no less. The bill is good for the United States, good for U.S. companies, good for U.S. workers, and good for the U.S. consumers.

In the final analysis, this is good for China because it will undoubtedly bring about the kind of changes that many would like to see in that country, including many Chinese. Many Chinese would like to see democratization, rule of law, and respect for basic fundamental human rights.

For all these reasons, I urge my colleagues to support the passage of H.R. 4444.

Mr. SCHUMER. Mr. President, I rise to echo the remarks made yesterday by Chairman ROTH and also to concur with my friend and senior colleague from New York, PAT MOYNIHAN, regarding China's compliance, or lack thereof, with the U.S.-China bilateral agreement signed as part of China's admission to the World Trade Organization.

I am concerned that after laboriously working out a bilateral trade agreement that addressed myriad economic issues, China seems to be picking and choosing which aspects of the agreement to follow and which to ignore. A prime example is insurance. Under the bilateral agreement signed last November, China agreed to preserve the existing market access currently enjoyed by foreign insurance companies. In other words, under the agreement, a foreign-owned insurance company in China would be able to continue to operate and to add new branches and subbranches as a wholly-owned company once China entered the WTO. Less than a year after this historic and painstaking agreement was signed, China is unilaterally rewriting the rules and treating these grandfathered companies like new entrants into the China market. This puts the very companies that invested in China's economic growth at a competitive disadvantage to new entrants.

Fundamental to the foundation of the U.S.-China bilateral agreement, to China's ascension into the WTO, and to the possible establishment of Permanent Normal Trade Relations with China is the belief that agreements will be honored, not on a piecemeal basis, but fully. This ''interpretation'' by the Chinese government on insurance begins to cast doubts about whether ironclad agreements with China will truly be completely and totally honored.

I still intend on supporting PNTR for China, but I am disappointed that China appears to be backsliding on its agreement regarding insurance. I hope that the Chinese leadership will adhere to the agreements signed last year on insurance, and absent that, I hope the Administration continues to apply forceful pressure to see that China keeps its end of the bargain. That is the essence of free, fair and open trade.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 3011 are located in today's RECORD under ''Statements on Introducted Bills and Joint Resolutions.'')

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

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

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order, the hour of 6 p.m. having arrived, the Senate will now resume consideration of H.R. 4733, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

Domenici amendment No. 4032, to strike certain environmental-related provisions.

Schumer/Collins amendment No. 4033, to establish a Presidential Energy Commission to explore long- and short-term responses to domestic energy shortages in supply and severe spikes in energy prices.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have a request that the leader asked me to make that has been cleared on both sides.

I ask unanimous consent that immediately following the Thursday morning vote relative to the Missouri River provision in the energy and water appropriations bill, the Senate then proceed to a vote on the adoption of the motion to proceed on H.R. 4444, notwithstanding the provisions of rule XXII.

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

Mr. DOMENICI. Mr. President, I ask unanimous consent that with respect to the energy and water appropriations bill, all first-degree amendments must be filed at the desk by 6:30 p.m. this evening, with the exception of up to five amendments each to be filed by Senator DOMENICI of New Mexico and Senator REID of Nevada, and those be filed no later than 7:30 p.m. tonight, and that all first-degree amendments be subject to relevant second-degree amendments.

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

Mr. DOMENICI. Mr. President, I note the presence of the distinguished Senator from the State of Missouri, Mr. BOND. I say to the Senate, since the amendment that we are now going to take up for up to 3 hours this evening has to do with the upper and lower Missouri River debate, I am not going to manage any of that. I am going to let the management be in the hands of Senator KIT BOND, if he does not mind, in my stead. I join him in his effort. He knows that. But nonetheless, it is his issue. I prefer to have him managing it.

Mr. DASCHLE. 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. 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.

AMENDMENT NO. 4081

Mr. DASCHLE. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] for Mr. BAUCUS, for himself, Mr. DASCHLE, and Mr. JOHNSON, proposes an amendment numbered 4081.

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

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

The amendment is as follows:

(Purpose: To strike the section relating to revision of the Missouri River Master Water Control Manual)

On page 58, strike lines 6 through 13.

The PRESIDING OFFICER. There are 3 hours of debate on this amendment.

The Democratic leader.

Mr. DASCHLE. I thank the Presiding Officer.

Mr. President, this issue really has a very fundamental premise. The issue is: Can we use the best information available to us to manage the Missouri River, to manage it in a way that recognizes the sensitive balance that exists today—environmentally, industrially, agriculturally, recreationally? Can we take the best information we have available to us and put together the best management plan recognizing that balance? That is the essence of the question before us.

My distinguished colleague from Missouri, Senator BOND, has said: I don't want the Corps of Engineers to alter the manual that has been used now for more than 40 years. His view is that the manual that was written in the 1950s and adopted in approximately 1960 ought to be the manual that we use from here on out, and he wants to stop in its tracks any effort to consider whether or not the Missouri River management reflects today that sensitive balance.

I think it is wrong to say to the Corps of Engineers—to say to any Federal agency—we don't want you to look at the facts. We don't want you to look at the information. We don't want you to take into account that delicate balance. We want you to blindly follow whatever decisions you made in 1960—I might add, before even all the dams on the Missouri River were built—and we want you to follow that verbatim.

We can't afford to do that. The decisions that we make on the Missouri affect the decisions we make on the Mississippi and on virtually every other river in this country. For us to freeze in place whatever decisions may have been made decades ago, and say it must not change, is putting our head in the sand and, I must say, endangering the health and the very essence of the river for years, if not decades, to come.

It was in 1804 that Meriwether Lewis and William Clark set out on their Corps of Discovery expedition to explore the Missouri River and search for a passage to the Pacific Ocean.

Stephen Ambrose wrote an extraordinary book, ''Undaunted Courage,'' that I just reread over the summer. I must say, I do not know that there is a better book about what they found and the splendor that they discovered having traversed the entire Missouri River.

Along this expedition, Lewis and Clark encountered a wild river, teeming with fish and wildlife, that rose every spring to carry the snowmelt from the Rocky Mountains and shrank back in the summer as part of the ancient and natural flow cycle. That is what the river did; that is what most rivers do.

Since that historic trip, we have constructed six major dams and we have forever changed the flow and the character of that river. The last earthen dam was completed during the administration of John F. Kennedy. To manage the dams, the Corps produced, in 1960, as I noted a moment ago, a management plan, that we call the master manual. That manual caters primarily to barge traffic on the Missouri River at the expense, virtually, of everything else, at the expense of fish and wildlife, at the expense of agriculture, at the expense of recreation, at the expense of ecological considerations, at the expense of the environment, at the expense of people virtually north of the State of Missouri.

What is amazing to me is that we do this with the recognition that the barge industry today is minuscule, valued at $7 million—that is million with an ''m''—and it transports less than 1 percent of all agricultural goods transported in the upper Midwest. Talk about the tail wagging the dog. This is the tip of the tail wagging the tail and the dog. The legs, the head, you name it, it is all wagging because of the tip of the tail.

These charts reflect the current circumstances on the river. This is the barge traffic that was first projected. They thought, when they wrote the master manual, that about 12 million tons of traffic would be carried by barge on the river on an annual basis. That was the estimate when the manual was written in 1960. I was about 10 years old, I suppose, when that manual was written. The Corps, of course, did the best they could projecting what they thought would be the level of traffic, 12 million tons. But as oftentimes is the case, they made a mistake. It wasn't 12 million tons. By 1977, it was only 3 million tons. And guess what. Current traffic is not 12, it is not 3, it is 1.5. That is all the traffic there is, 1.5 million tons, representing three-tenths of 1 percent of all agricultural traffic.

What is really amazing—as I said a moment ago, is that this is a classic example of the tip of the tail wagging the rest of the tail and all of the dog. Look who has sacrificed. Navigation provides roughly $7 million in benefits annually, compared to $85 million in recreational benefits. It compares to $415 million in flood control, $542 million in water supply projects and priorities of all kinds, and $677 million, two-thirds of $1 trillion, in hydropower. Yet we have written a manual, incredibly, that says we are going to let this minuscule $7 million industry dictate what is best for the 85, the 415, the 542, and the $677 million. Figure that out. Who in his right mind would say that somehow we ought to let that minuscule amount dictate what is best. Forget the ecological and environmental factors for a moment.

I go back to my original point. Barge traffic today is three-tenths of 1 percent. If I had not magnified this slice, you couldn't even find it in this pie. Roughly 99.7 percent of all agriculture produced in the Upper Midwest doesn't go by barge. How does it go? It goes the way the rest of the country. It goes by rail and by truck. So why would we threaten to throw even more out of kilter the ecological priorities of the river by putting barge traffic first? Why would we endanger hydropower, water supply, flood control, and recreation? I cannot answer that question.

But that is not even the question we are facing tonight. There are those on the other side who have said: We don't care what factors are out there. We don't care what percentage is barge traffic. We will not even let the Corps consider, even think about the possibility of changing the master manual, regardless of the facts. Don't confuse us with the facts. We are going to protect the barge industry, and it does not matter what the costs are.

We will have to face extraordinarily problematic ramifications of this provision for all of these other very critical priorities, including the ecology of the river. Three endangered species are headed towards extinction: the piping plover, the least interior tern, and the pallid sturgeon. Two fish species are candidates for listing on the endangered species list. But that isn't the only thing this fight is about. What this fight is all about is whether or not we can recognize the delicate balance that exists today.

This fight is not about endangered species. This fight is about an endangered river. This fight is about whether or not the health of the Missouri can be secured. That is what this fight is about. This fight is about restoring balance to management of the river. We will never go back to the days of Lewis and Clark, the pre-dam period. That will never happen. But there are things we can do through good management that will give us the opportunity to make the river as vibrant as it can be. But we cannot do it if the current provision in this bill stays intact and becomes law.

Recognizing that, the question is whether or not we will let the Corps be the Corps, whether or not we will allow the Corps to go through the legal process involved in evaluating what is best for the river and change the management plan to reflect a more fair balance.

That is all we are asking. Let us come up with a plan that allows us in the most complete way to analyze what is happening to the river, what is best for the river, what can be done in Montana and the Dakotas and Iowa and Missouri and all the way up and down the Missouri River to ensure that the health and vitality of that river can be sustained and even improved upon. That is what the Corps is trying to do.

What the Corps is simply trying to do is to say, look, we can do a better job than we did in the 1950s and 1960s in managing this river. We can reflect the new balance, and the recognition must be made that things have changed dramatically since the fifties and sixties. We need to reflect that change in the master manual itself.

Here is the process; the process is pretty simple. A preliminary draft of the EIS, environmental impact statement, was completed all the way back in 1998. Following that, there was a coordination and public comment period that lasted through January of 1999. That period allowed tribal and public officials to respond to the preliminary revised draft of the environmental

statement. Then we went on to the fish and wildlife consultation and biological opinion phase, which some of our colleagues on the other side of the aisle tried to stop just recently. They wanted to kill that, to move it so we would not have the opportunity to consider very carefully what the scientists and biological experts have said about the quality of life on the Missouri today. They wanted to kill it.

Thanks to the Director of the Corps, Joe Westphal, and others, we are now in a position to at least hear what the scientists have had to say, and we will have that report by November 1. Following that, there will be a revised draft of the environmental impact statement. They will take into account all of the comments made by those who are concerned on all sides. They will take into account this coordination and what comments public officials have made, in particular. They will then take into account fish and wildlife and biological opinions.

When all of that has been gathered, we will then revise the draft and make available to the public a draft for additional comment for 6 months. We then see the final environmental impact statement after a 6-month tribal and public comment period. Washington will then review all of those comments. A record of decision will be made and the revise of the master manual will then be implemented. Those are all the steps.

This is like a court of law. This is like any other legal process. There are a number of very important steps that we apply in all cases—in all cases where difficult decisions involving critical public policy have to be made. We make these steps for a reason. We want public comment. We want scientific input, the best decisions from governmental leaders at all levels. We want to do that with the full involvement in a democracy of everyone who cares and everyone who has some responsibility.

But here is what happens. Under the provision currently in the bill, there is a big red stop sign on this process. It says: You are not going to do any of this. We are going to stop you in your tracks. We are not going to let you go through that process. We are not going to allow public comment and the array of other opportunities for public involvement. We are not going to have that process. It is over. That is what this amendment says; that is what the provision in the bill says.

So I have to say it is extraordinarily damaging to the river to have this attitude. It is such an important issue involving so many priorities—environmental, ecological, industrial, recreational, agricultural—because it is endangering the interests of our country in such a profound way on this river. This administration has said, without equivocation, it will be vetoed if this provision is still in the bill. That is how strongly the administration feels about it. It will be vetoed. So we can play this game as long as our colleagues wish to do so. But let's make one thing clear. This will not become law. This will not become law because it is just too important.

I don't fully appreciate the reasons my colleagues on the other side of the aisle are opposed to even allowing the process to go forward, given what I have said is this multistep opportunity for careful consideration of all the options. But it goes down to, as I said in the beginning, a need on the part of some to protect this minuscule barge industry regardless of all of its ramifications on everything and everybody else.

But as I understand it, there are those on the other side who are opposed because they understand that what has happened is that there has been some effort to find this new balance. This new balance is a recognition of all of the different factors that need to be calculated, in part, through the Fish and Wildlife Service and, in part, through the Corps of Engineers and, in part, through States' direct involvement.

What has been proposed is that the Corps slightly revise its master manual to increase spring flows, known as a ''spring rise,'' once every 3 years—not every year, but once every 3 years they would increase the spring rise in an effort to attempt to bring back a natural flow, a natural rejuvenation of the river as we have understood it prior to the time the dams were built. They would reduce summer flows, known as a ''split season,'' every year.

The spring rise and the split season roughly mimic the natural flow of the river, which increase in the spring due to snowmelt and sharply decline in the summer, beginning around July 1. It is as Lewis and Clark found it. We can't go back to Lewis and Clark. Nobody is suggesting that. What we are attempting to do, however, is to show once again that there is this balance, this need to recognize that if we are going to keep the river healthy, we have to allow it to do what it once did, prior to the time the dams were built. This is the flow pattern under which native species developed, which is absolutely critical to their very survival—not just the three endangered species, but all species on the river.

The spring rise is needed to scour sandbars clean of vegetation so they can be used by endangered birds for nesting habitat.

The spring rise also signals native fish species that it is time to spawn. This is the green light. They see these spring rises, and that triggers to the species that they can spawn. When they don't have that spring rise, the whole natural cycle is put out of whack. That is what has been happening year after year and decade after decade.

The low summer flows, or split season, exposes the sandbars during the critical nesting time, so that the birds have sufficient room to nest and so that the nests don't get flooded. To prevent any potential downstream flooding, the Corps, Fish and Wildlife Service, and others, have already thought about addressing the concern of some downstream who are understandably concerned about flooding. They would simply eliminate this plan from implementation during the 10 percent highest flow years—eliminate it; it would not happen. Changes would not be implemented during the 25 percent lowest flow ''drought'' years.

So this plan would not harm Mississippi River navigation. We have already conceded that. This is the balance. This is an effort to try to find middle ground. We are going to say we will lop off the top 10 percent and the top 25 percent; we will deal with those normal years in the middle. Once consultation between the Corps and Fish and Wildlife Service is completed, the Corps then still will take into account other suggestions made during the public comment period.

There are so many beneficiaries of this plan. Naturally, the river itself is the biggest beneficiary.

The river itself—not species on the river, not those living along the river, not the States upstream, but the river—will be the prime beneficiary of this effort. Why? For the reasons I have just stated—because we want to find a way to bring balance back into the management. We want to find middle ground in an effort to recognize all uses on the river.

Downstream farmers will benefit from better drainage from fields during the summertime. That is a given. The public will have greater opportunities to recreate up and down the river. Even the Mississippi barge industry will benefit from the changes that are being called on for the Missouri River.

I wish to take a few minutes to talk briefly about each of those benefits.

First, with regard to the river itself, the combination of the spring rise and flood season will help restore the health of the river and recover from the dangerous imbalance that we have with regard to all species on the river today.

According to the Fish and Wildlife Service's draft opinion and the Corps of Engineers' revised draft environmental impact statement of 1998, high spring flows will signal native fish species to spawn, flush detrital food into the river, inundate side channels for young fish habitat, and build up the sandbars in the river channel for the tern and plover nesting habitat, and provide a greater area for the endangered birds to nest, as well as for all birds.

The 600-page draft of the Fish and Wildlife Service opinion is based on

hundreds of published peer review studies. The opinion itself was a peer review by a panel of experts who supported all of those conclusions.

The fact is that whether or not we give the Missouri River the chance to survive, to flourish, to be healthy again depends in large measure on whether or not we as Senators will allow the Corps, the Fish and Wildlife Service, and all affected governmental authorities to recognize the importance of proper balance; to recognize that what we decided to do in 1960 does not now apply and should not be used to manage the river in the next century; to recognize that if we are going to take all of the economic and environmental concerns and put them in proper balance, we have to revise the manual. To say that the Corps will be prohibited from doing so is just bad, bad policy.

We recognize that maybe the barge industry on the Missouri—not the Mississippi barge industry—will be hurt by this. But we recognize that this minuscule three-tenths of 1 percent should not dictate all of the other uses of this river, or any river. We shouldn't let the tip of the tail wag the tail and the dog. But that is what is happening today. That is what this legislation would do. That is why it is so important that we strike it when we have the vote. That is why I feel so strongly about this issue.

There is one other factor as we look at the barge industry itself that is perplexing. Barge benefits on the river economically are about $7 million. The subsidies to the barge industry last year exceeded the total benefits of the industry itself. There is $8 million in subsidies to the barge industry even recognizing that the industry generated $7 million in benefits. Not only do we have managerial concerns, not only do we have concerns reflecting the life and health of one of the most important rivers in the United States of America, we ought to have taxpayer concerns. Why in Heaven's name are we subsidizing a $7 million barge industry with an $8 million subsidy? That one I don't understand. But that is why we are having this debate.

I am very appreciative of the leadership shown by the senior Senator from Montana, Mr. BAUCUS, who has been the preeminent environmentalist and environmental leader, as ranking member of the Committee on Environment and Public Works. I am grateful for his presence on the floor, as well as my colleague from South Dakota, Senator JOHNSON, who has been an extraordinary advocate of the effort that we have made now for several months to ensure that the Missouri River has the future that it deserves.

I yield the floor. I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I certainly concur with my friend from South Dakota on the great words he said about Stephen Ambrose's book, ''Undaunted Courage.'' I know the occupant of the chair read it. A lot of the guys who started out in my State wound up in the State of Oregon. It is truly a masterful piece of work and a wonderful piece of history.

I had a great, great, great, great-grandfather who was one of the fellows who poled the barges up the river. He wasn't sufficiently outstanding to get his name in the book. But it is quite an honor to have somebody who went up the river who was with Lewis and Clark. So I have been a great devotee of the river and have followed it a good bit.

I was really interested to hear the Senator from South Dakota talk about what we were trying to do to hurt the poor old river. The minority leader claims the provision that he seeks to strike would stop any changes in the Missouri River manual and would keep the plans just as they have been for 50 years.

So I thought to myself: Gee, that wasn't the section that I put in. Maybe they changed it somehow in the writing of it. So I went back and read section 103. This is the provision that would be stricken. It says:

> None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it has been made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

What it says is that you can't implement a plan to increase flooding during spring flood season on the Missouri River during the course of 2001.

Contrary to what you have just heard, any other aspect of the process to review and amend the operation of the Missouri River, to change the Missouri River manual, to consider the opinions, to discuss, to debate, to continue the vitally important research that is going on now on the river and how we can improve its habitat will continue.

I have been proud to sponsor the Mississippi and Missouri River Habitat Improvement Program in which we funded the Corps of Engineers to make changes to improve the river and to bring it back more to its natural state. It is not going to be all the way back to its natural state but to provide conservation opportunities, to provide spawning habitats, nesting habitats for birds, the kind of habitat we want to encourage the biological diversity on the river.

The U.S. Geological Survey has an environmental research arm that is studying the river to find out what really works. Do you know something. That work is going on. Those studies are being pursued. They have some interesting information that they don't have a conclusion on yet. It is not the spring rise that would improve the habitat. Perhaps it is the gravel bars on side channels. That looks promising. This work can continue; so can all of the work under the National Environmental Policy Act to develop an environmental impact statement. Any other change to the manual can continue. Analysis and public comment can continue.

The provision is clear. It tells the U.S. Government that the ''risky scheme'' of increasing the height of the river in the flood-prone spring months is one option and the only option that cannot be implemented during the coming year because it is too dangerous.

This is the fifth time that we have put forward this prohibition. It has been signed into law four times previously by this President.

Why is it so important this year? Because the U.S. Fish and Wildlife Service decided to short circuit the process, to jump over all of the proceedings, the hearings, the studies, that the Corps of Engineers has carried out.

They issued what I guess is called in an authoritarian, Communist government, a diktat, a letter, on July 12 to the Corps of Engineers: You will change the manual to have a spring rise, the spring surge.

They were the ones who wanted to skip over the process. They were the ones dictating to the Corps—despite the public comment, despite all the other information—they should implement that.

We have spring rises on the Missouri River. This chart shows 1999. In March and April the river rises. These are the rises at different stages of the river. We have spring rises. We already do because there are many tributaries coming in. Perhaps we don't have quite the floods in some years that we did because there have been dams built to reduce the danger of flooding and to reduce somewhat the loss of life and the damage to property and communities.

We already have a spring rise because of tributaries, including the Platte and the Kansas, the Tarkio, the Blue, the Gasgonade, and others. That spring rise results in frequent flooding. And the more water released at Gavins Point, the greater the flood risk.

Since when should this deliberative body, the U.S. Congress, say we should encourage a Federal agency to take a premeditated action to increase flood risk when there is no scientific evidence that it will have the benefit for endangered species that is proposed.

This is untenable for farmers living along the river. One-third of the commodities of Missouri are grown in the

floodplains of the Missouri and Mississippi Rivers. It is untenable for mayors who want their communities and their critical infrastructure protected. It is imperative for the families who do not want to lose their family members in floods. Some who don't live in areas of flood may not know but floods do take lives. Floods are deadly. Floods are devastating. I have witnessed the aftermath of too many floods. I have seen the heartbreak and devastation, not just the loss of homes. I have seen families who have lost a parent, lost a child, in floods.

Agricultural groups, flood control groups, have supported our position very strongly. It is not a complicated issue. It is certainly not a partisan issue. The Governor of Missouri is a Democrat. The Democratic mayors of St. Louis and Kansas City support this provision. The Southern Governors Association supports this provision because of the impact of the Missouri River on the Mississippi River and its lower tributaries.

Make no mistake about it, the impact of this spring flood is serious on the traffic on the Mississippi River.

I ask unanimous consent to have printed in the RECORD letters regarding this issue.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SOUTHERN GOVERNORS' ASSOCIATION,
Washington, DC, August 29, 2000.

Hon. TRENT LOTT,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Hon. TOM DASCHLE,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS: On behalf of the Southern Governors' Association, I am writing to express concerns about proposed plan by the Fish and Wildlife Service for a springtime rise of 17,500 cubic feet per second in the Missouri River at Gavins Point Dam. This plan has the potential to harm citizens and agricultural activities along the lower portion of the Missouri River and urge your support for restricting this spring rise proposal.

If the current plan is implemented and these states incur significantly heavy rains during the rise, there is a real risk that farms and communities along the lower Missouri River will suffer serious flooding. In addition, a spring rise has a negative effect on agriculture land. Sustaining high river flow rates over several consecutive weeks will exacerbate the problems of wetness and poor drainage historically experienced by farmers along the river, limiting the productivity and accessibility of floodplain crop lands.

Finally, the proposal for a spring rise also brings harm to Mississippi River states and users of the nation's inland waterway system. Any spring rise in April or May puts additional water in the Mississippi River when it is normally high and does not need the extra water. This spends water out of a limited water budget in the Missouri River Basin and ends up subtracting water out of the Mississippi during the summer or fall when the water is needed for river commerce.

We appreciate your serious attention to these concerns and urge your support for a restriction on the spring rise proposal.

Sincerely,

MIKE HUCKABEE.

OFFICE OF THE GOVERNOR,
STATE OF MISSOURI,
Jefferson City, August 17, 2000.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing regarding recent developments surrounding efforts to revise the Missouri River Master Manual. Specifically, I am concerned about proposed plans by the Fish and Wildlife Service outlined in letters to the Corps of Engineers dated March 28, 2000 and July 12, 2000. The July 12 letter directs the Corps of Engineers to implement major changes in operations affecting both the Missouri and Mississippi Rivers while circumventing the public review processes required by law.

I respectfully request your immediate assistance in directing the Service to reevaluate its plan and to commit to a more open process that conforms to the public involvement requirements of the National Environmental Policy Act. Further, there are legislative efforts underway to prohibit the Service from initiating its plan at this time, and I request your support of those efforts.

Absent a change in the Service's plan, it is likely that efforts to restore endangered species along the river will be damaged, an increase in the risk of flooding river communities and agricultural land will occur, and states along the river will suffer serious economic damage to their river-based transportation and agricultural industries.

There are numerous problems with the plan as proposed by the Service that may actually harm endangered species rather than help them recover. The plan calls for a significant drop in water flow during the summer. The months of June and July are, in fact, the two highest flow months under natural pre-dam conditions primarily because of mountain snow melt combined with downstream rainfall. Unfortunately, the mistiming of the Service's plan will allow predators to reach river islands on which endangered terns and plovers nest giving predators access to the young still in the nests. Predation is discussed in the species recovery plans as one of the significant impediments to restoration of healthy tern and plover populations.

In addition, model runs of the Fish and Wildlife Service's proposal indicate substantially greater water storage behind the Missouri River dams as compared with current operations. This increased water storage would raise average reservoir levels so that approximately 10 miles of free-flowing river would be sacrificed to the artificial lakes. If solving the Missouri River endangered species problems is the objective, it would seem reasonable for the Fish and Wildlife Service to make proposals that do not increase the dominance of reservoirs over free-flowing rivers.

The spring rise will also increase our susceptibility to flooding along the Missouri and Mississippi Rivers. An analysis of the Missouri River flooding that occurred during the spring of 1995 shows that if the spring rise proposed by the Service had been in effect, the level of flooding would have been worse. The Corps could not have recalled water already released hundreds of miles upstream, as the water's travel time from Gavins Point to St. Charles, Missouri is 10 days. If the proposed plan is implemented and heavy rains occur during the spring rise, there is a real risk that farms and communities along the lower Missouri River will suffer increased flooding.

The Service's plan for a spring rise also will damage prime agricultural land because it will limit the productivity and accessibility of floodplain croplands. If implemented, the Service's plan will result in the Missouri River being held four feet higher for several consecutive weeks along southwestern Iowa and northwestern Missouri. Our agricultural community is extremely concerned that increased soil saturation and poor drainage will compromise the productivity of their farms. In addition, the plan will damage the ability for agricultural producers and commercial employers to utilize the river to move their products to markets. Consequently, it will make the price of these products increase and damage the ability of our farmers and manufacturers to compete in the world economy.

Mr. President, it is vitally important to the residents of the State of Missouri as well as the entire Midwest that the Service's plan be reevaluated. Again, I would appreciate your assistance in this very important matter.

Very truly yours,

MEL CARNAHAN.

OFFICE OF THE MAYOR,
CITY OF ST. LOUIS, MO,
August 30, 2000.

Re: H.R. 4733, the Energy and Water Appropriations Bill

Hon. CHRISTOPHER S. BOND,
U.S. Senate, Washington, DC.

DEAR SENATOR BOND: The City of St. Louis is a central transportation hub for the Midwest that includes the second largest inland port in the nation. Water transportation on the Mississippi River has been central to St. Louis' development and today is integral to our economic structure. All of this stands to be threatened by the Fish and Wildlife Service proposal to implement a policy that increases the risk of flooding on our principal inland waterways.

The movement of more than 100 million tons of cargo through the Port of St. Louis could be placed in jeopardy during low water years if flows from the Mississippi River are restricted during the summer and fall months. Conversely, the St. Louis region has struggled periodic flooding during the spring that would be devastating without the management of the Mississippi River for flood control purposes.

I urge you to press forward with your provision to H.R. 4733, the Energy and Water Appropriations Bill, that would restrict implementation of a ''spring rise'' in the spring and a ''split navigation season'' in the summer and fall as requested by the Fish and Wildlife Service. Before any provision or policy reversing the multiple uses of the rivers can be supported, we must fully understand the economic and environmental implications to the citizens of St. Louis.

Sincerely,

CLARENCE HARMON,
Mayor.

OFFICE OF THE MAYOR,
Kansas City, MO, July 25, 2000.

Subject: Spring Rise on Missouri River: Sec. 103—Energy & Water Appropriations Bill.

Hon. CHRISTOPHER S. BOND,
U.S. Senate, Russell Building, Washington, DC.

DEAR SENATOR BOND: The City of Kansas City, Missouri wishes to express its concern

over consideration being given to a spring rise along the Missouri River. The increase in release rate being proposed for Gavins Point by the Fish & Wildlife Service would raise the water service levels along the lower Missouri River by approximately two feet. As you know, Kansas City is susceptible to flooding from the Missouri River and in 1993 several of the levees protecting our city came within inches of overtopping. Any allowed increase in flows will subject us to a worsened flooding condition.

As we proceed with the study of seven levees along the Missouri and Kansas Rivers, in cooperation with the Corps of Engineers and several other local sponsors, to investigate changes that may be needed and justified to enhance flood protection from the Missouri River it seems inappropriate at best to be considering changes that will serve to decrease our level of protection. Additionally, the spring rise will necessitate a split navigation season, the impacts of which would be potentially disastrous to the barge industry along the lower Missouri River and have far reaching impacts to the economy in our region.

We strongly urge that Section 103 preventing the study and implementation of a spring rise along the Missouri River be included in the upcoming Energy & Water Appropriations Bill. Thank you for your consideration of this matter and for your continued support in helping to reduce flooding throughout the City of Kansas City, Missouri.

Sincerely,

KAY BARNES,
Mayor.

Mr. BOND. Every waterway group and every flood control group that I have spoken to that is knowledgeable about the river supports the provision.

I ask unanimous consent to have printed in the RECORD a letter signed by 92 organizations supporting my provision.

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

NATIONAL WATERWAYS ALLIANCE,
Washington, DC, September 1, 2000.

Hon. CHRISTOPHER S. BOND,
Russell Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR BOND: On September 5, 2000, the Senate is scheduled to begin consideration of H.R. 4733, the Energy and Water Development Appropriations Bill for FY 2001. We are writing to express our strong opposition to any efforts to strike Section 103, which prohibits implementation of a ''spring rise'' on a portion of the inland navigation system.

A recent directive issued by the U.S. Fish and Wildlife Service to implement a ''spring rise'' immediately on the Missouri River is a reversal of water resource policy without appropriate public review, independent scientific validation, Congressional debate or endorsement. For decades, every Congress and Administration has endorsed a policy of water resource development that was designed to protect communities against natural disasters and serve efficient and environmentally friendly river transportation, reliable low-cost hydropower and a burgeoning recreation industry.

The ''spring rise'' demanded by the Fish and Wildlife Service is based on the premise that we should ''replicate the natural hydrograph'' that was responsible for devastating and deadly floods as well as summertime droughts and even ''dust bowls.'' For decades, we have worked to mitigate the negative implications of the ''natural hydrograph'' with multiple-purpose water resources management programs, including reservoirs storing excess flood and snow-melt waters in the spring and releasing those waters in low-flow periods. These efforts have protected communities from floods, enabled the safe and efficient movement of a large percentage of the Nation's intercity freight by a mode that results in cleaner air, safer streets, and a higher quality of life and also provided hundreds of thousands of family-wage jobs in interior regions.

Retaining Section 103 will allow National Environmental Policy Act (NEPA) compliance and provide time for Congress to adequately consider whether reversing proven water resources policy makes sense and whether a ''spring rise'' is scientifically supported. We urge you to keep the existing language in H.R. 4733 and oppose any efforts to strike or unnecessarily amend it.

Sincerely,

Tal Simpkins, Executive Director, AFL–CIO Maritime Committee, Washington, D.C.

Floyd D. Gaibler, Vice President, Government Affairs, Agricultural Retailers Association, Washington, D.C.

Bob Stallman, President, American Farm Bureau Federation, Park Ridge, Illinois.

Richard C. Creighton, President, American Portland Cement Alliance, Washington, D.C.

Tony Anderson, President, American Soybean Association, St. Louis, Missouri.

Thomas A. Allegretti, President, American Waterways Operators, Arlington, Virginia.

Glen L. Cheatham, Executive Vice President, Arkansas Basin Development Association, Tulsa, Oklahoma.

Steve Taylor, President, Arkansas-Oklahoma Port Operators Association, Inola, Oklahoma.

Martin Chaffin, President, Arkansas Waterways Association, Helena, Arkansas.

Paul N. Revis, Executive Director, Arkansas Waterways Commission, Little Rock, Arkansas.

J. Ron Brinson, President and Chief Executive Officer, Board of Commissioners of the Port of New Orleans, New Orleans, Louisiana.

Fred Ballard, President, Board of Mississippi Levee Commissioners, Greenville, Mississippi.

Philip R. Hoge, Executive Director, City of St. Louis Port Authority, St. Louis, Missouri.

Tracy Drake, Executive Director, Columbiana County Port Authority, East Liverpool, Ohio.

Chuck Conner, President, Corn Refiners Association, Inc., Washington, D.C.

R. Barry Palmer, Executive Director, Dinamo (Association for Improvement of Navigation in America's Ohio Valley), Pittsburgh, Pennsylvania.

Mark D. Sickles, President, Dredging Contractors of America, Alexandria, Virginia.

Gary D. Myers, President, The Fertilizer Institute, Washington, D.C.

Jeffrey T. Adkisson, Executive Vice President, Grain and Feed Association of Illinois, Springfield, Illinois.

Dr. Adam Bronstone, Business Policy Consultant, Greater Kansas City Chamber of Commerce, Kansas City, Missouri.

J.H. (Harold) Burdine, Port Director, Greenville Port Commission, Greenville, Mississippi.

Douglass W. Svendson, Jr., Executive Director, Gulf Intracoastal Canal Association, New Orleans, Louisiana.

Martin Chaffin, Executive Director, Helena-West Helena-Phillips County Port Authority, Helena, Arkansas.

William O. Howard, Executive Director, Henderson County Riverport Authority, Henderson, Kentucky.

Chris Hombs, Executive Director, Howard Cooper County Regional Port Authority, Boonville, Missouri.

Leon Corzine, President, Illinois Corn Growers Association, Bloomington, Illinois.

Luke A. Moore, President, Illinois River Carriers' Association, Paducah, Kentucky.

John Prokop, President, Independent Liquid Terminals Association, Washington, D.C.

Don W. Miller, Jr., Executive Director, Indiana Port Commission, Indianapolis, Indiana.

Earl Bullington, President, Industrial Development Authority of Pemiscot County, Caruthersville, Missouri.

James R. McCarville, President, Inland Rivers Ports & Terminals, Inc., Jackson, Mississippi.

Donald C. McCrory, Executive Director, International Port of Memphis, Memphis, Tennessee.

Ron Litterer, President, Iowa Corn Growers Association, Des Moines, Iowa.

Alan Peter, President, Kansas Corn Growers Association, Garnett, Kansas.

George C. Andres, General Manager, Kaskaskia Regional Port District, Red Bud, Illinois.

Hal Greer, President, Kentucky Association of River Ports, Hickman, Kentucky.

Dr. Sam Hunter, President, The Little River Drainage District, Cape Girardeau, Missouri.

Ronnie Anderson, President, Louisiana Farm Bureau Federation, Baton Rouge, Louisiana.

Christopher J. Brescia, President, MARC 2000 (Midwest Area River Coalition 2000), St. Louis, Missouri.

Robert Zelenka, Executive Director, Minnesota Grain and Feed Association, Minneapolis, Minnesota.

George C. Grugett, Executive Vice President, Mississippi Valley Flood Control Association, Memphis, Tennessee.

Steve Taylor, Program Director, Missouri Corn Growers Association, Missouri Corn Merchandising Council, Jefferson City, Missouri.

Tom Waters, Chairman, Missouri Levee and Drainage District Association, Orrick, Missouri.

Daniel L. Oberbey, President, Missouri Port Authority Association, Scott City, Missouri.

Jack Horine, President, Missouri Valley Levee District, Orrick, Missouri.

Patrick R. Murphy, Port Director, Natchez-Adams County Port Commission, Natchez, Mississippi.

Terry Detrick, President, National Association of Wheat Growers, Washington, D.C.

Paul J. Bertels, Director, Production and Marketing, National Corn Growers Association, St. Louis, Missouri.

James P. Howell, Vice President, Legislative and Regulatory Affairs, National Council of Farmers Cooperatives, Washington, D.C.

Kendall Keith, President, National Grain and Feed Association, Washington, D.C.

Leroy Watson, Legislative Director, National Grange, Washington, D.C.

Harry N. Cook, President, National Waterways Conference, Inc., Washington, D.C.

Scott Merritt, Executive Director, Nebraska Corn Growers Association, Lincoln, Nebraska.

Ronnie L. Inman, Chairman, New Bourbon Regional Port Authority, Perryville, Missouri.

Timmie Lynn Hunter, Executive Director, New Madrid County Port Authority, New Madrid, Missouri.

Joe LaMothe, Secretary, Northeast Industrial Association, Kansas City, Missouri.

Patrick French, Executive Director, Northeast Missouri Development Authority, Hannibal, Missouri.

Tracy V. Drake, Co-Chairman, Ohio Ports Commission, East Liverpool, Ohio.

Glen L. Cheatham, Jr., Manager, Waterways Branch, Oklahoma Department of Transportation, Tulsa, Oklahoma.

Ted Coombes, Chairman, Oklahoma Waterways Advisory Board, Tulsa Oklahoma.

Glenn W. Vanselow, Ph.D., Pacific Northwest Waterways Association, Vancouver, Washington.

Duane Michie, Chairman, Pemiscot County Port Authority, Caruthersville, Missouri.

Derrill L. Pierce, Executive Director, Pine Bluff-Jefferson County Port Authority, Pine Bluff, Arkansas.

Hal Greer, Executive Director, Port of Hickman, Hickman, Kentucky.

J. Scott Robinson, Port Director, Port of Muskogee, Muskogee, Oklahoma.

James R. McCarville, Executive Director, Port of Pittsburgh Commission, Pittsburgh, Pennsylvania.

John W. Holt, Jr., CED, PPM, Executive Port Director, Pot of Shreveport-Bossier, Shreveport, Louisiana.

Joseph Accardo, Jr., Executive Director, Port of South Louisiana, LaPlace, Louisiana.

Tom Waters, President, Ray-Clay Drainage District, Orrick, Missouri.

Richard F. Brontoli, Executive Director, Red River Valley Association, Shreveport, Louisiana.

Kenneth P. Guidry, Executive Director, Red River Wateway Commission, Natchitoches, Louisiana.

Myron White, Executive Director, Red Wing Port Authority, Red Wing, Minnesota.

David Work, Port Director, Rosedale-Bolivar County Port Commission, Rosedale, Mississippi.

Debbi Durham, President, Chic Wolfe, Chairperson of the Board, Siouxland Chamber of Commerce, Sioux City, Iowa.

Donald M. Meisner, Executive Director, Siouxland Interstate Metropolitan Planning Council, Sioux City, Iowa.

Daniel L. Overbey, Executive Director, Southeast Missouri Regional Port Authority, Scott City, Missouri.

Bill David Lavalle, President, St. John Levee & Drainage District, New Madrid, Missouri.

Ted Hauser, Director of Planning, St. Joseph Regional Port Authority, St. Joseph, Missouri.

Donald G. Waldon, Administrator, Tennessee-Tombigbee Waterway Development Authority, Columbus, Mississippi.

Donald G. Waldon, President, Tennessee-Tombigbee Waterway Development Council, Columbus, Mississippi.

James L. Henry, President, Transportation Institute, Camp Springs, Maryland.

Robert L. Wydra, Executive Director, Tri-City Regional Port District, Granite City, Illinois.

Tom Waters, President, Tri-County Drainage District, Orrick, Missouri.

Robert W. Portiss, Port Director, Tulsa Port of Catoosa, Catoosa, Oklahoma.

Robert W. Bost, Chairman, Tulsa's Port of Catoosa Facilities Authority Catoosa, Oklahoma.

David L. McMurray, Chairman, Upper Mississippi, Illinois and Missouri Rivers Association, Burlington, Iowa.

Russell J. Eichman, Executive Director, Upper Mississippi Waterway Association, St. Paul, Minnesota.

James B. Heidel, Executive Director, Warren County Port Commission, Vicksburg, Mississippi.

Sheldon L. Morgan, President, Warrior-Tombigbee Waterway Association, Mobile, Alabama.

Dan Silverthorn, Executive Director, West Central Illinois Building and Construction Trades Council, Peoria, Illinois.

M.V. Williams, President, West Tennessee Tributaries Association, Friendship, Tennessee.

B. Sykes Sturdivant, President, Yazoo-Mississippi Delta Levee Board, Clarksdale, Mississippi.

Mr. BOND. These organizations represent labor, agriculture, port facilities, flood control districts, and others. They are located in areas as distant as the States of Washington, Louisiana, Minnesota, and Pennsylvania.

Since this letter was signed, additional groups have asked to join with us in our position in support of section 103. They include the Minnesota Association of Cooperatives, the St. Louis Building and Construction Trades Council, the Minnesota Farm Bureau, the Minnesota Soybean Growers Association, and the Minnesota Corn Growers Association.

In Missouri, our Department of Natural Resources supports section 103. They oppose raising the spring river height, and they are just as knowledgeable and just as dedicated as the so-called experts at the U.S. Fish and Wildlife Service who want to jump over the process and impose their particular risky scheme on our State and all the downstream States.

I had a very enlightening week traveling from the northwest corner of my State, down the Missouri and the Mississippi Rivers, talking with real people, knowledgeable people, scientists, and experts about this proposal. I was joined and supported by members of the Governor's staff. I was joined by the director of our department of natural resources. I was joined by farmers and mayors and chambers of commerce officials, economists and flood control advocates, and other members of our resource agencies. I was joined by representatives of our independent department of conservation—one of the finest departments of conservation in the Nation, one that is looked to as a model, and one that is engaged in ongoing work to preserve the pallid sturgeon and to work with us on reasonable, common sense, scientifically proven ways to assure that we keep the pallid sturgeon.

From all of these people I heard firsthand how dangerous the Fish and Wildlife Service plan is and how unnecessary it is. I heard from people who ship the goods on the river now and from people who want to ship on the river in the future but who are withholding investment in river facilities until the uncertainty of the Fish and Wildlife Service proposal is resolved. I have heard from mayors who are worried about the flood risk in the spring. Unless you have been in one of those communities or one of our large cities where a flood has hit, you do not appreciate how devastating a flood is.

I have heard from power companies worried about not having adequate water for cooling in the summer. I have heard from farmers who have been flooded and know firsthand that more water in the spring, despite suggestions to the contrary, means more risk of flood.

The farmers who live along the river know that even if it doesn't flood, a higher river level in the spring means more seepage under the levees and wetter fields that you cannot plow and you cannot plant.

We are here tonight discussing section 103 because despite the views of the Corps of Engineers, the U.S. Geological Survey, the downstream States, the agricultural groups, and the waterway users, the Fish and Wildlife Service is determined to have it their way or no way. The Fish and Wildlife Service wants to experiment with spring flooding. They must think we have forgotten about the controlled burn in Los Alamos. They want to give us controlled floods on the Missouri River in the spring. I say no thanks; we have been there; we have done it; and we don't need the Federal Government making floods worse.

This is not a new proposal. It was raised by the Corps of Engineers in 1993, and after public hearings in Omaha, Kansas City, St. Louis, Quincy, Memphis, New Orleans, and elsewhere, the administration went back to the drawing room to find a consensus with the States. Apparently, the Fish and Wildlife Service is not interested in a consensus or we would not be here today. They are not interested in the dangers of increased flood risk or we would not be here today. They are not interested in the public meetings and the viewpoints that were expressed in 1995 or this would have ended then. They want to raise the height of the river in the spring because they think flooding may improve the breeding habitat for the pallid sturgeon.

The distinguished minority leader says we ought to be able to act on the best information available. I have asked these people: Where is the information?

When I talked with them last week, our resource agencies, the U.S. Geological Survey had not seen any biological opinion. They issued that diktat, that letter of instruction, on July 12. As of last week, the State agencies, the U.S. Geological Survey, with expertise in environmental assessment, a fellow Federal agency, had not seen it.

How can we let them go ahead with the scheme when they won't even allow us to look at the basis for their proposal? This truly is a risky scheme. This is one that we cannot tolerate.

Our State Department of Natural Resources disagrees with Fish and Wildlife. Our State Conservation Department believes the Fish and Wildlife plan is not necessary. They have presented a plan that does not have spring flooding and no transportation flows in the spring—in the summer and fall. And they believe that plan will do more to help preserve the pallid sturgeon, the least tern, and the piping plover, than this risky scheme put forward by Fish and Wildlife.

Our State Conservation Department has an alternative species recovery plan. They cannot get Fish and Wildlife to look at it. Don't you think they would want to look at the various options? Don't you think they would want to consider the evidence before they threaten property and lives with spring floods in Missouri?

I have a lot of respect for the difficult and important job of Fish and Wildlife, but let me say this is not about who cares the most about endangered species. The commitment of our Natural Resources Department and our Conservation Department to fish and wildlife is not inferior to that of Fish and Wildlife of the U.S. Government. U.S. Fish and Wildlife does not have a monopoly on dedication and they do not have a monopoly on wisdom. In fact, our Department of Natural Resources has some serious concerns the Fish and Wildlife Service plan may actually harm endangered species rather than help them recover. That fear was expressed by our Governor of Missouri, Governor Carnahan, a Democrat, in a letter to the President 2 weeks ago. Why? Because normally in the summer the natural hydrograph is for the snowmelt to bring the river up. Under this plan, river levels will be going down. That means less water cover. It means burying sandbars where predators might come after the smallest hatch.

Fish and Wildlife has a twofold plan. One, it proposes a split season which will end river transportation on the Missouri and do great harm to the river transportation on the Mississippi River. Without water transportation, we are left with a regional railroad monopoly.

The minority leader said we initially projected there would be 12 million tons on the river. That is not true. If you look at the 1952 report and the testimony in 1952 and 1956 when they were developing the Missouri River plan, they said 5 million tons. This past year, it was 8 million tons on the river. As I said earlier, there would be a lot more because there is investment out there waiting to happen if we know that Fish and Wildlife is not going to take over the river and get rid of all barge traffic.

Barge traffic is the most environmentally sound means of transporting grain to the world markets. It is the most efficient. One barge, one tow with 25 barges, carries the same amount of grain as 870 individual semitrailer trucks that put out far more pollution. Barge transportation bringing inputs to farmers up the river is much more efficient than rail or truck. That lowers the price farmers pay for goods brought in in the spring for Missouri farmers. It lowers them for South Dakota farmers too; the landed price at Sioux City has an impact on what farmers pay. If you got rid of river transportation altogether—which I think may be the ultimate goal. I don't think the Fish and Wildlife Service and the people supporting this just want to flood out the people downstream in the spring; I think there is a greater objective—getting rid of barge transportation altogether. One can only assume that the railroad industry thinks that having no competition is a good idea. But I seriously question whether we, as Senators, should be supporting consolidation rather than competition.

The low summer flow proposed by Fish and Wildlife is curious for two additional reasons: One, because it will reduce energy revenues by more than one-third at the dams generating hydropower, particularly during high usage months in the summer. We are about to debate the necessity of a national energy commission to look at how we can meet our growing energy needs, and here we are with a Fish and Wildlife plan to decrease clean hydropower generation. We do not have the luxury of letting existing power capacity go to waste. The low summer flow proposed by the Fish and Wildlife Service reduces revenues in the high demand summer months by more than one-third.

Another reason the low flow is curious is that, while the Fish and Wildlife Service said they want the river to ''mimic its natural hydrograph,'' historically the highest flows were following the summer snowmelt upstream, and that is the same time Fish and Wildlife demands a low flow. They go the opposite way of their stated objective.

This risky scheme has not been subject to adequate analysis and comment by scientists, by people who understand, who live along, work with, and study the river. That is why we say it should not be implemented in the coming year. Let the studies, the debates go on. We would like to see sound science. We would like to see the best information available. Fish and Wildlife has not shown it to us.

The fall harvest is approaching. It looks like bumper crops. We have short supplies of storage. As a matter of fact, many elevators, grain elevators, started calling my office saying they do not have rail capacity. The railroads cannot get them the cars they need to carry out the fall harvest, and they are going to have to stop taking in grain that comes in. Two years ago, because of railcar shortages and disorganization, grain was piled up on the ground as it was in the former Soviet Union. The Fish and Wildlife Service proposes a complete reliance on that one mode of transportation.

Last night on the floor, Senator REID spoke candidly about the value of our Nation's inland waterway system and noted that:

> To move this additional cargo by alternative means would require an additional 17.6 million trucks on our Nation's highway system or an additional 5.8 million railcars on the nation's rail system. To say what can be handled by our inland water system can be moved by rail or trucks, it simply can't be done.

I agree with Senator REID. He is quite right. Fish and Wildlife seeks to eliminate water transportation on the Missouri. But Fish and Wildlife has really thought this through because they have a solution for eliminating the transportation options. They are going to propose, through this plan, to curtail agriculture production by flooding farmers in the spring with high water. As I said earlier, raising the river levels in the spring keeps farmers out of the field. So, as a result of the Fish and Wildlife spring rise, there will be less agricultural production awaiting the transportation that is not available.

Doesn't that just gladden your hearts? I mean, the farmers who depend for their living upon raising crops and shipping them economically into the world market—guess what, you are not going to have the transportation. But we will take care of that because we will keep you from having the production. That is why the farmers of Missouri say, ''No thanks.''

Let me speak to a couple of assertions that do not paint a very full picture of the importance of the debate. First, there is the assumption by some that the Missouri River ends suddenly and does not impact the Mississippi River. That is convenient, but it is not true. I have seen the confluence with my own eyes. I know that in low-water years, drought years, dry summers, 65 percent of the flow of the Mississippi River at St. Louis comes from the Missouri River. And to say that the Mississippi barge traffic would love to have that water cut back is absolutely ludicrous. That is why the southern Governors, noting the importance of the Missouri River flow in the Mississippi, have sent a resolution in support of section 103 that the minority leader seeks to strike.

Second, there is this notion—we heard it expressed earlier—the Corps will never release extra water in the spring if there is a risk of flooding.

Good intention, of course. Give them full credit for trying. But they could only carry out this intention if they could predict the weather perfectly because water released from the South Dakota dam takes 11 days to arrive in St. Louis. A lot of weather can happen in 11 days.

Have any of you watched the weather forecasts for the Midwest this summer? I try to keep some trees alive. I watch it. I turn on the weather channel in the morning. It is a lot more informative than some of the morning talk shows. My Farmers Almanac said we were going to have heavy rains in mid-June and the end of June. The week before, 5 days before the middle of June—the middle of July, they said this is a drought season; there is not going to be a drop of water; it is going to be a dry year. The heavens opened up, and we had 5-, 6-, 8-inch rains. A lot of weather can occur in even 3 days.

I have a lot of respect for my friend from South Dakota—political miracles we see him perform—but I don't trust him or the Fish and Wildlife Service to predict the weather 11 days in advance downstream.

One mistake is all it takes to result in a Government-imposed flood that brings to mind the controlled burn in Los Alamos. That was not supposed to happen, either. The water is not retrievable when it is released.

Rainfall in the lower basin will swell the river after the release, and water from the release will only supplement the flood damage.

If the water is at your Adam's apple, the Federal Government will do you the courtesy of raising it to your temple.

Third, there is already a spring rise as I have stated. If a spring rise is what is needed to recover the species, we ought to have sturgeon all over the place because we had bodacious floods in 1993 and 1995. Those little sturgeons should be popping up all over because we had a spring rise to end all spring rises. It did not happen.

Fourth, with respect to water transportation benefits, the Fish and Wildlife Service and my colleague from South Dakota assume that in the absence of competition, the railroad industry will not raise rates on farmers. Try that out on any shipper. Ask anybody in the Midwest who has been captive of the railroad if they really believe that competition does not make any difference. That is the assumption which underlies the small $7 million in benefits from river transportation cited by the opponents of this transportation.

If it sounds as if I am picking on the railroad industry, which would be the biggest beneficiaries, along with farmers and producers in Latin America and Australia and Europe, I am not. I have no quarrel with the railroads aiming to maximize their profits. You cannot blame a compass for pointing north. They need to maximize profits.

If the Government wants to eliminate their competition, why would they interfere? Every Senator knows, or should know if they studied economics, that in the absence of competition, prices will rise. We see prices rise at the end of the navigation season. On the Mississippi, we see prices rise when locks are closed for maintenance.

There is a Fortune 100 firm on the Mississippi River that has built a river terminal it has never used except when it negotiates with the railroads. It has that river terminal, and the railroads come in and say: We are going to charge you x amount for bringing your product in. And they say: We will just open up this river terminal, and we will beat your prices down. They come around.

According to the Tennessee Valley Authority which did a study on the Missouri River, the savings to rail shippers because of competition created by barge traffic is an estimated $200 million annually. That is the benefit to shippers. Those people get goods coming in and those shipping commodities out. That includes benefits worth $56 million to shippers in Missouri, $43 million to shippers in Iowa, $36 million to shippers in Nebraska, and as the occupant of the Chair will be interested to know, $52 million to shippers in Kansas, and $14 million to shippers in South Dakota.

In summary, flood control is important, energy production is important, and having modern and competitive transportation options for our farmers and shippers is important.

With respect to the species, our resource agencies say the Fish and Wildlife Service is wrong and their plan is harmful and unnecessary. That is why I included the provision for the fifth year. This provision does not stop the process as has been alleged by my colleague. It simply says the water management manual cannot be changed to force a dangerous spring rise. It is a risky scheme on which we cannot afford to gamble. It is a controlled flood that is not controllable.

Ten years ago, the courts decided to review the river management. Seven years ago, it proposed a spring rise. It was opposed in public hearings from Sioux City to Memphis to New Orleans. It was opposed by the U.S. Department of Agriculture. It was opposed by the U.S. Department of Transportation. It was opposed by agriculture and other shippers.

Twenty-seven Senators in a bipartisan letter to the President opposed it. So in 1995, the administration rejected the spring rise and went back to the drawing board. The President ordered the Corps to work with the States to find a consensus. Meanwhile, Congress included section 103 four different times to remind the Fish and Wildlife Service that their obsession to increase flooding was not acceptable.

Last year, seven out of eight States arrived at a consensus that the Corps accepted which did not include a spring rise. Then, notwithstanding the public hearings in 1994, the letter to the President, the legislative provisions, notwithstanding the consensus, the Fish and Wildlife Service arrogantly pushes the same old plan to raise the river height in the spring.

The U.S. Geological Survey told me last week that they do not know enough about the river or the pallid sturgeon to know if there is any chance the Fish and Wildlife Service's plan will work. They are the ones who work to define habitat and biological response. They have not been shown the information from the Fish and Wildlife Service.

The Missouri department of conservation says they have an alternative to recover species which does not do premeditated damage to safety, to property, and to human lives. The Missouri department of natural resources said the Fish and Wildlife Service's plan is flawed and unnecessary.

The provision permits any experiment the Fish and Wildlife Service can dream up except the one risky scheme of a controlled flood in the spring which we cannot tolerate. Members of Congress have every right to place commonsense parameters on bureaucratic excursions. That is the purpose of this provision.

We know there are many other benefits that come from wise management of the Missouri River. The spring rise does not help the upstream States. In fact, States such as the Dakotas and Montana will find that they will not have the water they want for recreational purposes if it is flushed down the river in the spring. I know the Fish and Wildlife Service wants to run this river, just as it wants to take over management of a lot of other rivers, but the rivers are authorized for multiple uses. That is the way the Corps and the States manage them.

Because the proposal to initiate floods is harmful, because there are alternatives, I believe section 103 is a prudent and restrained safeguard that should be retained in this legislation, and I urge my colleagues to oppose the motion to strike.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I rise to support the Daschle-Baucus amendment to strike section 103 from the energy and water appropriations bill. One might ask why. The answer is very simple: Because section 103 is an anti-environmental rider that prevents the sound management of the Missouri River. It is that simple.

I begin by endorsing the points made so well by Senator DASCHLE. The Army

Corps of Engineers is managing the Missouri River today on the basis of a master manual that was written in 1960. Guess what? It has not changed much since then. It is 40 years old. It is like trying to run the Internet based on a plan that was written in the heyday of rotary telephones. Conditions are different. Priorities are different.

As Senator DASCHLE explained, the master manual favors some uses of the river, such as barge traffic, that may have made sense in 1960 but makes little sense today. That is a very important point. In effect, a 40-year-old master manual favors the barge industry, which may have made sense in 1960 but makes virtually no sense today based upon the Corps's own economic analysis of the river, and it favors those uses over other uses, such as recreation, which are much more important now than they were in 1960.

As has been pointed out, the master manual also wastes taxpayers' dollars. We are today spending more than $8 million a year in operation and maintenance costs to support a $7 million barge industry. That is a bad deal for taxpayers. It is a subsidy that does not make sense.

In the interest of time, I will not elaborate on all those points. The Senator from South Dakota, the minority leader, has covered that ground very well. I do not want to repeat them. Instead, I would like to make three additional points.

First, the anti-environmental rider proposed by the Senator from Missouri harms my State of Montana. Second, it prevents the Corps of Engineers from complying with the law, from complying with the Endangered Species Act. And third, the rider derails a process of carefully revising the master manual, a process that is working.

In addition, I want to respond to an important argument made by the Senator from Missouri and other proponents of the rider. They argue that the rider is necessary to reduce the risk of floods. I will address that in a later point.

First, the impact of the rider on my State of Montana would be profound. The Missouri River flows not only through our State but through our history, as well as the history of other States.

Meriwether Lewis found the source of the Missouri River on August 12, 1805. It is at Three Forks, MT. It is shown on this map up here to the left, just east of the Continental Divide.

From there the river flows north, winding around near Helena, Great Falls, past Fort Benton, and then east through the lake created by the Fort Peck Dam near Glasgow.

There is Fort Peck Dam right here on the map. It is one of the major dams in the Missouri River system.

This is eastern Montana, an agricultural region. As the occupant of the Chair knows, agriculture has been suffering some very hard economic times for more than a decade with low prices for wheat, low prices for beef, drought. In eastern Montana, as well as in the western Dakotas, people are moving out, looking for jobs, virtually for survival.

Fort Peck Lake—that is this lake shown on the map right here—is a key part of our plan in our State to revive our State's economy, at least in that part of the State. It is a center for boating, a center for fishing, and, I might say, all kinds of recreation which is related to the lake.

Fort Peck is host to several major walleye tournaments each summer. The biggest is called the Governor's Cup, which attracts people from all around the State, all around the Nation, and all around the world.

I was there last July with one of the major sponsors of it, Diane Brant. I might say, she provides the gusto that makes the tournament work. It is incredible watching everybody line up to go out and go walleye fishing. Hundreds of boats went by the review stand, in single file, as walleye anglers set forth to prove their mettle.

This tournament brings jobs and excitement to the area. We are working hard to get more done. For example, I am working with Diane and local community leaders, and others, to establish a warm water fish hatchery on the north bank of the river to improve the walleye fishery. But we face a problem. It is a big one. Under the master manual, water levels in the Fort Peck Lake are often drawn down in the summer, largely to support the barge traffic downstream, which is an industry that need not be subsidized near to the degree that it is, and certainly according to the Army Corps of Engineers' information.

In fact, there have been times when the lake has been drawn down so low that boat ramps are a mile or more from the water's edge. This is what this photograph shows. This is a photograph of a boat landing at Fort Peck Lake. It is called Crooked Creek. It is a mile from the boat landing to the edge of the lake.

Why? Because Fort Peck has been drawn down to support a barge industry downstream. Frankly, the industry is dated and does not need to be supported near that much at the expense of people upstream, upriver, who, frankly, do not have many means of recreation. But the main thing they want to do is to be able to put a boat in the river. They are unable to do so because the boat ramp is over a mile from the river.

These drawdowns have occurred frequently. The effect is devastating. Obviously, drawdowns prevent people from boating and fishing. They also reduce the numbers of walleyes, sturgeon, and other fish.

Let me be specific. Right now the water level at Fort Peck has been drawn down about 10 feet, to increase flows for downstream barge traffic. That is right now. A few weeks ago there was another walleye tournament at Crooked Creek, and it could well have been canceled. There was a lot of concern because ramps could not be used. Fortunately, it did not happen this year, but very often it does.

The drawdowns are a big part of the economic raw deal that eastern Montana has been getting for years. More balanced management of this system, which takes better account of upstream economic benefits is absolutely critical to reviving our State's economy in eastern Montana.

I am not going to stand here and try to kid anybody. This debate is, to a significant degree, about who gets Missouri River water, and when. That is accurate. But that is not all this debate is about. There is an awful lot more to it.

The section 103 rider prevents the Corps of Engineers from obeying the law of the land. Let me repeat that. The section 103 rider prevents the Army Corps of Engineers from obeying the law. It is that simple. It is that specific. It is that accurate. Specifically, it prevents the Corps from following the Endangered Species Act.

Before I get into the details, let me say a couple things about the Endangered Species Act. A lot of people are watching tonight. They may wonder: What is all this fuss about? There is less than a month left of the congressional session. Big issues need to be addressed—the budget, prescription drug coverage, trade with China. Why in the middle of all of this are we debating the fate of two birds and a fish? Good question. This is why.

Any time an issue such as this comes up, it is tempting to think only about the particular species that are being involved—the snail darter, the spotted owl. In this case, the piping plover, the least tern, and the pallid sturgeon. But that is thinking too narrowly.

In a much broader sense, the debate is about whether we really are serious about protecting endangered species. It is about whether our generation is going to meet its moral obligation to preserve the web of life that sustains us, and pass it along, as a legacy, to future generations.

If we create a loophole here, there will be pressure to create another loophole somewhere else—and another and another. Before you know it, the law will be shredded into tatters.

Don't get me wrong. I am not saying that the Endangered Species Act is perfect. It is not—far from it. I have worked for years to come up with reforms that would improve the act, that would increase public participation, assure that decisions are based on sound science, give a greater role to the

States, get more certainty to landowners, bring people together, rather than drive them apart.

Over the last decade, I have worked as hard as anyone to reform the Endangered Species Act. But those reforms have not passed. They have been reported out of the Committee on Environment and Public Works, but they have been kept off this Senate floor, as good as they are.

Nevertheless, in the meantime, the Endangered Species Act today remains the law of the land. We have to respect it. It is the law.

With that as background, let me turn to specifics and explain how Senator BOND's rider prevents the Army Corps of Engineers from managing the Missouri River in a way that is consistent with the law.

The river provides habitat for three endangered species: the piping plover, the least tern, and the pallid sturgeon. Each of these species evolved along a river that had higher flows in the spring and lower flows in the summer. That is the natural order of things. Each species depended on a life cycle that depended on this pattern.

The tern and the plover need higher flows in the spring. Why? To create the sandbars they nest on. Higher flows create sandbars. They need lower flows in the summer. Why? To create a buffer that reduces the risk that the nests might be washed away by, say, a storm. That is the natural order of things.

The sturgeon needs high flows in the spring for breeding and lower flows in the summer for the development of young fish.

This is a photo of a piping plover, a female, nesting over three eggs.

But the way I just described the natural order is not the way the river is being managed today. Under the master manual, today's management system, the Corps tries to maintain steady water levels through the spring and summer so there is always enough water to support the barge traffic downstream. It is this steady, even, but unnatural, flow that is driving the three species to the brink of extinction.

The management plan in the master manual may have made sense in 1960, before we knew about the threat to these species and before the Endangered Species Act was passed—I remind my colleagues, it was passed 13 years later, in 1973—but the master manual does not make sense today. It may have made sense in 1960, not today. Therefore, when the Corps began to revise the master manual 10 years ago—they have been at this for a long time—it was the first time the Corps seriously considered how the dams on the river affect endangered species.

There have been a lot of reports, a lot of discussions, a lot of give-and-take, but finally, after a decade of work, the process is moving forward. We are close to revising the master manual, revising it so we have a better, more balanced current use of the river, such as flood control, navigation, but also more to protect the plover, the tern, and the sturgeon.

How do we do this? Basically by providing for a moderate rise in flows in the spring and reduced flows in July and August. This is the so-called spring rise/split season alternative. This alternative has strong support. Fish and game officials from all seven Missouri River basin States say it is the right thing to do.

Last summer, they recommended that we—I will not read the whole quote, I will begin in the middle—

> . . . provide higher flows during critical spring and early summer periods for native fish spawning and habitat development followed by lower flows during the critical summer period.

That is the recommendation. They have studied this thing, believe me. Guess what? The Fish and Wildlife Service agrees. Its draft biological opinion says:

> Spring and summer flow management is an integral component of the measures to avoid jeopardy to listed species . . . This would include higher spring flows and lower summer flows than currently exist.

They have studied this. Guess what again? The Army Corps of Engineers recognizes the benefits of a spring rise and a split season. The Corps has said that ''periodic high flows are required for terns and plovers to remove encroaching vegetation, but during the nesting season, stable or declining flows are needed to avoid nesting flight.'' The Corps has made similar observations about the pallid sturgeon. In other words, the fish and game experts from the Missouri River basin States, the Fish and Wildlife Service, and the Corps of Engineers all recognize the importance of higher flows in the spring and lower flows in the summer.

This is where the section 103 rider comes in. Simply put, the rider prevents the Corps from revising the master manual to provide for higher water levels in the spring. The Senator from Missouri said so. He said that is what he intends to do. Those are the words of the rider: Prevent the master manual from providing higher water levels in the spring. By doing so, the rider contradicts what fish and game experts from the basin States and Federal agencies involved all recognize is necessary to provide more protection for the three endangered species and comply with the law.

Again, the debate is not just about the allocation of water between upstream and downstream States. The debate is also fundamentally about whether in one fell swoop we tell the Corps of Engineers to ignore the law; ignore the Endangered Species Act regarding the management of one of the country's largest rivers. The answer, of course, is obvious. The Corps should obey the law, just like everyone else.

Forget about the species for a minute, think about basic fairness. We require private landowners to comply with the Endangered Species Act, so why shouldn't we also require the Federal Government to do so. They shouldn't get a free pass, especially when the Federal Government is the main cause of the problem. The Federal Government should not get a free pass. The Federal Government—in this case, the Army Corps of Engineers—should be held to the same standard as everybody else, and the Corps agrees that it should be held to that same standard.

That brings me to a related point; that is, government by litigation. Stop and think about this for a moment. If we think about it, we probably all know what will happen down the road if this rider becomes law. What is going to happen? The Fish and Wildlife Service will issue its final biological opinion. Like the draft, it probably will recommend higher flows in the spring, lower flows in the summer. Normally, the Corps would then revise the master manual. But because of the rider, the Corps cannot make the revisions necessary to comply with the Endangered Species Act. The rider says: Army Corps of Engineers, you cannot follow the law.

So what is going to happen? At that point there is certain to be a lawsuit brought by environmental groups challenging the Corps' failure to obey the law. Guess what? The environmental groups are likely to win. Why? Because the master manual will effectively ignore the needs of the species and therefore violate the Endangered Species Act.

It is not just my opinion that a master manual without a spring rise and a split season would ignore the needs of the endangered species. This is the unanimous opinion of the experts who reviewed the biological opinion. This unanimous recommendation was based on sound science. I might add, two people from the State of Missouri were on the peer review committee. They unanimously agreed that this is the alternative—that is spring rise/split season—which is necessary to protect these species.

Let's go back a little bit. Let's say that the rider passes. Let's say a lawsuit is brought. As I mentioned, the likelihood is very high that the plaintiffs, the environmentalists, would win. What happens next? We wind up with the river being operated not by the Corps of Engineers, not influenced by the Congress, but by the courts, a judge in some Federal court somewhere—they will get venue probably somewhere along the Missouri River—will be overseeing the operation of the entire Missouri River system; again, because of a lawsuit that wins. That

might be politically convenient for some, but it is an abdication of our responsibility. As we have seen along the Columbia and Snake Rivers, it generates much more litigation and much more uncertainty.

Let us not go down the path of litigation. We do have a process in place to carefully revise the master manual. It has been underway for years; 10 years to be more specific. Now at the last moment, when the end is in sight, here we find a rider on an appropriations bill which would derail the process by taking not only one of the alternatives right off the table but the one that probably is necessary to comply with the law. Of course, that is not fair; of course, it is not right. It is not the right way for us to be doing business here. Instead, we should give the process we began 10 years ago a chance to work.

Now that we have a draft biological opinion, there will be an opportunity—this is a very important point—for public comment, both on the draft and on the later environmental impact statement. That way we have a decision that is not made in a vacuum. But this rider makes a mockery of that process. There will be an extensive period for public comment, but the public agencies cannot take any of those comments into account. That is what this rider does. It says: OK, here is your alternative, but you can't be implemented so the comments are irrelevant. What kind of message does that send to our people, already cynical about the way Government works? I say there is a better way: allow the process to work.

With that, I will briefly respond to a point made by the Senator from Missouri and some of his supporters. Concern has been expressed that if we have higher flows in the spring, there is a greater chance of flooding—a wonderful metaphor, floods; wonderful picture, floods; wall of water; risky proposition. It gets people scared and nervous, obviously. That is what it is designed to do. It is designed to scare people, scare them into supporting the rider. But we are not only emotional entities, we are supposedly analytical beings.

We are supposed to think about this stuff a little bit, look at the facts, not just the emotion. So let's look at the facts, I say to my other good friend from Missouri who is managing this bill at this time.

First of all, nobody wants floods. Flood control comes first. There is no question about it. Flood control comes first. I might say, though, the Corps and other agencies have taken flood control into account. In fact, the Corps has modeled many different river management alternatives. Their models show that under a spring rise/split season, there is no difference in flood control. Statistically, it is about 1 percent, which is basically zero. The Army Corps of Engineers has taken this question fully into account already. Of course, they would; it is their responsibility, and they have done that. Their conclusions show that under this alternative, there is virtually no difference in flooding compared with the current master manual—virtually none.

I heard one of my good friends from Missouri say, well, gee, nobody can predict the weather. Mr. President, that is a total red herring, totally irrelevant. That has nothing to do with what we are talking about here. We can't predict the weather today under the current master manual or tomorrow if the spring rise/split season are adopted—in either event. The two floods mentioned—in 1993 and 1997—under this proposal, the spring rise/split season, would not have been in effect; that is, the spring rise/split season proposal would not have been permitted because of the modeling and the anticipation of the flood years 1993 or 1997. Actually, the spring rise is to be implemented only once every 3 years. Say year No. 1 comes up, and 4 years later year No. 1 comes up again, and this might be a flood year. The model says, no, we don't implement a spring rise; we are not going to take the risk of more flooding.

So let's get the flood scare tactic off the table here. It has nothing to do with what we are talking about. The Army Corps of Engineers' own models conclude that the risk of flooding is virtually insignificant.

In closing, I want to also point out one other thing. The basic argument of the Senator from Missouri is that we are just taking one item off the table—spring rise/split season. That is all we are doing. We are not taking other alternatives off the table, other environmental enhancement measures, wetlands restoration, and habitat restoration. We are not taking that off the table. So what is the big fuss here? That is the basic argument.

The flaw in that argument is that the people who have studied this, the peer reviewers, have unanimously concluded that both are needed in order to solve this problem—that is, both a spring rise/split season and legislation to help restore habitat. Both are needed. They have concluded you can't have one without the other; you have to have both. You have to have the spring rise/split season. It makes sense because that is the natural order of things; that is the way the river runs naturally. It tends to flood in the spring and not later on.

The argument has also been made that this is going to hurt Mississippi barge traffic downstream. Frankly, that is another red herring designed to scare Senators downstream from Missouri, from St. Louis. It is a scare tactic because if you look at the data, at the facts, the facts show that, actually, because more water is being let out of the dams in the spring, and it is saved in the summer, on a net basis, they are going to have to let a little bit more out in the fall, which benefits the barge industry on the Mississippi. So it is a red herring. It is inaccurate—more to the point—that this proposal would hurt barge traffic down from St. Louis. That is not right. The Corps data shows more water is going to be released at the time it is more necessary.

To sum it all up, let's pass this amendment that strikes section 103. Let the process continue to work. There is ample opportunity for public comment. But let's not disrupt it in a way that will cause a lawsuit and will cause a lot more problems than it will solve. I understand Senators who feel obligated, regardless of the facts, to support the Senator. But let's do what is right and not pass this.

I yield the floor.

Mr. JOHNSON. Mr. President, I am pleased to take this opportunity to join my colleagues to discuss the issue of the how the Missouri River should be managed by the Corps of Engineers. I strongly urge the Senate to adopt the Daschle-Baucus-Johnson amendment to strike Section 103 from the Energy and Water Appropriations bill, which prevents needed changes to the management of the Missouri River that have been called for by the U.S. Fish and Wildlife Service. President Clinton has stated that he will veto the bill if this amendment is not included. The time has come to manage the river in line with current economic realities.

This issue has come before the Senate because some Senators from states downstream on the Missouri River are attempting to politicize the management of the River. As has been done in the last four years, they are trying to politicize this issue by adding a rider to the Energy and Water Appropriations bill to prevent the Army Corps of Engineers from changing the 40 year old master manual that sets the management policy of the river.

Mr. President, let me assure you and the rest of my colleagues that after 40 years, the management of the Missouri River is in serious need of an update to reflect the current realities of the River. The Corps current plan for managing water flow from the Missouri River Dams, known as the master manual provides relatively steady flows during the spring, summer and fall to support a $7 million downstream barge industry. The manual has not been substantially revised on 40 years.

In that time, the projections of barge traffic used to justify the manual have never materialized. Instead, the steady flows required by the manual have contributed to the decline of fish and wildlife along the river.

To counter this problem, the Army Corps of Engineers has proposed a revision of the master manual which governs how the river is managed.

I was among those who first called for a revision of the master manual because I firmly believed then, as I do now, that over the years, we in the Upper Basin states have lived with an unfortunate lack of parity under the current management practices on the Missouri River. It is no secret that we continue to suffer from an upstream vs. downstream conflict of interest on Missouri River uses. Navigation has been emphasized on the Missouri River, to the detriment of river ecosystems and recreational uses. I recognize that navigation activities often support midwestern agriculture, however the navigation industry has been declining since it peaked in the late 1970's. It is no longer appropriate to grossly favor navigation above other uses of the river.

Those of us from the upstream States have been working for more than 10 years to get the Corps of Engineers to finally make changes in the 40 year old master manual for the Missouri River.

After more than 40 years, the time has come for the management of the Missouri River to reflect the current economic realities of an $90 million annual recreation impact upstream, versus a $7 million annual navigation impact downstream. The downstream barge industry carries only 3/10 percent of all agriculture goods transported in the upper Midwest. The Corps has been managing the Missouri River for navigation for far too long and it is time to finally bring the master manual into line with current economic realities. Passage of the Daschle-Baucus-Johnson amendment will do just that.

As I stated earlier, the process to review and update the master manual began more than 10 years ago, in 1989, in response to concerns regarding the operation of the main stem dams, mainly during drought periods. A draft Environmental Impact Statement (DEIS) was published in September 1994 and was followed by a public comment period. In response to numerous comments, the Corps agreed to prepare a revised DEIS.

After years of revisions and updates that have dragged this process out to ridiculous lengths, the Corps finally came forward with alternatives to the current master manual, including the ''split season'' alternative, which I strongly support, along with my colleagues from the Upper Basin States.

The rider to prevent implementation of changes in the manual has been included for the last 4 years. In previous years, this rider was not as important because the Corps was not ready to revise the river management policies. However, this year, the Corps is consulting extensively with the Fish and Wildlife Service and is officially learning that it must implement a spring rise and split season to avoid driving endangered species to extinction. Since the Corps finally has a schedule to complete the process in the near future, rejecting this rider is more than important than ever.

Those of us from the States in the Upper Basin are determined to work aggressively for the interests of our region. For decades our states have made many significant sacrifices which have benefitted people living further south along the Missouri River.

Mr. President, now is the time to finally bring an outdated and unfair management plan for the Missouri River up to date with modern economic realities. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The distinguished Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I yield as much time as the Senator from Iowa may consume in opposing this motion to strike.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I strongly urge my colleagues to support section 103 of the energy and water appropriations bill. This section would prohibit changes to management of the Missouri River which would unquestionably increase flood risk on the lower Missouri and Mississippi Rivers. If this section is dropped from the bill, landowners in Iowa along the Missouri River will face the threat of increased flooding. Farmers and other river barge users would face increased transportation costs in getting their grain and other goods to market. Both of these outcomes are unacceptable to a majority of Iowans.

There is nothing new in this bill language. It has been placed in four previous appropriations bill by my distinguished colleague from Missouri, Senator BOND. Each of these bills has been signed into law by this President. The measure would prohibit the U.S. Army Corps of Engineers from implementing a U.S. Fish and Wildlife Service plan to increase releases of water from Missouri River dams in the spring. The Daschle amendment could result in significant flooding downstream given the heavy rains that are usually experienced in my, and other downstream states during that time.

We must 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 physical and human cataclysm. There are many small communities along the Missouri River in Iowa. Why should they face an increased potential risk for flooding and its devastation? They shouldn't.

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

Opponents of section 103 will advance an argument 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. Further, it is in dispute among biologists whether or not a flood can create the necessary habitat for the sturgeon.

I would further point out that the Fish and Wildlife Service has yet to designate ''critical habitat'' for the pallid sturgeon as required by the Endangered Species Act.

Loss of barge traffic would deliver the western part of America's great grain belt into the monopolistic hands of the railroads. Without question, grain transportation prices would drastically increase with disastrous results 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 estimates that barge competition reduces rail rates along the Missouri by $75–200 million annually.

Further, if a drought hits during the split navigation season, there would be even less water flowing along the Missouri. This would greatly inhibit navigation along the Mississippi River. We cannot let this happen.

Less water flowing in the late summer would also affect hydroelectric rates. The decreased flows would mean less power generation and higher electric rates for Iowans who depend upon this power source.

I agree with the National Corn Growers and their statement that, ''an intentional spring rise is an unwarranted, unscientific assault on farmers and citizens throughout the Missouri River Basin.'' I urge my colleagues to support section 103. Vote against the Daschle amendment.

The PRESIDING OFFICER. The distinguished Senator from Missouri is recognized.

Mr. BOND. Mr. President, I rise to speak in support of section 103, and I yield myself such time as I may consume to make my remarks.

Section 103 of this bill is a provision that is necessary for the millions of Americans who live and work along the Missouri and Mississippi Rivers. But before I get into detailing those considerations, let me commend Senator BAUCUS and the Senate Appropriations Committee for including section 103 in the energy and water appropriations bill.

This section protects the citizens of my State of Missouri and other States from dangerous flooding and allows for cost-efficient transportation of grain and cargo. Of course, cost-efficient transportation provides a basis for much of our industry and agriculture.

The pending amendment would delete section 103 in the underlying bill, thereby sanctioning the Fish and Wildlife Service's attempt to bully the Corps of Engineers into immediately changing the river's water management plan to include a spring rise which would increase flood risk on the lower Missouri and Mississippi Rivers.

This is not just a dispute between the States of Missouri and the Dakotas. It is a much larger issue. It is about whether we will prevent unnecessary administrative intrusion into the operation of the Missouri or any U.S. river, and whether the public it is about should have the opportunity to review proposed changes and whether we should allow a disputed biological opinion to be the subject of independent scrutiny.

Without section 103, decades of operating the Nation's commercially navigable rivers for multiple purposes will be reversed without clear congressional direction.

Joining us in urging defeat of the pending amendment is a bipartisan collection of people and organizations representing farmers, manufacturers, labor unions, shippers, cities, and port authorities from 15 Midwest States. Also supporting us in opposing the Daschle amendment are major national organizations, including the American Farm Bureau, the American Waterways Association, the National Grange, and the National Soybean Association.

We are united in opposing this amendment because of the risk. It would lead to a dangerous flooding condition and could interfere with the movement and cost of grain and cargo shipped on our Nation's inland waterways.

It is not a novel thing for me to stand in defense of the Missouri River. I come to this debate after fighting for Missouri's water rights as the Missouri attorney general and Governor, and I will continue to make water flows on the Missouri and Mississippi Rivers top priorities.

As background for this debate, Senators need to know that the use of the Missouri River is governed by what is known as the Missouri River Master Manual. Right now, there is an effort underway to update that manual. The specific issue that is at the crux of this debate today is what is called a spring rise. A spring rise in this case is a release of huge amounts of water from above Gavins Point Dam on the Nebraska-South Dakota border during the flood-prone spring months.

To see whether such a controlled flood may improve the habitat of the pallid sturgeon, the least tern, and the piping plover, section 103 is a commonsense provision that states:

> None of the funds made available in this act may be used to revise the Missouri River Master Water Control Manual if such provisions provide for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

This policy has been included in the last four energy and water appropriations bills, all of which the President signed without opposition.

In an effort to protect the species' habitats, the U.S. Fish and Wildlife Service issued an ultimatum to the Army Corps of Engineers insisting that the U.S. Corps of Engineers immediately agree to its demand for a spring rise. The Corps was given 1 week to respond to the request of Fish and Wildlife for immediate implementation of a spring rise. The Corps' response was a rejection of the spring rise proposal, and they called for further study of the effect of the spring rise.

The Bond language in section 103 will allow for the studies the Corps recommends.

National environmental groups want to delete section 103. They want to do that in an attempt to circumvent additional analysis of the effects of the proposal.

What is ironic and even tragic is that spring flooding could hurt the targeted species more than it would protect them, and it would do so in a way that would increase the risks of downstream flooding and interfere with the shipment of cargo on our Nation's highways.

Dr. Joe Engeln, assistant director of the Missouri Department of Natural Resources, stated in a June 24 letter that there are several major problems with the Fish and Wildlife's proposed plan that may have a perverse effect of harming the targeted species rather than helping the targeted species.

First, Dr. Engeln points out that the plan would increase the amount of water held behind the dams, which would have the effect of reducing the amount of river between the big reservoirs by about 10 miles in an average year and a reduction in certain parts of the river.

In addition, Dr. Engeln writes, ''The higher reservoir levels would also reduce the habitat for the terns and plovers that nest along the shorelines of the reservoirs.''

Dr. Engeln also points out that because the plan calls for a significant drop in flow during the summer, predators will be able to reach the islands upon which the terns and plovers nest, giving them access to young still in nests. It is clear there isn't a single view about the value, even in terms of seeking to protect these species which are the focus of this debate.

Some advocates of the proposed plan claim this plan is a return to more natural flow conditions. They say, we want to return the river to its condition at the time of the Lewis and Clark expedition. Not only is it unrealistic to return the river to its ''natural flow'' when the Midwest was barely habitable because of erratic flooding conditions, according to Dr. Engeln,

> The proposal would benefit artificial reservoirs at the expense of the river and create flow conditions that have never existed along the river in Iowa, Nebraska, Kansas, and Missouri.

Dr. Engeln's letter states:

> Balancing the needs of all river users is complicated. Predicting the loss of habitat and its impact on the terns and plovers should not be subject to disagreements. The Fish and Wildlife Service and the Corps of Engineers need to examine the implications of this proposal and recognize its failure to protect these species.

Listen to the last comment: The Missouri Department of Natural Resources—I might note, this is a well-recognized department; our conservation and natural resource departments are nationally recognized. We are especially supportive, with special independent tax revenues for the conservation commission. The Missouri Department of Natural Resources states that the Fish and Wildlife Service should recognize the proposal's failure to protect these species.

The plan by the Fish and Wildlife Service fails to protect species. It exposes the citizens of the Midwest and Southern States and their farms and cities and ports to dangerous flooding. It also interferes with the shipment of cargo and could lead to higher prices being charged for the shipment of cargo.

Over 90 organizations representing farmers, shippers, cities, labor unions, and port authorities sent a letter to Congress last week that Senator BOND has had printed in the CONGRESSIONAL RECORD. Let me briefly quote from this letter:

> The spring rise demanded by the Fish and Wildlife Service is based on the premise that we should ''replicate the national hydrograph'' that was responsible for devastating and deadly floods, as well as summertime droughts and even dust bowls.

The letter goes on to say:

> For decades we have worked to mitigate the negative implications of the natural

hydrograph with multiple purpose water resource programs. These efforts have protected communities from floods and also provided hundreds of thousands of families wage jobs in interior regions.

These 90-plus organizations are exactly right. For decades, the Government has made water resource management decisions by taking into account the many varied uses of the river in balancing the interests of all affected groups: agriculture, energy, municipal, industrial, environmental, and recreational. Our policies in the past have been designed to protect communities against natural disasters, as well as allow efficient and environmentally friendly river transportation, low-cost and reliable hydropower and a burgeoning recreation industry.

Let me indicate when I was attorney general of the State of Missouri—and that is several decades ago—there was a run made on the river at that time to divert the river, to run it through a pipeline to the lower Gulf States and to run the river in conjunction with powdered coal through the pipeline as a means of taking the river.

I guarded the river then because I knew of its value to our State. Half the people in the State of Missouri drink water from the Missouri River. It is a tremendous resource in terms of transportation, in moving grain downstream for international sale. Soybean farmers in America have to sell over half of their crop overseas. Moving their crop to the ports is essential. Moving the crop efficiently to the ports is very important in terms of our competitive position. It is a necessary thing that we preserve this potential for those who operate our family farms—not just to have the transportation—to avoid the unnecessary and devastating potential of floods.

Last week, the sponsors of the pending amendment circulated a Dear Colleague letter regarding their amendment. It is a letter to explain their idea of striking section 103. They laid out the arguments. The environmental groups who are supporting the Daschle amendment have made many of the same points in defense of their position. I want to take a few minutes to refute the main points of the supporters of this amendment, which is to strike this provision.

First, the supporters argue that the Missouri River management changes will not create potential downstream flooding because the spring rise would not occur every year. It would not be implemented during the 10 percent highest flow years, they say, ''and the Corps would not release additional water from Gavins Point dam if the Missouri were already flooding.''

While this may sound reassuring, it is not acceptable to those citizens living downstream because unreliable waterflows pose a grave danger to everyone living and working along the banks of the river. The spring rise would come at a time in the year when downstream citizens are most vulnerable to flooding and downstream agriculture is certainly very vulnerable to flooding.

It normally takes 11 or 12 days for water to travel from the Gavins Point reservoir to St. Louis. During the spring, the weather in the Midwest is unpredictable. I might want to protect myself. It may be that the weather in the Midwest is always predictable.

I remember last summer visiting a flood-ravaged city in eastern Missouri in this watershed. Union, MO, had a 14-inch rain that was not predicted. I had flooding on my farm in late July when we had a 7-inch unpredicted rain. And not only just this kind of outburst or cloud burst, but we know that the weather in the Midwest is hard to predict. Heavy rain or a series of heavy rains in the 12-day period following a spring rise would certainly greatly increase the chances for downstream flooding, and the amount that would be necessary to top a levy here and there could be the amount precipitated with the rise, the purposeful release of the water.

The second major point the opponents make is that section 103 prohibits the Corps from producing a final environmental impact study. The true fact is the language of section 103 only forbids the use of Federal funds to make revisions of the master manual to allow for a spring rise. It does not impact the Corps' ability to produce a final environmental impact study, nor does it permanently ban revisions. Section 103 would only be operative for fiscal year 2001.

The third point that the opponents make is that the Fish and Wildlife Service proposal will help Mississippi barge navigators. The true fact is every Mississippi navigational organization and transportation entity is against the proposed spring rise and in support of section 103. They say these folks will all be assisted by this. But all the folks who actually work in this industry, every single navigational organization says that kind of assistance ''we don't want.'' It is akin to the fellow saying: I don't think the check is in the mail and I don't think you are from the Federal Government and here to help me.

The fourth point that our opponents make is that the Missouri River farmers will benefit by the proposed management changes. The real fact is that every farm group is against the proposal and is in favor of retaining section 103. The American Farm Bureau Federation, the National Corn Growers Association, the National Association of Wheat Growers, the American Soybean Association, the National Grain and Feed Association, the National Council of Farmer Cooperatives, Agriculture Retailers Association—enough.

The fifth point our opponents make is that public recreational opportunities in upstream States will be improved by the proposed changes. According to the mark 2,000 set of groups, no evidence exists to suggest that recreation and tourism will benefit from a spring rise.

The sixth point our opponents make is that the spring rise will help to restore the health of the river and recover endangered fish and bird species. No documentation has been provided that establishes the need for a spring rise beyond what currently occurs naturally. As I mentioned before, the Missouri Department of Natural Resources strongly disagrees that a spring rise would have environmental benefits for endangered birds.

The seventh point our opponents make in their letter is that the only industry harmed by the proposal would be the downstream barge industry. They don't always make this point. Sometimes they say this will not make any difference to the barge industry. Sometimes they say it is going to help the barge industry. Then they say the only industry that would be hurt would be the barge industry. I think what we can all agree on is the barge industry would be affected, and I think we ought to listen to the barge industry. The barge industry simply says very clearly they don't want any part of this, that they reject this concept.

Competition on the waterways, of course, would be impaired. If you hurt the barge industry, it is totally naive to think that you can hurt the barge industry and that would be the only industry hurt. If you hurt the barge industry and take that grain shipment capacity out of the system, all of a sudden you have to load more trucks. So there would be a greater demand for trucking. With more demand, we all know what happens: Supply and demand, if the supply is the same the price goes up. In fact, it doesn't take a particularly strong analytical bent to get there. But the Tennessee Valley Authority has made some estimates about this. According to the TVA, water competition holds down railroad rates, not only trucking rates but railroad rates, and the holddown of the railroad rates by water competition is about $200 million each year.

If you are talking about that kind of impact holding down those rates, I think it is fair to say there are potential ripple effects on a lot of other folks than just the barge industry, and I happen to believe this is a time when the American farmer might find himself on the tracks and the fast freight coming through, and not for the benefit of the American farmer. It is time for us to say we need as much competition as possible in hauling these resources to market rather than to minimize that competition.

Finally, the amendment sponsors say the President will veto this bill if section 103 is maintained. If the President

decides to veto the entire bill after having signed this provision four times previously, it states a very clear message by the Clinton-Gore administration to the citizens of the Midwest. It is very easy to understand. Unfortunately, it would be very hard to digest and accommodate. But the message would be this: The Clinton-Gore administration is willing to flood downstream communities as part of an unscientific, risky scheme that will hurt, not help, the endangered species it seeks to protect. If that is the message, I wouldn't want to be the messenger. A vote for the Daschle amendment sends the message to communities all along the Missouri River that this Congress supports increased flooding of property and higher costs for family farmers, factory workers, and industrial freight movers.

I think it is pretty clear that there is not sound science to support some protection of these species. There is a clear disagreement among scientists, and a strong argument that the implementation of this plan would, in fact, damage the capacity of some of these species to continue.

I urge Senators to look closely at the facts and to stand with the men and women who depend upon sane, scientific management of the Missouri and Mississippi Rivers, and to join me in voting no on the Daschle amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The distinguished Senator from Montana.

Mr. BAUCUS. I don't know if the Senator from Missouri wants to speak now. I have maybe 5 or 10 minutes of points I want to make, but if the Senator wants to speak now——

Mr. BOND. Please; my colleague has the floor.

Mr. BAUCUS. Mr. President, just several points for the record. In all due respect, listening to my colleagues, there were lots of conclusions. I don't hear a lot of facts, support for the statements made.

One of the statements I heard is that flood control benefits will be much worse under the preferred plan, that is the spring rise/split season. But that is not what the facts are, according to the Army Corps of Engineers. If you look at all the various data here on all the various alternatives that the Corps considered, it totaled up the flood control benefits for the river from the Fort Peck Dam down to the mouth, and I must say there is statistically no difference in flood control benefits. So this big scare tactic of floods—I have heard some say, not on this floor, a wall of water—is, according to the facts, inaccurate. It is inaccurate according to the modeling done by the Corps on all the various alternatives.

The benefits under the current master manual, flood control benefits, according to the Army Corps of Engineers, are about $414 million. The spring rise/split season flood control benefits are virtually statistically the same; that is, $410 million—virtually no difference. Those are the facts. Not the rhetoric, not the abstraction, not the generalization, but the facts.

Second, I have heard here that the spring rise/split season will increase Mississippi River navigation costs. That is the assertion. Let's look at the facts, again, facts according to studies done by the Army Corps of Engineers—not by that dreaded Fish and Wildlife Service, but by the Army Corps of Engineers.

The facts: If you look at the average annual Mississippi River navigation costs for the Army Corps of Engineers, under the master manual it is about $45.70 million; under the spring rise alternative is it $46.85, which comes out to less than a 1-percent difference. So, again, it is a scare tactic and an inaccurate scare tactic to say that the spring rise/split season is going to increase navigational costs downriver on the Mississippi. It is just not accurate, according to studies done by the Army Corps of Engineers.

I have also heard on the floor this evening that the spring rise/split season will decrease hydropower benefits for the main stem reservoir system. That is the assertion. That is the rhetoric. Let's look at the facts. Let's look at what the Army Corps of Engineers' actual data says. I have it here before me. Under the current master manual, the average annual hydropower benefits total $676 million. Under the spring rise/split season, the average annual hydropower benefits are higher, $683 million; not lower, higher. So the hydropower benefits under the spring rise/split season are actually better, higher than they are under the current master manual.

Another point, you have heard stated many times on the floor tonight this provision has been in the appropriations bill for about 4 years and there has been no objection; the President hasn't objected, so what is the big deal? The difference is in those prior years it was all abstraction. That is, there was no Fish and Wildlife Service biological opinion. We were dealing with thin air, not dealing with something substantive. Now we are. The Fish and Wildlife Service issued their biological opinion. We have something definite. And they concluded the spring rise/split season is necessary.

On that same point, I might say the group that peer-reviewed this proposal—I think there are seven or eight from the Missouri River basin—unanimously concluded this is necessary.

I might tease my good friend from Missouri, saying his colleague at length quoted a Missourian who has had problems with the proposal alternative. I might tease my friend from Missouri, pointing out of the seven scientists on the peer review who unanimously concluded this makes sense, two of them are Missourians, one with the department of conservation and the other with the University of Missouri at Columbia. One says it is a bad idea; two say it is a good idea. I will take the majority vote from the Missourians.

I might also point out that basically we want the Corps of Engineers to follow the law. Under the law, whenever a species is threatened or endangered, the Fish and Wildlife Service consults with the relevant agency—in this case the Army Corps of Engineers. And under the law, the alternative must comply with the Endangered Species Act. It will not have the devastating effect that has been asserted.

I say so not as an assertion but backed up by facts, backed up by the Army Corps of Engineers' own data. Look at the data. The data shows, A, this is not going to cause all the problems that have been asserted and, B, this is probably necessary under the law. Otherwise, it is thrown in the courts, and we all know what happens when something like this is thrown into the judicial system. We will be wrapped up trying to resolve this for years and years.

I strongly urge my colleagues to do what is right. Follow the science, follow the law, and vote to delete section 103 from the appropriations bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Missouri is recognized.

Mr. BOND. Mr. President, I yield myself 5 minutes, which I hope ends this debate for this group who is listening in rapt attention. I appreciate the attention of those people who are sitting on the edge of their seats learning more than they ever wanted to know about the Missouri River. It is important to us. It is vitally important to Missouri and other downstream States.

We do disagree with some of the statements that have been made by my colleagues on the other side. We have a disagreement on the interpretation and I think a disagreement on the facts.

The statement has been made that the Fish and Wildlife Service's split season does not have any impact on the river flows in the Mississippi River. That has not happened. The Fish and Wildlife Service proposal, according to the Corps of Engineers' advice to us today, has not happened. That is not accurate.

I believe strongly the spring rise will take water out of upstream reservoirs. They need that water for recreation. I have worked very closely with my friend and colleague from Montana, and others, to do what we can to accommodate legitimate recreation needs. My colleague from Montana was a very valuable ally when we pushed

through the middle Missouri River habitat mitigation plan that made changes that we think are improving fish and wildlife habitat along the Missouri. I thank him for that.

When he says the models show there is a statistically insignificant impact downstream, any kind of spring rise in any year which is an exceptional flood year is going to have exceptional and disastrous impacts. Look at it in a low-flow year. It may not make much difference, but if you put that spring surge down the river in a year when we get that unexpected 6-inch, 8-inch, 10-inch, 14-inch rise, we have a devastating flood that not only wipes out property and destroys facilities along the river but puts lives at danger.

The statement was made that fish and game agencies are united behind this plan. They are not. This is one of the big questions that needs to be resolved. Resolution of those questions can and must go on during the coming year. We do not stop all of the agencies from continuing the discussions and debate. Contrary to what has been said on this floor by the proponents of the motion to strike, we only say you cannot implement the spring rise.

This risky scheme needs to be thoroughly worked out, thoroughly debated, before anybody has a thought of putting it into action. That is why we want to have a year with no spring rise implemented as ordered by the diktat of the U.S. Fish and Wildlife Service in their letter of July 12.

The statement was made that the consensus of the States in the Missouri River Basin Association was in favor of a spring rise. There is a difference between a spring rise in the upper part of the river which is above the dams, above Gavins Point, which makes the difference on what the flows are in Missouri, Kansas, Iowa, and Nebraska.

The Missouri River Basin Association recommends trial fish enhancement flows from Fort Peck Reservoir. The enhanced flows will be coordinated with the unbalancing of the upper basin reservoirs and thus will occur approximately every third year. This is in the upper basin. It does not have any impact directly downstream.

With respect to the lower Missouri River, which is below the last dam—that is, Gavins Point releases—the statement of the Missouri River Basin Association is that it recognizes the controversial nature of adjustment to releases from Gavins Point Dam. MRBA recommends the recovery committee investigate the benefits and adverse impacts of flow adjustment to the existing uses of the river system. They did not, have not, and are not recommending increased flows.

This effort by the Fish and Wildlife Service to impose their views over the views not only of the neighbors of the people downstream who have studied it, the fish and wildlife agencies, this is a risky scheme that provides tremendous potential for a flooding disaster along the Missouri River, and I urge my colleagues tomorrow to oppose the motion to strike.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I want to say it has been a good debate. Our views have been aired. I deeply respect that different Senators might have different points of view on this issue. After all, that is why we run for this job. That is why we are here. We all have various points of view. I do not want to be corny, but that is what makes democracy strong—various points of view.

I very much respect and appreciate my good friend from Missouri and others who are arguing to include this provision in the appropriations bill to prevent the spring rise. My basic point is we have different points of view on this. My basic point is let the process work, do not preempt it. There will be plenty of opportunities for comments on the draft opinion and on whatever alternative the Army Corps of Engineers picks. There are lots of different options. Let's not prejudge it by saying it cannot be one as opposed to others. Somebody might come up with a better idea between now and then. My belief is we should let the process work. We can let it work by not adopting this rider to the appropriations bill. We should work through this as it evolves.

Mr. President, I yield the floor.

Mr. BOND. Mr. President, I am prepared to yield back time on this side and bring this to a blessed conclusion after stating that I appreciate the chance to discuss this issue with my good friend from Montana and to say we are willing to let the process go forward. Just do not send us a controlled flood next spring. That is all we ask. Let the process work. Do not send the water down.

I now yield back the time on this side.

Mr. BAUCUS. Mr. President, I yield back the remainder of my time and ask that we let the process work.

The PRESIDING OFFICER. All time is yielded back.

MORNING BUSINESS

Mr. BOND. Mr. President, I now ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

AIRPORT SECURITY IMPROVEMENT ACT OF 2000

Mr. McCAIN. Mr. President, on June 15, 2000, the Committee on Commerce, Science, and Transportation reported S. 2440, the Airport Security Improvement Act of 2000. A report on the bill was filed on August 25, 2000. At that time, the committee was unable to provide a cost estimate for the bill from the Congressional Budget Office. On September 1, 2000, the accompanying letter was received from the Congressional Budget Office, and I now make it available to the Senate. I ask unanimous consent that the letter from CBO be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 1, 2000.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2440, the Airport Security Improvement Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are James O'Keeffe (for federal costs),who can be reached at 226–2860, Victoria Heid Hall (for the state and local impact), who can be reached at 225–3220, and Jean Wooster (for the private-sector impact), who can be reached at 226–2940.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, SEPTEMBER 1, 2000

S. 2440: AIRPORT SECURITY IMPROVEMENT ACT OF 2000, AS REPORTED BY THE SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION ON AUGUST 25, 2000

SUMMARY

S. 2440 would require the Federal Aviation Administration (FAA) to revise certain airport security policies and procedures. These policies would direct airports and air carriers to implement a number of security measures, including Federal Bureau of Investigation (FBI) electronic fingerprint checks before filling certain jobs, better training for security screeners, and more random security checks of passengers. S. 2440 also would require the FAA to expand and accelerate the current effort to improve security at air traffic control facilities.

CBO estimates that implementing S. 2440 would cost $155 million over the 2001–2005 period, assuming appropriation of the necessary amounts. That amount represents the difference between estimated spending under FAA's current plan for security improvements and spending for such improvements under the bill. Because S. 2440 would affect direct spending, pay-as-you-go procedures would apply, but CBO estimates the net impact on direct spending would be negligible.

S. 2440 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it would require airport operators to improve airport security. CBO estimates that the new requirements would impose no significant costs on state, local, or tribal governments, including public airport authorities.

S. 2440 would impose private-sector mandates, as defined in UMRA, on air carriers and security screening companies. CBO expects that total costs of those mandates would not exceed the annual threshold established by UMRA for private-sector mandates ($109 million in 2000, adjusted for inflation).