearly $80 million in terms of impact. Yet the Corps of Engineers manages this river as if the downstream barge traffic is some colossus. It is not. It is a relatively small amount of economic activity that has been shrinking.

Upstream, the interest in recreation, tourism and fishing has been growing and growing. Yet the river is managed

as if it was yesterday in terms of economic circumstances and consequences. That is wrong.

I have heard the discussions today about the spring rise and split navigation, all the myths about that. The fact is, even with the spring rise, most of the navigation traffic would be unaffected, the downstream reaches. Even with the proposed change in the master manual, and managing this river the way it ought to be managed, 99 percent of the flood protection would be available to downstream States.

Some of us have exhausted our patience. We get all the cost and virtually none of the benefits upstream. Downstream gets all the benefits and almost none of the cost. Somehow they have said to us: By the way, we love having the Missouri River run through our cities, but we don't want the inconvenience of having spring floods. We don't want to interrupt the softball games in the middle of our cities. They build a flood up north and you have the flood forever. And by the way, when we are short of water, we want your water. And when we have too much, we want you to store it because we want you to be the reservoir that takes all of the cost all of the time.

Sometimes you almost think that what we really ought to do, if they don't appreciate the flood control downstream and they don't appreciate the benefits they have received, maybe we ought to just dump those dams out of there and let that water go where it will. Then see if maybe we do have a master manual that manages this river in a manner that is sensible. Maybe everyone will understand there is a ''balance'' between the interests of the downstream and the upstream States.

In most cases, one would be able to resolve this in a pretty thoughtful way. Frankly, the Missouri River Basin Association has some pretty good people from every State of the eight States involved who have worked pretty hard on this issue. Seven of the eight States have pretty much reached agreement on how to resolve it. One State has not. That is the State of Missouri.

One would hope that perhaps in that venue, and perhaps also here in the Senate, we might find reasonable compromise to understand that the balance between cost and benefits of downstream and upstream States is something that ought to be a true balance.

Again, this issue is critically important to us. Our future relates to economic development. Economic development relates to water opportunities. If you don't have water, you don't have development. It is that simple. We have the development around this flood that came and stayed forever in our State, the development of an aggressive, vibrant group of industries—fishing, tourism, recreation, that of the downstream navigation interests. Yet we are told with this archaic management of the river that somehow it really doesn't count for much. We are saying that is not right. So there ensues this revision of the master manual.

Then 12 years later, we are still standing here talking about whether or not the master manual ought to be completed. Of course, it ought to be completed. What on earth can we be thinking about. Twelve years is far too long. We ought to be ashamed of ourselves, the Corps and the Congress, that it takes more than a few years to revise a master manual. Maybe we will give it 5 years. How about 7? Maybe 10 years or 11. But you can't do it in 12? You need more time than that? What kind of thinking exists that says you need more time than 12 years to revise a master manual on how to run a river? I hope we don't have to fight a war some day if that is the thinking that exists. We ought to be able to do this in a sensible way.

I will not object to what has been offered here. The majority leader spoke on behalf of all of us that while he would prefer this issue get resolved, and that it is critically important to upstream States, I will not object to this amendment. But this issue should not even be here. This is not where this issue should be considered. This issue should have been behind us, not in front of us. I hope one of these days all of the States, all eight States and not just seven in the Missouri River Basin Association, will get together and help to resolve the balance in terms of how to deal with the intricate, simple, and complex issues dealing with the management of the Missouri River.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Senate vote in relation to the Bond amendment No. 1013 at 4:45 p.m. this day, with 4 minutes for closing debate prior to the vote, equally divided between Senators BOND and DASCHLE or their designees and that no second-degree amendment be in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, I inquire, has the Bond amendment not been accepted or at least is this a controversial amendment?

Mr. REID. No, this is not. From everything we have heard from everybody we have heard it from, the answer is no. It is just felt it would be appropriate for some to have a vote.

Mr. DORGAN. So there is a requirement of a recorded vote on a noncontroversial amendment.

Mr. REID. Yes.

Mr. DORGAN. I do not object.

The PRESIDING OFFICER. Is there objection? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I won't object, but I did maybe leave a misinterpretation a while ago when I spoke about being pleased that we had reached consensus after all of these difficult times, including last year. I may have left the impression that there was not going to be a vote required. That was not my prerogative. I should not have said it. The Senator who is the prime sponsor has indicated he wants a vote. We will have one.

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

Mr. REID. Mr. President, the Senator is absolutely right. There has been such significant progress made. This vote is more of a celebration of the great progress made. I don't know of anyone who is going to object to this vote. There may be someone I don't know. I would say this is just a culmination of days and days of deliberations.

As I indicated earlier, there have been staffs working many hours on this matter. I think the vote is more kind of a note of accomplishment, and this will be an overwhelmingly positive vote.

Mr. DOMENICI. Mr. President, actually, I don't know what Senator BOND thinks it is, a celebration or whatever. What I understand is that I have been around here a while. There are a lot of reasons to seek a rollcall vote.

I have begun the practice of not trying to speculate as to why rollcalls are requested. In some situations, I would not ask for them and Senators insist on them. Other times, I wonder why they don't because it seems to be such a great issue. Senator Bond is entitled to his request.

I yield the floor and have no objection to the unanimous consent.

Mr. REID. 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. REID. Mr. President, we have now a half-hour before the vote, approximately. I hope that those who have amendments will come over and offer them. I have had conversations with a couple people, and they said they were thinking about offering them. I wish they would because we have a managers' package we have talked to a number of Senators about, and we have a number of issues on which we are working. We are not going to do that until we have some end in sight on this legislation. If there are issues, bring them over. What we will do at a subsequent time, if enough time has gone by and everybody has had an opportunity to offer amendments—and we believe there are amendments that are no longer vital to be offered if people aren't willing to offer them—then we will move to third reading.

I recognize that I can't do that without the concurrence of the Senator from New Mexico; I would not anyway. But that is something we can do when we have waited long enough with nothing happening.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. As I understand it, we entered into an agreement to vote on the Bond amendment at a time certain. I now speak to Senators on my side of the aisle. We have the list of the kinds of amendments people are thinking about. I hope that in the next 2 minutes a Senator who has an amendment that he really wants to have us vote on and consider for some extended period of time will advise either this Senator or Senator REID because we ought to go on to another amendment or two. The Bond amendment will have its vote, and it will be disposed of. We need to have something to do. I urge them to consider coming down to talk about the amendment they would like to offer.

I yield the floor.

Mr. REID. Mr. President, 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. DORGAN. 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. DORGAN. Mr. President, I know we are on the energy and water appropriations bill. I ask unanimous consent to speak for 10 minutes as in morning business with the proviso that if someone shows up and wishes to speak on the bill, I will be happy to relinquish the floor.

The Senator from New Mexico is here, and I know he is anxious for people to offer amendments. I say to him that if someone shows up and wishes to offer an amendment, I will relinquish the floor and finish my statement another time.

Mr. DOMENICI. I thank the Senator. There may well be someone in particular, Senator BOND. I do not want him to have to wait if he arrives in the next 10 minutes.

I yield the floor.

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

(The remarks of Mr. DORGAN are printed in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. 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. DASCHLE. Could the Presiding Officer inform the body as to the unanimous consent agreement entered into with regard to the final comments on the Bond amendment?

The PRESIDING OFFICER. There will be 4 minutes evenly divided and proceeding to a vote at 4:45.

Mr. DASCHLE. Since it is now 4:40, I consulted with the distinguished Senator from Missouri, and with his permission I will use my 2 minutes and accommodate the Senator's desire to speak to the amendment prior to the time we have the vote.

Let me say what I said a few moments ago for purposes of emphasis. No. 1, I support this amendment. I think it, again, is a bona fide effort to reach common ground. I attempted to do that. Thanks to the distinguished chair and ranking member of the appropriations subcommittee, I felt we had done so in a reasonable way.

Senator BOND goes further and says the Corps of Engineers and the Fish and Wildlife Service ought to look at other options beside spring rise, and that is certainly appropriate. We have no objections.

My hope is that we can maintain this position in the final conference on the appropriations bill. I hope on a bipartisan basis, given the kind of strength this amendment will clearly demonstrate, that we can do that.

Let me just make three points about the issue. The first point is that American Rivers and other organizations have singled out the Missouri River as the single most endangered river in the country. This issue is not just about pallid sturgeons. It is not just about endangered species. It is about an endangered river. It is about a future for a river that is in great peril.

Second, this issue is about a master manual that is over four decades old, that needs to be revised to recognize how endangered this river really is. There has been an extraordinary effort made to find a way to recognize the need for change in the way the river has been managed. I believe they have done a good job. I believe when the Corps asserts they can control 99 percent of the flooding, as they do now, we ought to believe them. But I am prepared to go beyond that, to find additional ways to accommodate those downstream even though we are being flooded out each and every day. There are 200 homes in Pierre, SD, that are being flooded out. And the families who own these homes are now being moved. So we know about floods.

Finally, let me say if we do not resolve this issue, the courts will. This will be tied up in the courts for a long time to come. We are not going to be able to avoid this issue. This issue will be dealt with. It will be resolved. The question is, ''Do we do it with Fish and Wildlife with the assistance and oversight of the Congress, or do we do it in the courts?''

I hope we can move on and recognize that in spite of our passionate, deeply held feelings, it is important for us to find common ground. This amendment, in my view, moves us closer to that goal. While we have different positions on the issue of how the master manual should be written, we certainly do not have different positions on the need to resolve this matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my cosponsors and others for supporting this amendment, which will get us to a final resolution of this very important question.

In response to some of the comments that have been made, the record shows in 1952, in the authorization, the projection of tonnage was we could have up to 4 million tons on the river by 2010. The latest figures I have are we currently move agricultural products on the Missouri River equivalent to 45,000 transport trucks, fully loaded, at 80,000 pounds each. That is about 9 million tons of agricultural products moved in a more environmentally friendly and more efficient and more economical way.

With respect to the work we do to enhance conservation, wildlife habitat, I note Missouri spends about $141 million on fish and wildlife. I outlined in my remarks all the steps we have taken. I hope the managers of the bill will find it in their hearts to be able to fund the Mississippi and Missouri River Habitat Program that we authorized several years ago that enables us to continue to make improvements in the river that do not affect the multiple uses of the river but make it much more friendly and supportive of the pallid sturgeon, the least tern, the piping plover, and other endangered species.

My position is simply that the Government should be preventing floods, not forcing floods on people. We have an opportunity to ensure good transportation for farmers. We expect, under this new rule, we can have the Fish and Wildlife Service and the Corps of Engineers listening to the people who are affected and develop a plan that does not force a spring rise down our throats, that does not force flooding on the Missouri River, that does not take away our potential for hydropower, that does not cut off river transportation that is vitally important for our farmers.

I thank all who have worked with us on this amendment. I urge a strong vote because I believe this finally puts us on a path, not where we are saying you cannot resolve the issue this year, but this outlines a procedure that I believe can allow sound science to give us the right answer that achieves all of the purposes legislated for the Missouri River, including the preservation and recovery of endangered species.

I ask my colleagues to support this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 1013.

The clerk will call the roll.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—100

| | | |
|---|---|---|
| Akaka | Durbin | McCain |
| Allard | Edwards | McConnell |
| Allen | Ensign | Mikulski |
| Baucus | Enzi | Miller |
| Bayh | Feingold | Murkowski |
| Bennett | Feinstein | Murray |
| Biden | Fitzgerald | Nelson (FL) |
| Bingaman | Frist | Nelson (NE) |
| Bond | Graham | Nickles |
| Boxer | Gramm | Reed |
| Breaux | Grassley | Reid |
| Brownback | Gregg | Roberts |
| Bunning | Hagel | Rockefeller |
| Burns | Harkin | Santorum |
| Byrd | Hatch | Sarbanes |
| Campbell | Helms | Schumer |
| Cantwell | Hollings | Sessions |
| Carnahan | Hutchinson | Shelby |
| Carper | Hutchison | Smith (NH) |
| Chafee | Inhofe | Smith (OR) |
| Cleland | Inouye | Snowe |
| Clinton | Jeffords | Specter |
| Cochran | Johnson | Stabenow |
| Collins | Kennedy | Stevens |
| Conrad | Kerry | Thomas |
| Corzine | Kohl | Thompson |
| Craig | Kyl | Thurmond |
| Crapo | Landrieu | Torricelli |
| Daschle | Leahy | Voinovich |
| Dayton | Levin | Warner |
| DeWine | Lieberman | Wellstone |
| Dodd | Lincoln | Wyden |
| Domenici | Lott | |
| Dorgan | Lugar | |

The amendment (No. 1013) was agreed to.

Mr. BREAUX. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REED. Mr. President, 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. DOMENICI. 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. DOMENICI. Mr. President, I understand we are looking for somebody to offer an amendment that can be debated tonight and voted on tonight. Senator MURKOWSKI is ready to proceed with an amendment. We have one scheduled after it, but I will try to determine if we can find some additional amendments.

Mr. REID. Mr. President, the majority leader is in the Chamber, if I could have his attention.

Senator DOMENICI just advised that there was an amendment ready on which we could have a vote tonight. I want to say in the presence of the majority leader that as the manager of this bill and having heard what he has said the last several days, we really need to do more than just one amendment. I am glad we are moving forward. I extend my appreciation to the Senator from New Mexico. We need to look at completing this bill tonight, if it is possible. Would the leader agree?

Mr. DASCHLE. Mr. President, if the Senator will yield, I appreciate very much the work of the chairman and ranking member.

We have just had a vote on the first amendment offered. We have been on the bill all week and the vote was 100–0. I hope we can move to the more substantive issues that have to be resolved before we can bring the bill to closure. But we will be in later this evening and tomorrow and tomorrow evening in order to accommodate Senators who wish to offer amendments.

After this, of course, we still have the Transportation bill that we have to bring up. There is a lot of work left to be done for the week. If Senators will cooperate and work with us, we can complete our work on this bill. This is a very good bill. Senators have done a good deal of work to get us to this point. I think it is a fine product, but we need cooperation from Senators in order to finish.

As the Senator from Nevada has noted, we are looking for people who can offer amendments. I know the Senator from Alaska is planning to do that now. I am hopeful that we can do more of that tonight before we complete our work for this evening.

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. DOMENICI. Mr. President, I yield to the Senator from Massachusetts to ask a question.

Mr. KERRY. I wanted to ask something of the majority leader. It is my understanding that the majority leader made it quite clear at the beginning of the week that there was an agenda that needed to be accomplished if indeed the Senate intended to not be here on Friday. It is my understanding that, at the pace we are moving, there is a clarity to the fact that unless this changes, we will be here until late Friday and all of Monday voting; is that accurate?

Mr. DASCHLE. The Senator is correct. We will have to be here later than normal on Friday afternoon, and we will be here on Monday as well. We have no choice. We have to continue our work. This will accommodate the consideration of the bills that have to be disposed of.

Last year, eight appropriations bills had passed by the end of July. Thus far, we have only passed one in the Senate. So we have a lot of work to do just to catch up with what we did last year. So our effort to do that will go unimpeded, and we will do the best we can, given the schedule we have. We have a lot of work to do this week.

Mr. KERRY. I thank the majority leader.

Mr. DOMENICI. Mr. President, let me state in the presence of the majority leader that nobody is more interested in getting the bill completed than the Senator from New Mexico. I remember one year when this bill was vetoed over an amendment that was debated in this Chamber. The distinguished majority leader remembers that. It was a pretty onerous situation to veto an entire bill over the Missouri River.

We have not been on this bill very long because if you want to recall with me, what happened is you carved out big pieces of time for other things during each of the days that this bill has been up, so that on Monday we had a little time but no votes; Tuesday, yesterday, we didn't start on this bill until after noon, and this morning we finished our memorials and started at 11 o'clock.

So while it may seem that we were here the whole time, we have not been on the bill that whole time. This would be a very short number of hours. Nonetheless, I will work with our Members, and I don't think anybody is intending to delay matters. We just put them off when, in fact, we have long lists, wondering who is going first. There are not a lot of amendments that people say they want to vote on. There are a lot of amendments that are going to be either in the managers' amendment or are not going to be taken care of. Senators know that. I will try to get two or three more lined up if we can proceed with this one now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. In the spirit of cooperation, after listening to the majority leader, I would be happy if the other side took the amendment and we would not need to have a vote. We are willing to do that on this side, but not on the other side. I hope after my explanation there will be a reconsideration and we will not have to have a vote. However, if we don't get accepted, we will press for a vote.

AMENDMENT NO. 1018

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1018.

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

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

The amendment is as follows:

(Purpose: To provide grants and fellowships for energy industry workforce training and to monitor energy industry workforce trends)

On page 12, line 19, strike ''$732,496,000'' and insert ''$722,496,000''.

On page 19, line 2, strike ''$3,268,816,000, to remain available until expended.'' and insert ''$3,278,816,000, to remain available until expended: *Provided*, That $10,000,000 shall be provided to fund grant and fellowship programs in the appropriate offices of the Department of Energy to enhance training of technically skilled personnel in disciplines for which a shortfall of skilled technical personnel is determined through study of workforce trends and needs of energy technology industries by the Department of Energy, in consultation with the Department of Labor.''.

Mr. MURKOWSKI. Mr. President, this amendment makes appropriations for energy and water development for the fiscal year ending September 30, 2002, specifically providing that $10

million shall be provided to fund grant and fellowship programs in the appropriate offices of the Department of Energy to enhance training of technically skilled personnel in disciplines for which a shortfall of skilled technical personnel is determined through study of workforce trends and needs of energy technological industries by the Department of Energy, in consultation with the Department of Labor.

The purpose of the amendment is to address realities associated with the area of energy and to focus in on the energy crisis in this country. To a large degree, that crisis exists because of inadequate training capabilities within the energy area.

The amendment would monitor workforce trends across the energy industry. It would provide $10 million for DOE grants and fellowships to colleges and universities to remedy workforce shortages. It would develop the energy workforce of the future.

This amendment takes $10 million from the increased funding proposed for the CALFED program. I want to identify for my friend, the senior Senator from California, that these are funds coming from the increased funding proposal. I recognize the sensitivity to the senior Senator from California of the CALFED program. I also direct your attention to the fact that this program has never been authorized by the Energy and Natural Resources Committee, which is an appropriate procedure.

I welcome that authorization. I would welcome the opportunity to work with my friend from California, perhaps, to find these funds in some other area. In any event, what we do in the amendment is redirect these funds to address what we consider a critical need for our Nation's energy security and the next generation of energy workers.

I recognize the CALFED program is a water program, but I also point out that we are taking this from the increased funding for CALFED.

As we talk about national energy policy—supply, demand, and infrastructure—I think we also have to consider the realities associated with the inadequacy of the workforce. Who is going to develop and deploy the new energy technologies we are going to need for the future? Even now, we find the Nation is unable to meet current labor needs and trends for the future. The forecast is ominous.

Enrollment in petroleum engineering has dropped 28 percent in the last decade. Geoscience enrollment is down 32 percent. Enrollments in nuclear engineering have declined by 60 percent in the past 10 years. Two-thirds of our nuclear faculty are older than 45; 76 percent of U.S. nuclear workers and 51 percent of geophysicists are within 10 years of retirement. There are few renewable energy and energy-efficiency programs but large potential needs for skilled workers to meet the demand.

Several years are required to train highly skilled workers with advanced engineering or science degrees. We must act now. I have worked with Senators DOMENICI and BINGAMAN, and I agreed they were right to include workforce considerations in their energy proposals. This is a vital but unrecognized part of energy strategy.

Recognizing the urgent national need we face, I propose that we provide sufficient funding to finally get this program started. Mr. President, $10 million will allow the Department of Energy to begin the program, conduct the initial needs assessment, and fund a few of the fellowships that are necessary in the necessary priorities.

I would have preferred to bring this program to the floor of the Senate in conjunction with comprehensive energy legislation, but we are still reviewing several proposals, still holding hearings, with the hope of action later this year.

I hope we can adopt this amendment now and get started and develop a fully authorized, fully funded program as we consider comprehensive energy legislation.

I urge the adoption of this amendment to develop the energy workforce of the future. In order to fund this critically needed education program, I am proposing to take $10 million from funding from the CALFED bay-delta program in California. This program, just like last year, has no authorization, as I have indicated.

Last year, the Appropriations Committee refused to fund CALFED, and I think it should consider the merits of this amendment this year. I am not unsympathetic, as I have indicated, to the water needs of the Western States. When I was chairman of the Energy and Natural Resources Committee, a number of important water projects were authorized: the Garrison project in North Dakota; the Lewis and Clark Rural Water System; the Animas-LaPlata project, and several others perhaps not as expensive as these.

What these projects had in common were, A, many, sometimes agonizing, years of study and negotiation; B, numerous Senate hearings spanning several Congresses; C, most important, they were all authorized by the committee of jurisdiction, the Energy and Natural Resources Committee.

CALFED has done none of this—no hearings in the Senate ever, although I point out we do have our first CALFED hearing scheduled for this Thursday afternoon in Senator DORGAN's Water and Power Subcommittee.

When CALFED was first authorized in 1996, no hearings were held; $430 million over 3 years was put in the Omnibus Parks Act of 1996, which I managed, to begin a process to address California's complex water problems. But that authorization expires at the end of fiscal year 2002.

Senator FEINSTEIN has introduced a bill, S. 979, to authorize the actions recommended in the RECORD of Decision last summer. I commend her for her efforts on this important project and hope the hearing scheduled on Thursday will be helpful as she pursues this goal.

However, one scheduled hearing is certainly not adequate in my mind to justify the $20 million requested by the administration, much less the $20 million added by the subcommittee.

Mind you, it was $20 million by the administration, and an additional $20 million was added by the subcommittee. What we are proposing to do is to take $10 million of the additional $20 million, so it will still leave $30 million, which is $10 million more than the administration proposed.

In addition, one hearing is not likely to provide enough information to learn as much as is necessary to move on a 30-year project that is estimated to cost in the first 7 years alone some $8 billion. Clearly, this is a project that should be authorized by the committee of jurisdiction.

I wonder how many Senators in the Chamber today can tell me on what some of that $8.5 billion will be spent.

In funding the CALFED program, the committee report contains some rather interesting language. First, the committee report notes that:

> The appropriate authorizing committees of Congress should thoroughly review and specifically reauthorize the CALFED program.

I believe Senator FEINSTEIN has started us along that path with S. 979 and Thursday's hearing.

Second, the committee recommended:

> No funding under the California Bay-Delta Ecosystem Restoration Project.

This is where things get a little tricky. In the next paragraph of the report, the committee provides an additional $20 million over the budget request for the Central Valley Project:

> Additional funds to support the goals of CALFED are provided as follows:

Then the report goes on to list all kinds of projects with very little explanation that should be undertaken in the CVP to support the goals of CALFED.

To understand the irony of this, I have one more quote from the committee report:

> The committee has consistently expressed concern regarding the duplication and overlap of CALFED activities with Central Valley Project Improvement Act programs and other activities funded under various other programs within the Bureau of Reclamation.

It seems to me by not funding CALFED, then pulling money from CVP, the committee is fostering the very confusion and overlap about which concern has been consistently expressed. If we are providing funds from the CVP, the CVP contractors should receive the benefit. Yet a central focus on the CALFED proposal is that proposals, such as raising the Shasta Dam or enlarging the Los Vaqueros Reservoir, should not be used to offset the 1.2 million acre foot reduction in CVP yield as a result of the CVPIA.

I am not proposing we completely eliminate the funding proposed under

this bill, but I am asking that a portion of the increase be redirected to critically needed educational programs.

I also suggest that the appropriators, when they get to conference, ensure that whatever they fund is directed toward the purposes of the original authorization.

The benefits of raising Shasta Dam should go to the water and power users of the CVP, even if there are collateral benefits to the CALFED process.

If you want to pick a particular aspect of the subcommittee that should not be funded, I support cutting the environmental water account. Maybe that is a good idea, but that is why we are holding a hearing on S. 979.

Mr. President, that concludes my statement. I yield the floor, and I will be happy to respond to any questions.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I regret that I have to strongly oppose the amendment of the distinguished Senator from Alaska. I recall both in the committee and in the Senate Chamber hearing the distinguished Senator from Alaska talk about supply, particularly in view of the electricity and natural gas portion of the energy crisis that faces this Nation.

One of the things we in California have learned is that the electricity crisis is a forerunner of what is going to happen with water.

California has 35 million people. It is the largest high-tech State and the largest agricultural producing State. It has a need for high-quality water for high-tech, and it does not have enough water.

Just last week, this Senate debated the Klamath with an endangered species issue involving both the coho salmon and the suckerfish. The Bureau of Reclamation had to cut off water for farmers, and 1,500 farmers on both sides of the Oregon-California border essentially could not plant.

This is not going to be an isolated incident. We are going to see this happen up and down the Central Valley if we do not act smart, if we do not work smart, if we do not move to improve the water supply, to work smarter on the big pumps on the California Water project, if we are not able to recharge our ground water and, respectfully, if we are not able to take from the wet years and store that water to use in the dry years.

The Senator is precisely going after this money so that we cannot build the storage we need. The three projects that he mentioned: Raising Shasta Dam—that is a dam that is already there—raising the Los Vaqueros Reservoir, which is for reasons of water quality. There is a need for water quality both for the people in the area as well as what is supplied to the high-tech industry. That is Los Vaqueros. And the third is a delta wetlands project to provide water for the Central Valley water community.

He mentioned that there is no authorization. CALFED was authorized, he is correct. The authorization has expired. Tomorrow we have a hearing in the committee on a bill he mentioned which I have authored to provide the necessary authorization. There are three bills in the House.

I believe we are going to authorize this project. Not to do so would be a terrible mistake.

I must correct the Senator on one point. He mentioned $8 billion in the authorization. This is not correct. Although the bill says ''such sums as may be available,'' the fact is the Federal share would be $3 billion and the State share $5 billion.

The point of what I am trying to do in the authorization bill is have all segments of the project—the ecosystem restoration, which is necessary for fish, the environmental water account, which is there to avoid an additional takings issue, as well as the storage and the water quality improvements—moved together concurrently so there is a balanced plan to move on the California water issue prior to the time it becomes a real crisis and the fifth largest economy on Earth is put out of business.

I plead with the Senator from Alaska not to take these dollars, particularly from the storage project. Unless we can take water from the dry years and save that water and use it for the wet years, California has no chance of solving its problem. We have 34 million people, projected to be 50 million people, and we have the same basic water infrastructure we had when we were 16 million people. That is why this isn't going to work.

The chairman of the committee, the distinguished Senator from Nevada, has worked very hard to be helpful. I am enormously grateful to him. He has worked in a prudent way to meet the need, I think knowing we are going to be able to produce an acceptable authorization vehicle in this session.

Once again, I am willing to work with the Senator from Alaska. I am willing, as an appropriator, to try to help find other funds. His project is worthy. His offset is not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the subcommittee was very cautious to make sure that anything we did did not interfere with the jurisdiction of the Energy Committee. The ranking member, Senator MURKOWSKI, is in the Chamber. Everything we have appropriated money for is related to things that have been authorized. We are not appropriating money that has not been authorized, and we went to great extremes to make sure we did that.

I am, some say, the third Senator from California. I am happy to be in that category. Because it is such a huge State, they need all the help they can get. We in Nevada are a neighbor of the State of California. We are small in relation to population, compared to their 34 million, but we have some of the same problems they have. Water is one of them. The bay-delta project is an extremely complex, difficult problem. The State of California has recognized it is a difficult problem. It has spent billions of dollars of California taxpayers' money to solve these problems.

I believe, this subcommittee believes, and I think the Senate will believe, we, the Federal Government, have an obligation to help. This money we are appropriating is a very small amount of money, considering the tremendous burden the State of California has to meet their demands. Many of these problems were created by the Federal Government. The Bureau of Reclamation has been up to their hips in water. Many of the problems that California has had have been created by virtue of the Federal Government being involved in one way or another.

The committee believes, of course, the appropriate authorizing committees of Congress should shortly review and authorize the programs. We agree with the distinguished Senator from Alaska that should be the case. They are in the process of doing that, as has been indicated by the Senator from Alaska and the Senator from California.

However, in what we have appropriated, it is important to keep the Federal Government involvement. I oppose the amendment being offered by my friend from Alaska. I agree it is important to invest in the future of our energy workforce. I believe that very much. I believe his amendment, as far as what he is trying to accomplish, is excellent. I think the offset he has identified is inappropriate.

My friend from Alaska correctly notes the worker training program is subject to future authorization in his committee as is CALFED. However, this subcommittee, I repeat, has been very careful to fund only those CALFED programs that existed as authorizations under other programs. CALFED is desperately important to the bay area and is important to the whole State of California.

I oppose any changing of the mark at this time. It is an appropriate level of funding dealing with the population growth of the largest State in the Union, 34 million people and growing. As the Senator from California has indicated, it is the fifth largest economy in the world. It is the largest agricultural State in America. We hear a lot about the farm States. Rarely is California included in those, but they are an immense producer of agricultural products. We in the West appreciate very much the fruits and vegetables that come from the State of California. The commodities are great. Much of that comes from this area of the country. Agricultural needs of California are threatened if we don't provide this money.

One of the things we have not talked about that we need to talk about is the

ecosystem itself. I admire what the State of California is trying to do. The State of California in years past has created economic and environmental disasters in the State of California. The State of California, to its credit, is trying to correct this. We, the Federal Government, should join in trying to help them.

I will try to work with my friend from Alaska. It is my understanding that the chairman of the committee also likes very much this program dealing with worker training. I think that is important. I would like to work with him to try to accommodate this new program for workers in conference. I will try to do that.

I am aware, as I indicated, that we have a situation where the chairman and the ranking member agree on this, as they agree on a number of issues. I honestly believe we have stayed out of the authorizers' jurisdiction in this matter, and I will ask at the appropriate time for the Senators to support this motion to table that I will make at a subsequent time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Let me make a couple of observations. In arguing against the amendment, it is somewhat ironic that the two Senators probably have as much exposure as any Members who come from States where there is either a risk or an exposure to electricity blackouts. Clearly, training a new generation of energy workers suggests we need the best engineers in the world to create the best energy development, the best delivery system. That will help fund the solutions to the States' problems, particularly California.

I remind my friend from Nevada, the floor manager, and the distinguished senior Senator from California, we are not creating a new program. We are not creating a new program that requires authorization. We are directing funding to the DAO Office of Science to carry out this important function as opposed to what we are doing relative to the California issue.

As far as the CALFED issue is concerned, I agree California needs to address its problems with the help of the Congress. However, they must do so in a process that is customarily laid out in procedure before this body. I am happy to help the Senator from California with her concern, but the Senate has never, ever, ever, ever held a hearing on the proposals mentioned here. That is significant itself. Many Senators in this body assume there is a process where we hold a hearing, we do an evaluation, and we hear from witnesses on the merits of the proposal. There has been no explanation offered as to why we have not had a hearing. I recognize there will be a hearing tomorrow. We have held a hearing on workforce needs, specially nuclear workforce needs in the Energy Committee.

So we have some reasonable reference point to justifiably say there is a significant difference here between funding this workforce effort and having had a hearing on it and not having had any hearings on the CALFED issue, as proposed in this legislation. The dollars are not specifically taken from an individual project, only from a larger overall account. I am happy to support appropriations once a proposed authorization is completed, and I would work with the Senator from California to address from where those funds might come. But the bottom line—and I encourage my colleagues and those who are monitoring this debate to recognize the realities—is the administration requested $20 million. What did the Appropriations Committee do? They said no. They said no because CALFED is not authorized.

Instead, the Appropriations Committee put $40 million into the CVP, which is a separate California project. But the intent was to spend it on the CALFED project. It is kind of a sleight of hand, if you will. I do not mean this in a derogatory way, but when you look at the $20 million the administration requested and the Appropriations Committee said no because CALFED is not authorized, then the Appropriations Committee put $20 million into CVP, so they basically doubled the amount that was requested by the administration.

What we are talking about here is not taking anything beyond what the administration requested, which was $20 million. They got $40 million in the CVP. We are talking about taking $10 million to fund the workforce effort in the Department of Energy. Clearly, the CVP would have $10 million more than the administration requested. Instead of $40 million, they would have $30 million. So I think that is an adequate explanation of the points brought up.

Again, I have the deepest respect for the senior Senator from California and for the floor manager, the senior Senator from Nevada. Having gone to school in California, having familiarity with the necessity of California's productivity related to water, I suggest we proceed with this process through an authorization in the committees of jurisdiction, including the Energy and Natural Resources Committee, and I will pledge to the delegation from California my effort, and that of the professional staff, to work toward the end to meet the legitimate needs of California. But I think we need to adhere to the process.

It is my understanding there has been an effort to try to reach consensus on a vote, perhaps at 6 o'clock or shortly after?

Mrs. BOXER. I object to 6 o'clock.

Mr. MURKOWSKI. I hear the Senator from California objecting. I am not asking for a unanimous consent. I was making an inquiry. Again, I encourage recognition of the necessity of authorization on this matter.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. REID. Mr. President, I ask unanimous consent that the time until 6:15 today be equally divided and controlled between Senators REID and MURKOWSKI; that no amendments be in order prior to the vote in relation to the amendment; that at 6:15 the Senate vote in relation to the amendment with no intervening action; and that the Senator from Nevada allocate 10 minutes that I have to the Senator from California, Mrs. BOXER.

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

If no one yields time, time will be charged to both sides.

The Senator from California.

Mrs. BOXER. Mr. President, I rise to address the amendment before us. Is that in order at this time?

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. Mr. President, because I was preparing for this debate, I do not know exactly the time I have been allowed. May I be informed?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mrs. BOXER. I thank the Chair.

Mr. President, I am really disappointed that we have this amendment pending which would take $10 million out of a $40 million appropriation that my colleague Senator FEINSTEIN has worked hard to get for the California water, I would say, near crisis.

We have a process in California called the CALFED process. I think a lot of our States could learn some good lessons from this process. Why do I say that? Because we all know that questions about water, when it is in short supply, can be extremely contentious. We certainly know water is the staff of life. People need it to live. We certainly know that water and the free flow of water is important to our wildlife, to our environment, unless we believe we can abandon being good stewards of the environment and forget about the wildlife, about endangered species, and suddenly have a circumstance where we have fishermen worried they cannot fish. We certainly know we need the water for our farmers.

The reason Senator FEINSTEIN has worked hard on this appropriation is we did not have an appropriation last year. We have to move this process forward. We cannot abandon this very carefully balanced approach which I think has worked so well. We will have a reauthorization; that is clear. But the bottom line is we have many times appropriated funds where there was no authorization, where we had a history, a good history, with the project as we have had with CALFED. This important process would be harmed if the Murkowski amendment were to pass.

Why do I say that? I refer you to the bill where we have very carefully explained it. My colleagues are again to be commended, for this spells out exactly where these funds will go. Yes, we have an environmental water council, which my colleague from Alaska talked about without seeming to praise it very much. But it is crucial because if we can take care of that particular part of the equation environmentally, it will free us up to get more water storage to be able to take care of the other users.

The money that is in this bill is not put there lightly. My colleague from California understands the needs of the country. But every single appropriation is spelled out very clearly and very carefully. As I read it, most of this will go in terms of numbers for projects to find water for the farmers. And, yes, we have an environmental council that will take care of that set-aside.

We know what it is to go through water wars in California. We know what it is to go through electricity wars in California. We know what it is to have people pointing fingers back and forth about who is to blame. We also know that the CALFED process works. It is very important that we hold it together. It is very balanced.

As my colleague and I seek to get reauthorization, we are trying to be as one as we go forward. But we certainly have one goal, and that is to be true to the CALFED process. We will in fact be sending a very bad signal this evening if this appropriation is reduced.

This funding is needed. This funding is important. This funding sends a signal to all stakeholders—be they urban users or farmers or environmentalists—that their goals are important; we will come behind those goals with funding. I think it will be in fact very detrimental to the CALFED process if the Senate sends this kind of signal tonight.

This is not controversial. We talk about water. Water in itself always brings up controversy. But the CALFED process to date has been very successful. What Senator FEINSTEIN has done and what the committee has done is to take those projects that are not controversial, that are part of the CALFED process, and fund them.

I hope we will reject the Murkowski amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, the Senator from California wishes to speak.

Mrs. FEINSTEIN. Mr. President, I thank my friend and colleague for her comments. I very much appreciate her solidarity and unity on this subject. It is extraordinarily important.

I also want to say there is a statement from the administration in support of this appropriation. We have the support of the Secretary of the Interior, as well as the administration, that this appropriation move forward. I am very hopeful that we will have unanimous support from our side of the aisle as well as support from the Republican side.

As my colleague has well stated, we are fighting for every dollar. The energy subcommittee listened. I think it is a fact that the money in this appropriations bill is extraordinarily important. I believe that unless we can move aggressively to build an environmentally sensitive water infrastructure in our State, there is no way we are going to be able to meet the challenges of the future.

This is a beginning.

I thank the Chair. I thank the chairman and my colleague.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I am certainly sensitive to the considerations of my two friends from California. I would like to correct the record in one sense. We are not talking about a reauthorization; we are talking about an authorization that has never taken place. While there are exceptions from time to time, it is the general rule that we authorize these projects.

This is a complex project. Again, I remind my colleagues that the Appropriations Committee during this process increased over the administration's proposal from $20 million to $40 million total. As a consequence, to take $10 million away is still giving this project $10 million more than originally proposed by the administration.

Again, let the record note specifically that the administration requested $20 million. The appropriators said no. Why did the appropriators say no? They said no because CALFED is not authorized.

That is the only real reservation the Senator from Alaska has. I do that as the ranking member and former chairman of the committee of jurisdiction. I have no other reason, no other motivation, because I am sensitive to the water needs of California. Instead, the appropriators put $20 million in the CVP, a separate California project. But the intent was for it to be spent on CALFED projects.

There has been a little sleight of hand here, if you will, in the manner in which the appropriators addressed this. That is their business. But it is my business as the ranking member of the Energy Committee to advise my colleagues that we have not had an authorization. That is the basis for my objection.

I think it is certainly a justification, since we are not creating a new program with $10 million of the $40 million, which is more than the administration requested in the sense that they offered $20 million and offered to move $10 million to a worthwhile project while not creating a new program that would need authorization, but directed funding to the DOE Office of Science to carry out the important function of technical training in the State.

I yield the floor.

Mr. DOMENICI. Mr. President, I rise to compliment the distinguished Senator from Alaska on what his amendment will do.

There is no question that the Department of Energy is now engaged in a transition period as we prepare for new technologies, both in conservation and in the production of electricity and other aspects of energy consumption in our country.

His amendment supplements a portion of this bill which continues to fund college programs in the area of nuclear physics and related matters. He brings it down to creating some openings for internships to get involved in this kind of technology and training. I think it is a rather interesting approach to this changing period. He discussed it with me. I urged him to proceed with reference to this idea.

I urged that we not support the motion to table and that we permit this new idea to be approved with reference to the kinds of skills that are necessary to make the transition, and see whether it will work, along with other programs that we are now funding out of the Department of Energy.

I yield any time I may have.

Mr. REID. Mr. President, I move to table the amendment offered by the Senator from Alaska, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, 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. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

The question is on agreeing to the motion to table amendment No. 1018. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—-yeas 56, nays 44, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—56

| | | |
|---|---|---|
| Akaka | Collins | Inouye |
| Baucus | Conrad | Jeffords |
| Bayh | Corzine | Johnson |
| Biden | Daschle | Kennedy |
| Bingaman | Dayton | Kerry |
| Boxer | Dodd | Kohl |
| Breaux | Dorgan | Landrieu |
| Byrd | Durbin | Leahy |
| Campbell | Edwards | Levin |
| Cantwell | Ensign | Lieberman |
| Carnahan | Feinstein | Lincoln |
| Carper | Graham | Mikulski |
| Chafee | Harkin | Miller |
| Cleland | Hollings | Murray |
| Clinton | Hutchison | Nelson (FL) |

| | | |
|---|---|---|
| Nelson (NE) | Sarbanes | Torricelli |
| Reed | Schumer | Wellstone |
| Reid | Smith (OR) | Wyden |
| Rockefeller | Stabenow | |

NAYS—44

| | | |
|---|---|---|
| Allard | Frist | Nickles |
| Allen | Gramm | Roberts |
| Bennett | Grassley | Santorum |
| Bond | Gregg | Sessions |
| Brownback | Hagel | Shelby |
| Bunning | Hatch | Smith (NH) |
| Burns | Helms | Snowe |
| Cochran | Hutchinson | Specter |
| Craig | Inhofe | Stevens |
| Crapo | Kyl | Thomas |
| DeWine | Lott | Thompson |
| Domenici | Lugar | Thurmond |
| Enzi | McCain | Voinovich |
| Feingold | McConnell | Warner |
| Fitzgerald | Murkowski | |

The motion was agreed to.

Mrs. BOXER. Madam President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER. 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. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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, hereby move to bring to a close the debate on H.R. 2311, the Energy and Water Development Appropriations bill:

Tom Daschle, Jack Reed, Daniel Inouye, Bob Graham, Kent Conrad, Carl Levin, Max Baucus, Christopher Dodd, Paul Sarbanes, Tom Harkin, Harry Reid, Barbara Mikulski, Fritz Hollings, Ted Kennedy, Joseph Lieberman, Byron Dorgan, and Tim Johnson.

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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, hereby move to bring to a close the debate on H.R. 2311, the Energy and Water Development Appropriations bill:

Tom Daschle, Harry Reid, Jeff Bingaman, Bob Graham, Kent Conrad, Daniel Inouye, Jack Reed, Joseph Lieberman, Carl Levin, Max Baucus, Christopher Dodd, Paul Sarbanes, Tom Harkin, Byron L. Dorgan, Tim Johnson, Debbie Stabenow, and Richard J. Durbin.

Mr. REID. Madam President, I ask unanimous consent that the live quorums in relation to these two cloture motions be waived.

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

Mr. NELSON of Florida. Mr. President, I rise today to speak about the programs in the fiscal year 2002 Energy and Water Appropriations Report that prevent the spread of nuclear weapons and nuclear weapon-usable material. These programs are vital to the national security of the United States.

Appropriately, the committee has expressed concern that the ''proposed budget would seriously erode progress made at great expense to assure the Nation's capability to detect and mitigate global proliferation activities.'' By providing $106.8 million above the President's request, the committee has restored many of the administration's cuts to nuclear non-proliferation programs.

Programs restored by the committee include the Nuclear Cities Initiative, which redirects Russian nuclear expertise and reduces Russian nuclear infrastructure. This project was given a $14.5 million boost. An additional $15 million was added to the Initiatives for Proliferation Prevention program, which funds joint non-military research and development projects, pairs U.S. industries with industries in the former Soviet Union and identifies and creates non-military commercial applications. I support the committee's recommendation that some of the excess funds for this program be directed to projects within Russian nuclear cities, in coordination with the Nuclear Cities Initiative. While encouraging, these actions by the committee merely move us back to the starting line.

I also would like to express my support for the committee recommendation of $300 million to recapitalize existing operation facilities. The President proposed nothing in his budget to recapitalize our nuclear infrastructure.

The National Nuclear Security Administration released a study last year on defense programs facilities and infrastructure assessment that reviewed the conditions of our nuclear facilities and labs. The report identified a $650 million annual shortfall over the next five years in our nuclear weapons complex, with unfunded priority requirements increasing by $200 million per year.

This is unacceptable.

Many of our facilities are World War II-era and in dire need of upgrades and repair. I have visited the facilities in Oak Ridge, TN, and can personally attest to the amount of recapitalization and modernization needed. The President's budget addressed none of these needs.

Recently the distinguished former leader of this body, the Honorable Howard Baker from Tennessee, testified before the Senate Foreign Relations Committee about the serious funding inadequacies in non-proliferation programs run by the Department of Energy. As Co-Chair of the Baker-Cutler Task Force, Baker testified that increased funding is critical to the future of these vital programs.

He testified that in the former Soviet Union ''over 40,000 nuclear weapons, over a thousand metric tons of nuclear materials, vast quantities of chemical and biological weapons materials, and thousands of missiles. This Cold War arsenal is spread across 11 time zones, but lacks the Cold War infrastructure that provided the control and financing necessary to assure [they] remain securely beyond the reach of terrorists . . . The most urgent unmet National Security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops abroad or our citizens at home.'' As a result, the Baker-Cutler report called for an increase in funding for such initiatives—approximately $30 billion over the next 8–10 years.

I urge the Senate to consider the efforts and work of Howard Baker and Lloyd Cutler and provide the resources needed to fund these programs and facilities because they are vital to our national security.

Our nuclear weapons complex and infrastructure will become even more important if the president seeks to reduce our stockpile as part of a new strategic framework. I encourage President Bush to place appropriate emphasis on non-proliferation as we develop this new framework with Russia and other involved nations.

Mr. HOLLINGS. Mr. President, in 1997, the Department of Energy and the State of South Carolina reached an agreement for the Savannah River Site to accept and dispose of surplus weapons-grade plutonium. In response to an effort by the former Soviet Union and the United States to reduce weapons-grade plutonium, the Savannah River Site would accept plutonium from the Pantex Plant in Texas and the Rocky Flats Environmental Technology Site in Colorado. South Carolina was promised that this plutonium would only be treated at SRS, not stored for a significant amount of time. The disposition agreement included two types of treatment—blending the plutonium into mixed oxide fuel for use in commercial nuclear reactors, commonly known as MOX—and immobilizing it in a facility know as the Plutonium Immobilization Plant. The reason for using two different treatments was simple and spelled out in the Federal Register on January 21, 1997.

Due to technology, complexity, timing, cost, and other factors that would be involved in purifying certain plutonium materials to make them suitable for potential use in MOX fuel, approximately 30 percent of the total quantity of plutonium (that has or may be declared surplus to defense needs) would require extensive purification to use in MOX fuel, and therefore will likely be immobilized. DOE will immobilize at least 8 metric tons, MT, of currently declared surplus plutonium materials that DOE has already

determined are not suitable for use in MOX fuel.

Since 1997, DOE has continued on this dual-track path for disposition. That is until this year. In the administration's fiscal year 2002 DOE budget request, funds for the National Nuclear Security Administration, NNSA, were cut by over $100 million. Due to these budget cuts, one of the plutonium disposition programs, immobilization, was delayed indefinitely. I don't blame the NNSA for the cut to this program because I know it is their job to work within the budget they are given. However, I do blame the Administration for providing a budget that is woefully inadequate to provide for plutonium disposition activities at Savannah River. When General Gordon, the NNSA Director, testified in front of the Energy and Water Appropriations Subcommittee, he stated plainly that Plutonium Immobilization was delayed because of financial reasons, not policy ones. DOE claims it can process all of the plutonium by converting it into MOX, but, when pressed on the matter they say there is no certainty in this treatment. If MOX fails and there is not a back-up, SRS will be left with large amounts of surplus weapons-grade plutonium, but without a plan to treat it.

There is an analogous situation to this one track mind set that previously occurred at SRS. To separate the sludge and liquid wastes contained in the tank farms, DOE proposed In-Tank Precipitation, ITP. After putting more than a billion dollars into this separation process, problems occurred. Excessive benzine was being produced as a by-product of the separation. As a result, the program was shut down until a new process could be found. The new process was selected last week—four years after the old process failed. Why? Because there was not an alternative to this process. Four years and a billion dollars later, the tanks are still overflowing with 60 percent of the Nation's high-level waste. This is exactly why I want to continue a dual-track disposition program for this plutonium. It was part of the original agreement and I believe that any attempt to change the agreement should be made in consultation with all the affected parties.

To date, the Secretary of Energy and the Governor of South Carolina, Governor Hodges, have not spoken about the disposition activities, which is unfortunate. In fact, Governor Hodges has said he may take steps to stop shipments of plutonium to SRS, which are scheduled to begin in August. I hope the Secretary and the Governor can come to some agreement to ensure safe and timely disposition of this surplus plutonium.

I had an amendment, which would have prohibited the shipment of plutonium to SRS until March 1, 2002 or until a final agreement could be reached on disposition activities, whichever comes first. Some say that stopping these shipments would be devastating to our clean-up efforts at other sites. I say that walking away from our commitments of safe and timely disposition of this material would be just as devastating. All I want is for the Administration to commit to me, the Congress and to the State of South Carolina on plutonium disposition. I do not want this plutonium to be shipped to SRS and then have the Administration come back and say that MOX is not going to work and they're going to study another way of disposing of the material. I fear this is the road we are going down, especially in light of a recent article in the New York Times saying the White House wants to restructure or end programs aimed at disposing of tons of military plutonium.

I have spoken to the Chairman and Ranking Member of the Energy and Water Appropriations Subcommittee and we have worked out an agreement on my amendment. With this compromise, hopefully, DOE and the State of South Carolina will come together and reach an agreement to continue these disposition programs at SRS, while ensuring they're done in a timely and safe manner. If an agreement cannot be reached, you can rest assured this will not be the last time this issue is raised on the Senate floor.

I want to thank the distinguished chairman and ranking member for all their help on this amendment.

## ORDERS FOR THURSDAY, JULY 19, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Thursday, July 19. I further ask unanimous consent that on Thursday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Energy and Water Appropriations Act.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MILLER). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with each Senator allowed to speak for up to 10 minutes each.

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

## PRESCRIPTION DRUGS

Mr. DORGAN. Mr. President, in the coming days I suspect there will be appropriations bills and we will visit another issue we have visited previously in the Senate and also in the House, and that is the price of prescription drugs, especially those imported into this country from other countries.

About a week ago, the Secretary of Health and Human Services decided that legislation which I and several of my colleagues drafted and was passed last year and became law would not be administered. It is a law dealing with the reimportation of prescription drugs into this country.

The provision allows distributors and pharmacists to go to another country such as Canada, to access the same prescription drugs made in an FDA-approved plant and bring them to this country because it is much less expensive in Canada, and pass those savings along to consumers. That is what our legislation did.

The Secretary of Health and Human Services under the previous administration and now under this administration said they could not certify, A, that it would be lowering costs for prescription drugs and, B, that it would be safe; therefore, they would not certify to that and would not implement the law.

We are terribly disappointed by that. We think it was a mistake in the past administration to have made that decision, and we think last week it was a mistake for the Department of Health and Human Services to make that decision.

We will revisit this issue, and there will be another vote in the Senate dealing with it. We will have to do it in a different way, but the principles are still the same.

The same pill put in the same bottle manufactured by the same prescription drug company by the same pharmaceutical manufacturer is sent to Grand Forks, ND, and to Winnipeg, Canada—the same drug made in the same plant put in the same bottle made by the same company. The difference? Price, and in many circumstances a very big difference.

One pays 10 times more for the drug tamoxifen, which is used to treat breast cancer, in the United States than in Canada. I happen to have in my desk—I have had several of them. These are two empty bottles. I ask unanimous consent to show these bottles in the Senate Chamber.

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

Mr. DORGAN. Mr. President, this drug called Zoloft is used to treat depression, a very commonly used drug. The same pill made by the same company; one is marketed in Canada, one in the United States; $2.34 per tablet sold in the United States; $1.28 per tablet—same drug—sold in Canada.

Let me make it more immediate. Emerson, Canada; Pembina, ND—5 miles apart. I took a group of senior