

from us here. We are giving them that modest help. We will keep Congress and the people of the United States advised of how well we are doing with the generous assistance that my colleagues have helped me to provide.

THE ALABAMA STURGEON

Mr. LOTT. Mr. President, the story of the efforts to protect the Alabama Sturgeon has been a very long and very ugly one. For many years Congress has been involved. Just three years ago, Congress thought they had put an end to the listing battle when a partnership was formed between the Fish and Wildlife Service (FWS) and the Alabama Department of Natural Resources and Conservation. A five-year recovery plan was established to repopulate the Tennessee-Tombigbee with Sturgeon. Now this program has fallen to pieces, because the FWS pulled the plug by taking the dedicated funds and proceeding directly to a formal listing under the Endangered Species Act.

The FWS needs to do the right thing. For me, this means the FWS should honor the partnership it set up with Alabama's Department of Conservation and Natural Resources. This program is at year three of a 5-year program and there is no evidence that the state of Alabama was performing poorly. However, it is clear the FWS wants to renege on the deal. Renege on a program that provides more direct and dedicated funding, and thus more resources, for the Alabama Sturgeon restoration than any funds the Fish and Wildlife Service spent under its own auspices. This simply does not make fiscal or scientific sense.

In both 1993 and 1994 Congress opposed the endangered species listing of the Alabama Sturgeon because of the lack of sound science. Congress also recognized the tremendous economic impact this listing would have on our region. The listing would have caused billions of dollars in river commerce to be disrupted. Nothing has changed in six years—no new science—no difference in the economic impact.

The FWS promised that the habitat designation will not require the stopping of dredging. However, someone forgot to tell the FWS office in Daphne, Alabama, what their position is supposed to be. The FWS office in Daphne, Alabama, has stated in writing that maintenance dredging will harm the sturgeon, and thus must not occur. I ask unanimous consent that the attached letter written to the Mobile, Alabama, office of the Army Corps of Engineers on June 17, 1999, be printed in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Daphne, AL, June 17, 1999.

DISTRICT ENGINEER,
U.S. Army Corps of Engineers,
Mobile, AL.

DEAR SIR: This is the report of the U.S. Fish and Wildlife Service (Service) concerning public notice AL99-01811-F, in which the applicant, Boise Cascade Corporation, is proposing to hydraulically maintenance dredge approximately 2,000 cubic yards of silt, sand, and clay, per year, for five years from the Tombigbee River, near mile 89, Washington County, Alabama. All excavated material would be placed in the applicant's upland disposal site. The proposed maintenance dredging is currently authorized by Department of the Army General Permit Number ALG98-02923-E. This report is prepared in accordance with the requirements of the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e) and is to be used in your determination of 404(b)(1) guidelines compliance (40 CFR 230) and in your public interest review (33 CFR 320.4) as they relate to protection of fish and wildlife resources.

We do not believe that this project would have significant impacts on non endangered fish and wildlife resources. However, we have determined that the federally threatened gulf sturgeon (*Acipenser oxyrinchus desotoi*) occurs in the project area. Our records indicate that this species has been found in the Tombigbee River both upstream and downstream of the proposed dredge site. The Gulf Sturgeon is an anadromous fish that migrates from salt water into coastal rivers to spawn and spend warm months. The majority of its life is spent in fresh water. Major population limiting factors are thought to include barriers (dams) to historical spawning habitats, loss of habitat, poor water quality, and over fishing. However, we have determined that the proposed project will likely not affect this species if the following recommendations are adopted and used:

- (1) No dredging work shall be performed during the months November through April.
- (2) No work should be conducted across the entire river channel at any one time. (All underwater activity shall be limited to one general location within the river channel at any time.)
- (3) No work barges or vessels should be moored in shallow waters along the shorelines from November through April.

If the applicant agrees to these conditions, formal consultation under the Endangered Species Act, Section 7, will not be necessary at this time. Implementation of these measures should provide adequate protection to avoid any impact on Gulf sturgeon inhabiting these waters during winter months or migrating to/from the Gulf of Mexico. Therefore, if they are followed, no further endangered species consultation will be required for this portion of the project unless: (1) the identified action is subsequently modified in a manner that causes an effect on this listed species; (2) new information reveals the identified action may affect another Federally protected species or a critical habitat in a manner or to an extent not previously considered; or (3) a new species is listed or a critical habitat is designated under the Endangered Species Act that may be affected by the identified action. Our positions on the proposed maintenance dredging project is based on the assumption that Best Management Practices will be followed and the Alabama State Section 401 CWA certification is not violated.

If you have any questions, please contact Mr. Dean Heckathorn at 334/441-5181.
Sincerely,

E.R. ROACH,
Acting Field Supervisor.

Mr. LOTT. This letter clearly states that dredging can only occur during six months of the year, and at no time can work be conducted across the entire river channel. It is clear to me, and it is clear to all my colleagues in the chamber today that dredging will be stopped. Also, on May 10, 1999, the FWS office in Daphne, Alabama, again wrote the Mobile Corp about another maintenance dredging project in Mobile. I ask unanimous consent that this letter to the Mobile Corp of Engineers be printed in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Daphne, AL, May 10, 1999.

DISTRICT ENGINEER,
U.S. Army Corps of Engineers,
Mobile, AL.

DEAR SIR: This is the report of the U.S. Fish and Wildlife Service (Service) concerning public notice AL99-01328-S in which the applicant, Kimberly-Clark Corporation, is proposing to maintenance dredge within an existing dry dock slip on David Lake, near Mobile River, Mobile County, Alabama. A 200-foot-long by 52-foot-wide area would be dredged to a depth of minus 24 mean low water (MLW). All material would be placed within an existing upland disposals area. This report is prepared in accordance with the requirements of the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e) and is to be used in your determination of 404(b)(1) guidelines compliance (40 CFR 230) and in your public interest review (33 CFR 320.4) as they relate to protection of fish and wildlife resources.

The Service does not object to this proposed project. However, the federally listed Gulf sturgeon (*Acipenser oxyrinchus desotoi*—Threatened) and the proposed for listing, Alabama sturgeon (*Scaphirhynchus suttkus*) are found in these waters. The Gulf sturgeon is an anadromous fish which migrates from salt water into large coastal river to spawn and spend the warm months. According to our records the Gulf sturgeon seasonally occurs and the Alabama sturgeon is a permanent resident within the Mobile River. Throughout their ranges these species have had their forage and spawning habitats adversely affected from dams. In addition, dredging, desnagging, and spoil deposition carried out in connection with channel improvement and maintenance represent an ongoing threat to these sturgeon species.

In order to avoid adverse impacts to these species covered by the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531 et seq.) (ESA), we recommend that the applicant implement appropriate Best Management Practices (BMPs) including the use of turbidity screens, as necessary to minimize turbidity downstream of the project site. Dredging activities should not exceed ambient water clarity of more than 50 Nephelometric turbidity units (NTU's). The Service believes that your project will not have an adverse effect on these sturgeon species, if these BMPs are followed. If these conditions are not acceptable then further consultation with this office is recommended in accordance with Section 7 of the ESA.

Should you have any questions or require additional information, please contact Mr. Dean Heckathorn at (334) 441-5181.

Sincerely,

E.R. ROACH,
Acting Field Supervisor.

Mr. LOTT. This letter stated “dredging, desnagging, and spoil disposition carried out in connection with channel improvement and maintenance represent an ongoing threat to these sturgeon species.” Again this proves dredging will be stopped, and the FWS will not hold true to its oral promises here in Washington.

During this time frame a lawsuit has also been pending in the United States District Court for the Middle District of Alabama, styled Alabama Sturgeon, et al. v. Bruce Babbitt, as Secretary of the Interior, et al. Two months ago, on April 26, 1999, the court issued an Order noting the parties were engaged in “settlement negotiations” which were likely to lead to dismissal of the lawsuit. Four days later, on April 30, 1999, for some unknown reason the court issued the Order proposing to dismiss the lawsuit upon the payment of \$20,000 in attorneys’ fees and costs to the plaintiffs by the government. Neither the Court Order nor the Joint Stipulation of Dismissal and Notice of a Compromise Settlement of Attorney’s fees and Costs makes any attempt to justify the rationale for this result. For some reason the Justice Department apparently decided to simply make a gift of \$20,000 to the lawyers in this case.

This Administration has not only given away \$20,000 to these lawyers to sweep this lawsuit under the rug, it also stole more than \$400,000 designated for sturgeon restoration. I am disappointed by these actions.

It is my firm belief that Alabama’s Federal partner is not motivated by a desire to restore the sturgeon. Clearly, making a decision to list the Alabama Sturgeon as an endangered species, while having no new scientific information must be based in politics—not science. Why an adversarial approach? The solution to this politically driven problem is simple. Let Alabama finish its 5-year program. The Fish and Wildlife Service action is wrong for Alabama . . . wrong for Mississippi . . . wrong for America. We all must continue to press forward in this fight to do the right thing for the Alabama Sturgeon in spite of these actions by FWS.

AMBASSADOR JAMES R. SASSER

Mr. BINGAMAN. Mr. President, I want to take a moment to call the attention of my colleagues to an important day for one of our former colleagues; and that is, Senator Jim Sasser, who is returning from China where he has served this country very well as our Ambassador for the last 3½ years.

He was confirmed in this Senate on December 19, 1995, and with an overwhelming vote.

We are proud of the service he has performed, particularly in recent months, because of the strained relations we have had and the genuine misunderstanding which has existed concerning the bombing of the Chinese Embassy in Belgrade.

I think all of us were proud to see the way former Senator Sasser, Ambassador Sasser, conducted himself, and how all of the American Embassy personnel conducted themselves in that circumstance. I think that is typical of the service he provided throughout the time he was in China.

We are glad to see him back in the United States. We, of course, look forward to many years of friendship with him in the future.

I think it is worth noting, because I understand he is returning today from China and has distinguished himself in that position and deserves recognition.

Mr. President, I yield the floor.

Mr. FEINGOLD. Mr. President, I rise to honor one of our former colleagues, Jim Sasser, who today completes his term as United States Ambassador to China.

I was honored to serve with Jim Sasser during my first two years as a member of this body. He served the people of Tennessee with distinction. As a member of the Senate Committee on Foreign Relations, I was pleased to support his nomination to be our Ambassador to China both in Committee and on the Senate floor. Although I have serious concerns about United States policy toward China, I believe that Ambassador Sasser served this country admirably during a period of immense strain in the complex relationship between the two countries.

In particular, he displayed enormous poise and courage in the days that followed the unfortunate, tragic, and accidental bombing of the Chinese embassy in Belgrade. For more than four days, Ambassador Sasser and numerous staff members were literally trapped inside the United States embassy in Beijing as thousands of demonstrators chanted anti-American slogans and threw rocks at the embassy from the streets outside. I commend him for the calm and diplomatic manner in which he dealt with this tense situation. He reminded us that ambassadors are more than just the official representatives of the United States; they are also the chiefs of mission with responsibility for the staff of many U.S. agencies, as well as the responsibility for the safety of American citizens living or traveling in the countries in which they serve. Our former colleague carried out all of these functions admirably under difficult conditions.

I wish Ambassador Sasser well in his future endeavors.

Mr. CONRAD. Mr. President, I would like now to take a moment to acknowl-

edge the accomplishments of my former colleague and friend James Sasser, the United States Ambassador to the People’s Republic of China. I need not remind the Senate of the quality of his leadership as fellow member, and former chairman, of the Budget Committee. It is not his 18 year tenure in the Senate that I want to discuss at this time, but his distinguished work as Ambassador to China.

Over the past three years, the People’s Republic of China has been turbulent both socially and economically. From the reversion of Hong Kong in 1997, to the heightened concern about human rights violations, to the recent developments in Kosovo, it is an understatement to say that the task set before James Sasser was daunting. From the onset of his appointment in 1996, during the Chinese missile testing in the Taiwan straits, James Sasser has worked tirelessly towards a “strong, stable, prosperous China,” and towards the realization of an equally healthy relationship with United States.

The frontier of Chinese-US relations is a fast changing one, and Sasser’s efforts have been considerable. Through the continued promotion of tariff reduction he has helped to launch American business towards the exploration of the Chinese market and helped to secure important trade commitments in the negotiations of the PCR’s accession by the WTO.

There has also been considerable progress on the human rights front during the term of Sasser’s Ambassadorship. Coupled with the release of prominent political and religious leaders, the PRC’s ratification of the International Covenant of Economic and Social Rights is one of the most significant signs of progress with respect to civil rights in China. Sasser has also pioneered agreements with the PCR concerning the nonproliferation of nuclear technology, striving “to cooperate on the peaceful uses of nuclear energy and halt the spread of nuclear weapons technology.”

It is with regret that I acknowledge James Sasser’s departure. His counsel will be greatly missed. His accomplishment as US Ambassador to China will be remembered as important in advancing the opportunity for a sound relationship between the two countries. I would like to extend my sincere thanks for a job well done.

Mr. DASCHLE. Mr. President, I want to take a few moments to congratulate one of our former colleagues and a dedicated public servant, Jim Sasser, who leaves Beijing this week as our longest-serving ambassador to the People’s Republic of China. I commend him for his distinguished and accomplished record in that demanding post.

I was proud to serve with Jim Sasser for eight years here in the Senate. I observed his fine work as Chairman of the Budget Committee, and as a key member of the Appropriations, Banking and