

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on November 10, 1997 he had presented to the President of the United States, the following enrolled bills:

S. 813. An act to amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

S. 1377. An act to amend the Act incorporating the American Legion to make a technical correction.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on Veterans Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 986. A bill to amend title 38, United States Code, to make certain improvements in the housing loan programs for veterans and eligible persons, and for other purposes (Rept. No. 105-153).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1216. An original bill to approve and implement the OECD Shipbuilding Trade Agreement (Rept. No. 105-154).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 1513. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of tax-exempt bond financing of certain electrical output facilities; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. BYRD, Mr. CAMPBELL, Mr. HOLLINGS, Mr. INOUE, Mr. WELLSTONE, and Ms. SNOWE):

S. 1514. A bill to assess the impact of NAFTA, require the renegotiation of certain provisions of NAFTA, and provide for the withdrawal from NAFTA unless certain conditions are met; to the Committee on Finance.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 1515. A bill to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FORD:

S. 1516. A bill to improve the Federal contract tower program; to the Committee on Commerce, Science, and Transportation.

By Mr. ABRAHAM:

S. 1517. A bill to extend the Visa Waiver Pilot Program; considered and passed.

By Mr. BENNETT:

S. 1518. A bill to require publicly traded corporations to make specific disclosures in their initial offering statements and quarterly reports regarding the ability of their computer systems to operate after January 1, 2000; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOND (for himself, Mr. CHAFEE, Mr. WARNER, Mr. BAUCUS, and Mr. D'AMATO):

S. 1519. A bill to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991; considered and passed.

By Mr. HUTCHINSON (for himself, Mr. BROWNBACK, Mr. NICKLES, and Mr. DOMENICI):

S. 1520. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. HATCH:

S. 1521. A bill to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices; to the Committee on the Judiciary.

By Mr. WARNER:

S.J. Res. 38. A joint resolution granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 155. A resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself, Mr. BYRD, Mr. CAMPBELL, Mr. HOLLINGS, Mr. INOUE, Mr. WELLSTONE, and Ms. SNOWE):

S. 1514. A bill to assess the impact of NAFTA, require the renegotiation of certain provisions of NAFTA, and provide for the withdrawal from NAFTA unless certain conditions are met; to the Committee on Finance.

NAFTA ACCOUNTABILITY ACT

Mr. DORGAN. Mr. President, if the North American Free-Trade Agreement is an example of trade agreements established under fast-track procedures, then it should be no surprise that the vast majority of American citizens oppose renewing fast-track authority to the President.

An editorial published earlier this year in the Bismarck, ND Tribune stated that before Congress grants fast-track authority to the President, "The American people deserve a much better accounting than we have received so far of the impact of the first three years of the NAFTA."

The question of accountability and the performance of our Nation's current trade policies is the underlying issue in the debate whether this Congress should provide renewed fast-track authority.

In a few weeks we will mark the fourth anniversary of the passage of

NAFTA by Congress. It is not surprising that the proponents of fast track do not want to associate fast track with NAFTA. The simple fact is that NAFTA has been an unmitigated failure.

At a time when we have been hearing new promises being made to advance the cause of fast track, we need to remember the promises that were made to gain the passage of NAFTA.

We were promised increased exports, a greater number of jobs, and that these jobs would be higher paying jobs. We were promised improved living standards, reduced trade distortions, and improved competitiveness for the United States in North America and global markets. At the same time, the American public was promised that the environment would be protected, that drugs would be interdicted, that public welfare would be safeguarded, and basic human rights would be enhanced.

Yet, the facts show that NAFTA just doesn't measure up to its promises. The very first measure of failure is demonstrated in our trade balances with our NAFTA trading partners. The United States has gone from having a \$2 billion trade surplus prior to NAFTA with Mexico to a \$16 billion deficit this past year. At the same time, our trade deficit with Canada has more than doubled, escalating from \$11 billion to \$23 billion.

In its editorial review of NAFTA, the Bismarck Tribune concluded, "There has been enough pain associated with NAFTA and other trade agreements for Americans to insist on a scorecard we can read and understand before we go further."

I agree that we need a scorecard. It is for this reason that I am introducing the NAFTA Accountability Act today, together with Senators BYRD, CAMPBELL, HOLLINGS, INOUE, WELLSTONE, and SNOWE.

We need accountability. Promises that are made should be fulfilled. If they aren't, we need to go back to the drawing board and make the changes that are necessary to achieve the goals and promises that were originally set forth in NAFTA's preamble and statement of objectives.

This bill would establish benchmarks by which we could score NAFTA, including expanded markets, currency stability, jobs wages and living standards, U.S. manufacturing competitiveness, health and environment, illegal drugs, protection of rights, fair agricultural trade, and highway safety.

If NAFTA does not meet these benchmarks as promised, then the United States would provide notice and withdraw from NAFTA. In addition, the bill authorizes and directs the President to renegotiate provisions of NAFTA to correct trade deficits and currency distortions, to correct job loss, to protect public health and the environment, to interdict drug traffic, to correct agricultural provisions, and to ensure compliance with U.S. transportation standards.

We have watched our trade deficits with our NAFTA partners grow by 433 percent since this trade agreement took effect. The growth in these trade deficits mean that this Nation has suffered job losses. A recent analysis by the Economic Policy Institute concludes that there has been a net loss of 395,000 U.S. jobs as a result of NAFTA. In fact, the study demonstrates that every State has suffered net job losses as a result of the increased trade deficits under NAFTA.

These job losses range from 633 job losses in my home State of North Dakota to 38,406 job losses in California. Now 633 jobs may not sound like much, but that is twice the size of my hometown of Regent, ND. If a new employer provided that many jobs in an economic development program, it would be considered a major accomplishment in my State.

States which had significant production in automobiles, computers, electrical appliances, textiles, and apparel had job losses disproportionate to their share of overall U.S. job losses.

It should be noted that 228,000 of these job losses were attributed to the trade deficits with Mexico, while 167,000 of these job losses resulted from deficits with Canada. If we remember the promises of NAFTA, the promises were that this trade agreement would result in at least 220,000 high-paying jobs.

I am always intrigued by those that only look at one side of the trade ledger, and never account for the net trade balance. Unfortunately, we cannot get a good picture of this because the Commerce Department only makes estimates of exports on a State-by-State basis. There is no data compiled on a State-by-State basis of foreign imports. As a result, there is not even a statistical basis on which to look at the full ledger on trade balances on a State-by-State basis.

However, we can make some general comparisons that can be helpful. For example, one widely distributed study indicates that North Dakota ranked third among the States in increased exports to Mexico. While that sounds pretty fantastic, it also needs to be put into context. The 320-percent increase in annual exports from North Dakota to Mexico is from the base of \$3.0 million which has now grown to \$9.7 million in exports. While the increases are substantial as a percentage, they are not very significant in dollars terms in the State's overall economy. In fact, another economic analysis indicates that North Dakota had a trade deficit with Mexico in the neighborhood of \$3.4 million.

Similarly, the export study reports that North Dakota had an increase of 35 percent in exports to Canada from \$298 million to \$402 million. Before we conclude that North Dakota is doing well as a result of NAFTA, we need to look at other pieces of my State's economy.

While North Dakota experienced an annual increase of \$114 million in ex-

port sales to our NAFTA partners, at the same time North Dakota is losing \$222 million annually in income from the unfair export of Canadian durum wheat and barley into the United States. In other words, the loss of annual agricultural income in a couple of farm commodities alone has cost North Dakota almost twice as it has gained in increased export sales.

I want to note that one of the provisions of the NAFTA Accountability Act would require the President to renegotiate the terms of NAFTA to prevent Canadian grain exports from unfairly displacing United States production. This is just one of many provisions within this legislation that would require that the promises made to secure the passage of NAFTA be kept.

Unfortunately, the American public did not get a warranty on the promises when NAFTA was passed. That is why they are rightfully skeptical of further fast-track trade procedures and the expansion of NAFTA. As indicated in the Bismarck Tribune editorial, Americans need a scorecard before we continue to go down on our current trade policy track. I would urge my colleagues to join me as sponsors of the NAFTA Accountability Act so that Americans would have that scorecard, as well as the means by which to make necessary corrections to NAFTA.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 1515. A bill to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; to the Committee on Energy and Natural Resources.

THE DAKOTA WATER RESOURCES ACT OF 1997

Mr. CONRAD. Mr. President, I rise today to introduce, along with Senator DORGAN, the Dakota Water Resources Act of 1997. This is landmark legislation for our home State of North Dakota. The legislation that we are introducing amends the 1986 Garrison Diversion Reformulation Act and fundamentally shifts the focus of the project from large-scale irrigation to delivery of drinking water to communities in our State and to our four Indian reservations.

The Dakota water Resources project is necessary to assure the citizens of North Dakota an adequate supply of quality water for municipal, rural and industrial [MR&I] uses. In fact, without these amendments to the 1986 Garrison Act, many communities in North Dakota will be forced to be without clean and reliable water supplies. The importance of a clean, safe water supply cannot be overstated. The improvement of our water quality and the adequacy of future water supplies is critical to the economic future of North Dakota.

I direct the attention of my colleagues to this chart, which shows the difference between water supplies that is not atypical for rural North Dakota. This is a jar that has the water in many rural parts of our State, because the ground water is just not of high quality. This shows the water delivered to rural North Dakotans via pipeline. I think this tells the story. North Dakota needs safe, clean, reliable water. The bill we are introducing today is designed to deliver it.

Water development is essential for economic development, agriculture, recreation and improving the environment. This legislation will provide an adequate and dependable water supply throughout North Dakota, including communities in the Red River Valley. Water is an essential resource to sustain the population and economic growth of that region. A portion of the funding will also fund irrigation projects in North Dakota and on the Indian Reservations, as well as the development of fish and wildlife projects.

The U.S. Senate is well aware of the history of failed promises on water development projects on the Missouri River. People of our State and on reservations have sacrificed 550,000 acres of land, including homes, farms, and in many cases their livelihoods, for flood protection downstream. The Federal Government has failed to live up to its side of the bargain.

I ask the Senate today, please look at this legislation; let us have a debate and a discussion, but do not fail to honor the promises the Federal Government made to North Dakota. To compensate North Dakota for the loss of 550,000 acres of valuable Missouri River bottom land due to the construction of the Garrison and Oahe Dams, the Garrison diversion project was authorized in 1965. It was to provide affordable access to Missouri River water as a basic element of the State's long-range plans for water management and development. That promise has not been kept.

The next chart I have here shows the areas of our State that would be benefited by the legislation we are introducing today. This chart shows the northwest area water supply project, the Southwest pipeline project, and the other areas of the State, including the Red River Valley, that would have safe, clean, dependable sources of water as a result of this legislation.

Mr. President, North Dakotans are fully committed to a scaled back, modernized project. Within the State of North Dakota we have worked long and hard to produce a new project. The MR&I focus of the Dakota water resources project is the best way to move forward. It represents the best potential to meet North Dakota's water needs. We realized 6 years ago that the Garrison project of 1986 would never attain its original goals. Since that time the relevant interests in North Dakota have engaged in a bipartisan effort to reformulate Federal law to address the

contemporary and future water needs of our State.

I believe this legislation will provide water to communities in need in North Dakota in an environmentally sensitive manner. It is important to note that we have involved representatives of the conservation community from both the national and State level to develop the legislation we introduce today. We are especially pleased to have the support of the North Dakota Chapter of the Wildlife Society for this legislation.

I also want to assure our neighbors to the north, in Canada, that we will abide by international obligations. The Dakota Water Resources Act contains provisions to ensure compliance with the Boundary Water Treaty of 1909 between the United States and Canada.

Mr. President, I would like to take a few moments to highlight some of the provisions in the Dakota Water Resources Act.

The Dakota Water Resources Act authorizes \$300 million for MR&I projects across North Dakota and an additional \$200 million for MR&I projects on the four Indian reservations within the State. These MR&I projects are essential to ensure a safe and clean water supply throughout North Dakota.

This legislation also includes \$200 million to meet the comprehensive water quality and quantity needs of the Red River Valley. Also, the bill stipulates that the State of North Dakota will select one or more project features from options identified to meet those needs, including the delivery of Missouri River water to the Red River Valley.

This legislation includes debt forgiveness for the State of North Dakota for costs of previously constructed facilities that will not be utilized or will be only partially utilized.

This legislation includes \$40 million for the construction of the Four Bears Bridge across Lake Sakakawea within the Fort Berthold Indian Reservation. Lake Sakakawea is the body of water which was created by the construction of Garrison Dam. The resulting lake not only flooded valuable farmland on the reservation, but divided the reservation. The current bridge, which is the only route to cross Lake Sakakawea, is functionally inadequate and cannot handle current traffic flows. The structure poses a significant safety hazard and hampers access to emergency and medical services.

The Dakota Water Resources Act contains numerous provisions to ensure that this project is constructed in an environmentally-sensitive manner. The legislation permits the State to establish a water conservation program, utilizing funds provided for MR&I. Also, this bill includes \$25 million for a Natural Resources Trust, currently the Wetlands Trust, and an authorization of \$1.5 million to fund a wetlands interpretive center. The purpose of the trust is to preserve, enhance, restore and manage wetlands and associated wild-

life habitat, grassland conservation and riparian areas in the State of North Dakota.

This legislation contains other important provisions, including: authorization of \$5,000,000 for recreation projects in North Dakota; authorization for a study of bank stabilization along the Missouri River below Garrison Dam; designation of the current Lonetree Reservoir as a wildlife conservation area; a requirement for the Federal Government to pay for operation and maintenance on mitigation lands; deauthorization of certain irrigation areas; additional flexibility for the Indian tribes in determining irrigation sites within the reservations; ensures no increase for rural electric cooperatives using power generated by the dams on the Missouri River; and a provision that "upon transfer of the Oakes Test Area to the State of North Dakota, but not later than one year after enactment of this act Federal funds authorized by this act may not be used to subsidize the irrigation of any crop at the Oakes Test Area."

The Dakota Water Resources Act represents a significant bipartisan effort within North Dakota to meet the contemporary and future water quantity and quality needs of our State and provide for the long-term economic development of North Dakota.

I look forward to working with the members and staff of the Senate Energy and Natural Resources Committee on this legislation, specifically Senator MURKOWSKI and Senator BUMPERS, the chairman and ranking member respectively. I also look forward to discussing the need for the Dakota Water Resources Act with my Senate colleagues and would invite their support for this legislation that is essential for the future of North Dakota.

Mr. President, this legislation has the unanimous support of the congressional delegation, the Governor, state legislative leaders, tribal leaders, North Dakota water interests, and the North Dakota Rural Electric Cooperatives. It also has the support of a major state conservation group and mayors of the major affected cities. The Dakota Water Resources Act is the consensus product of an extensive negotiating process.

I want to express my personal appreciation to each of the State elected leaders who served as the State negotiating team. I am deeply grateful for their efforts. They were undertaken in good faith, in a bipartisan spirit because we recognize the critical importance of the completion of this project for the future economic health and strength of our State.

Our State leaders have come together in an unprecedented way. I am submitting for the RECORD, and I will ask unanimous consent to have printed in the RECORD after my statement and after the bill, the letters of support, including a letter signed by Senator DORGAN, Congressman POMEROY, Governor Schafer, North Dakota Senate major-

ity leader Gary Nelson, North Dakota Senate minority leader Tim Mathern, North Dakota House majority leader John Dorso, and North Dakota House minority leader Merle Boucher as well as myself. The eight of us served as the State negotiating team.

In addition to that, I am proud to say we have letters of support of the Standing Rock Sioux Tribe, the Spirit Lake Tribe, the Turtle Mountain Band of Chippewa Indians, and three affiliated tribes.

We will also submit for the RECORD separate letters from the North Dakota Chapter of the Wildlife Society, the Garrison Diversion Conservancy District, the North Dakota Water Users Association, the Cities of Grand Forks, Fargo, Minot, Dickinson, and Williston, the Southwest Water Authority, the North Dakota Water Resource Districts Association, the Souris River Joint Water Resource Board, the West River Joint Water Resource Board, the Devils Lake Basin Joint Water Resource Board, the North Dakota Association of Rural Electric Cooperatives, the Greater North Dakota Association, which is the North Dakota Chamber of Commerce, the Fargo Chamber of Commerce, the Industrial Development Association of North Dakota, and the North Dakota Education Association.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD following my remarks and before the legislation itself.

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

(See exhibit 1.)

Mr. CONRAD. Mr. President, this outpouring of support is unprecedented. In essence, our citizens are saying to Washington, take note. This is essential for our future.

Before I conclude, I would like to say that in addition to many fine people in North Dakota who helped in the crafting of this legislation, I want to recognize the special efforts of staff members of mine who worked long and hard to produce these results: Robert Van Heuvelen, Derik Fettig, Kirk Johnson, and Mary Knapp.

Their dedication in getting amendments drafted has contributed tremendously to the positive product we are introducing today. They have been instrumental in forging the consensus which is a hallmark of this legislation. Through careful attention to detail, endless rounds of communications with all interested parties and preparation of myriad of drafts, these four professionals have made a real mark. As many in North Dakota will attest, Robert, Derik, Kirk, and Mary exemplify the finest that we find among congressional staff. I thank them for their contribution today.

In addition to my own staff, I want to take this moment to also thank three other outstanding congressional staffers for their help in achieving this result: Doug Norell, the legislative director for Senator DORGAN, Andrea

Nygren, Ruth Fleischer, and Mike Egg of Senator DORGAN's staff, Karen Frederickson and Amy Goffe, the chief of staff and legislative assistant, respectively, for North Dakota Congressman EARL POMEROY. This has been a collaborative effort among the delegation, the State's elected leaders and their staffs. And I thank them for it.

I thank the Chair and yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I listened with interest to the presentation by my colleague, Senator CONRAD. He is presenting today, and I join him in presenting, a picture of water issues in North Dakota that are critically important to the future of our State. I would like to describe for my colleagues why this is the case and what we propose to do to respond to the water needs of our region.

We live in a semiarid State, Mr. President. North Dakota gets 15 to 17 inches of rainfall a year. About 100 years ago, John Wesley Powell told the North Dakota Constitutional Convention in the year 1888 that North Dakota would have a series of years when they would have abundant crops, and then for 2 or 3 years, they would have less rainfall. There will be failure of crops, and disaster will come on thousands of people who will become discouraged and leave.

That is the history of those who live on the border between humid and arid lands.

This is a picture showing some of the crusted dirt of parched soil that has not had enough moisture. What has happened in our State is exactly what was predicted a century ago. We are a wonderful, bountiful agricultural State, but we do suffer being a semiarid State with the lack of rainfall, lack of water. We wanted to try to do something about that, to provide some stability.

The Senator from North Dakota, Senator CONRAD, held up a picture that showed water in jars. It is interesting, I come from southwestern North Dakota and know a lot about the water-quality issue Senator CONRAD was talking about. A fellow brought a jar of water to one of our hearings, and he sat the jar on the table. You would have sworn it was tobacco juice; if not tobacco juice, at least strong coffee; and if not strong coffee, very strong tea. But, no, that jar of brown water was his drinking water. It was from his well.

We suffer water-quality problems in addition to the lack of water in North Dakota, which is a semiarid State. We have known now for a century the consequences of that. The consequences of that are imposed upon our economic well-being in a State that is a wonderful State, but suffers from having 42 of its 53 counties declining in population. Only 11 counties have a growing population.

Mr. President, I come from a county in southwestern North Dakota. It had a

population of 5,000 when I left. It now has a population of 3,000. The neighboring county, about the same size as my home county, is called Slope County. It is the size of the State of Rhode Island in landmass. Nine hundred citizens live in Slope County, and last year there were only seven babies born in Slope County. I say that just to give people an understanding of the size of our State and what is happening in some of the rural counties where the population is shrinking and we are seeing outmigration. Yet we are a State that is recognized as one of the most bountiful agricultural States in America.

Something happened in the 1940's that portended for us a change. What happened in the 1940's was the discussion of the Pick-Sloan plan that would create flood control down the reaches of the Missouri River with a series of dams. In 1943, there was a great flood on the Missouri River, and it crippled the delivery of supplies for American troops fighting in World War II to the gulf ports. It brought home, more than anything, the need for reliable transportation and navigation on the river, for reliable flood control on the river.

From it was born the Pick-Sloan plan to try to harness the Missouri River and create a series of dams that would provide flood control and a range of other benefits.

As part of that plan, we were told in North Dakota, because the Federal Government wishes to harness the Missouri River and create six dams in order to do so, we would like you in North Dakota to do us a favor. We would like you to host a flood that comes and stays. We would like to create a 500,000-acre flood in North Dakota, about the size of the State of Rhode Island. We want to take a Rhode Island-size flood, put it in your State by backing up the river with a dam and you keep it there. A flood that comes and stays forever.

North Dakotans thought about that a little bit and said, "Gee, so you want to give us a Rhode Island-size flood, what does that mean for us?"

The Federal Government said, "Well, you need to understand the second half of this. We would like you to host a flood that comes and stays, but we propose to give you a very significant benefit. You are a semiarid State. We would like you to be able to take water from behind that dam and from that flood and move it all around your State in order to deal with water quality and water accessibility and irrigation all across your State."

The people of North Dakota thought, "Gosh, that sounds like a really good deal, something needed in our State."

From that was born the Garrison Diversion Project. Behind the Garrison Dam, the ability to divert water all around our State to irrigate, provide good quality drinking water, to provide assured supplies of water for municipal and industrial use in cities and, yes, even in the eastern part of our State who are served by the Red River, which

has run dry in the past. All of that sounded good to North Dakota, so we got the flood.

Elbow Woods—where my dad lived as a young boy and used to herd horses up on the Indian reservation—Elbow Woods doesn't exist anymore. It is a community that is gone because now where Elbow Woods stood is a lake, a flood. Elbow Woods and other communities were flooded, and the Indian population moved to the upland, so the flood came and stayed.

But when President Eisenhower went out to dedicate the dam that held back the water and created the flood and the people were moved and we had the Rhode Island-size flood, it took a while for the benefits to come to North Dakota. We had the cost now. The cost was this flood, but the benefits were something else. The benefits kept shrinking and shrinking because controversy developed, and finally we passed a piece of legislation in 1965 and another one in 1986 to try to make sure that we got the benefits we were promised.

At least part of the benefits were to, for example, move water throughout North Dakota. From the 1986 act, we finally have water coming to southwestern North Dakota. We have a plan to move water to northwestern North Dakota. These areas are areas from where we see this picture about the drinking water that looks like tobacco juice. This now represents an area that is getting water from the Missouri River, good quality water moved to all these communities, which helps them enormously. But more needs to be done. We cannot finish the project and complete the promise given to our State until we enact changes once more in the Garrison diversion legislation.

It has been enormously controversial. Canada has objected; environmental groups have objected. So we put together a group of elected officials who are the elected leaders of North Dakota—the Governor, the congressional delegation, the Republicans and Democrats who are leaders in the State legislature—House and Senate—and we created a negotiating team. All of us, which is pretty unusual, sat around a table for many, many months at various periods and negotiated a bipartisan solution that will finish this plan for North Dakota. When finished, we hope it will provide this kind of sight all across our State in small towns and big towns, on farms, in cities—clean drinking water enjoyed by North Dakota, opportunities from water delivery to all parts of our State. That is what we hope the benefits of this plan will be.

I have taken some time to give a much broader history of how we have gotten to this point, simply because I want people to understand, this does not have as its origin in our State coming to Washington saying, "Give us something, please; we'd like you to give us a plan, please." That was not the origin. The origin was the Federal

Government going to North Dakota saying, "Please play host to a flood the size of the State of Rhode Island that will be forever in your State, and we will promise you that you will get from that an opportunity to move good quality water throughout the State for municipal, rural, and industrial purposes, and for irrigation."

What has happened to us is we bore the cost of the flood, but we never received the full flower of the benefits that were promised us under the act.

Senator CONRAD and I and our colleague, Congressman POMEROY, in the House, today offer a bipartisan piece of legislation that will, if completed, finally allow us to realize the full benefits of this project.

I am not going to go into all the details of it except to say that the compromise that we offer finally allows us to connect the waterworks, to get water to eastern North Dakota, and an assured supply of water for some of the largest communities in North Dakota that live along the Red River.

It addresses in a very significant way the concerns that were expressed by environmental organizations. It addresses the issues that were raised by a number of others who have had concerns about the project. In short, it says, let us finish this project in a way that satisfies the interests and needs of North Dakota, but also do it in a way that addresses the concerns others have raised about this project.

This project is fiscally responsible. It would in fact, if completed the way we envision, cut nearly \$200 million from the current authorization. So we are talking about completing a project in a different way but cutting up to \$200 million from the current authorized level for this project. The Act provides substantial environmental benefits, incentives for water conservation, the creation of a natural resources trust, and additional incentives for the State to establish and meet other specified conservation goals. So it provides substantial environmental benefits.

We believe that the cooperative effort with the congressional delegation and the State's political leaders have vastly strengthened this bill. I want to commend especially the North Dakota chapter of the Wildlife Society, which, incidentally, wrote a letter saying: "We support this compromise. This compromise meets the test of being environmentally sound."

The third test this bill meets is that it provides more in economic development than natural resource enhancement alone. Water is necessary for all life, but in a semi-arid plain State it is critical.

I began this description by talking about the outmigration from rural counties and the desperate need to try to pump some economic life into those counties. One way to do that is to have an assured supply of good water. The fourth test this bill meets is project completion. This finally would complete the project and allow North Da-

kota to realize the full promise that the Federal Government gave North Dakota.

Finally, our bill represents a rare consensus among all the major participants in State water development and conservation. It is a rare thing, I suppose, to hear these days that this is a bipartisan plan. It is the product of Republicans and Democrats sitting around a table, not describing themselves as partisans, not describing themselves by their political party, but describing themselves as leaders serving North Dakota's long-term interests. We did that. And I am very pleased with the result.

Senator CONRAD described the support across North Dakota. And we are going to put in the Congressional RECORD the letters of support from all of the people who have written us, communities and many, many others, for this project.

The PRESIDING OFFICER. The Senator has spoken for in excess of 10 minutes.

Mr. DORGAN. I ask unanimous consent to finish in 1 additional minute.

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

Mr. DORGAN. Finally, Mr. President, let me add my compliments to Senator CONRAD himself. Senator CONRAD has played an instrumental role in getting us to this point. We would not be here without Senator CONRAD's leadership. Let me also commend Senator CONRAD's staff, and let me echo the words of praise that Senator CONRAD gave to Doug Norell, the legislative director of my staff, and Ruth Fleischer and Andrea Nygren, and so many others.

Congressman POMEROY has played a critically important role here. Governor Schafer, the state legislative leaders, State senator Tim Mathern, State representative Merle Boucher, State representative John Dorso, State senator Gary Nelson all were important in getting us to this point.

My hope is that we will now begin a process to move this legislation, have some hearings, and I hope at the end of this struggle—I am not sure when that end will occur; it is not clear that this is going to move quickly—but at the end of this struggle we in North Dakota will be able to look back and say, it was a long, hard fight, but we got what was promised for our State. And not only did we get what was promised, but it was important, critically important, for the long-term economy of North Dakota.

Mr. President, I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me just thank my colleague, Senator DORGAN. Senator DORGAN and his staff have worked tirelessly to produce this result. This isn't something we have just worked on the last few months. This has been an effort of 6 years to bring us to this point. It is remarkable to have

brought together such a broad cross-section of the State of North Dakota in support of a project as significant as this one.

I just want to thank my colleague for all of his efforts and all of his leadership. He was involved in the 1986 reformulation. He early on recognized that we had an additional opportunity here to have something develop that would secure the economic future of our State.

I think we should also acknowledge that we understand we face a tough struggle to pass this legislation. We know that we have determined opponents downstream, that we have other opponents as well, certain national environmental organizations. And the State of Minnesota and our neighbors to the north in Canada all have expressed reservations. But we have done our level best to address their concerns. We have brought forward a project that is environmentally sensitive, that is fiscally sound, and does meet the current and long-term water needs of the State of North Dakota, all within the context of changing what has already been approved by Congress.

Senator DORGAN made the point and made it well. We have an approved project that is even a bigger project than what we are proposing here today, but it is unlikely to ever be built. Now is the time to step forward and to propose reasonable alternatives that are alternatives that would secure the long-term interests of the State of North Dakota.

So, again, I want to especially thank my colleague from North Dakota.

Mr. DORGAN. Will the Senator yield for a question?

Mr. CONRAD. Yes.

Mr. DORGAN. It might be useful to discuss the plans as we proceed. We introduced the legislation today here in the Senate. It will be concurrently introduced in the House of Representatives by our colleague, Congressman POMEROY. At that point my expectation would be that we will want to hold some hearings.

This will likely be referred—without doing the Parliamentarian's job, I assume will be referred—to the Senate Energy and Natural Resources Committee on which I sit. We expect to request some hearings by the Senate Energy and Natural Resources Committee. My expectation is we would want to perhaps hold some North Dakota hearings with the joint leadership in North Dakota to have an opportunity to further discuss this project.

I want to emphasize something Senator CONRAD just indicated. There will be opposition. This is a bipartisan approach, but there will be opposition.

There is this old story about the radio announcer who was interviewing an old guy, some 85-year-old codger. And he said, "You've seen a lot of changes in your life, ain't you?" And the guy said, "Yeah, I sure have." The old guy added, "I've been against all of them, too."

You know, there are people like that. They are against all changes until it is demonstrated that change was good, and then they say, "OK, now let me just oppose the next change." So it is clear to me that we will have opposition.

The test for us, however, is to have developed a plan, which I think this plan meets, that is sensitive to all of the issues that are raised in opposition.

When environmental organizations say to us, "Well, we have some real problems with this," I think what we are able to say is we worked with major environmental organizations in our State and negotiated with them, made changes relative to the recommendations they made, and they, I am pleased to say, have sent us a letter saying, "We support this approach."

We think this approach is a good compromise, meets the environmental tests. So my expectation is that today is getting this piece of reform legislation to the starting line. We have a hill ahead of us. The question is, how steep, how long does it take to get up the hill and down the other side? We will get there. The question is, how difficult is this and what is the timeframe?

So I thought we might want to talk about that kind of approach today.

Mr. CONRAD. I just respond by saying, I think it is very important that we have hearings—and have hearings in North Dakota—to be able to hear from all affected interests there. We already have heard from virtually every affected interest in the State of North Dakota. They have sent us letters in support of this project.

There is absolutely an unprecedented degree of bipartisan support, virtually every affected interest in the State of North Dakota. But we also will look forward to hearings here because we understand there are people in opposition, there are tests in opposition. We want the opportunity to explain what we have done to respond to their concerns, because I think this is a remarkable effort to try to listen to what other people have said and to try to design a project that meets their concerns.

So I think we are looking forward to the opportunity to tell our story and to make our case. We believe it is a powerful one. As I indicated earlier, we believe this project is environmentally sensitive, fiscally sound, and in the long-term interests of the State of North Dakota and of the Nation.

So, again, I want to thank my colleague from North Dakota for all of his efforts in bringing us to this day.

Mr. DORGAN. If you might yield for one additional point.

I think what we say today when we introduce this legislation is, we say to the Federal Government, "Keep your promise. You made our State a promise. We expect the Federal Government to keep their promise." This legislation, in our judgment, the combined judgment of the Governor, the congressional delegation, the elected leaders of

the State legislature, on a bipartisan basis, we believe this legislation allows the Federal Government to keep its promise.

There might be controversy here about this in this Chamber, but we would say that "You owe North Dakota this project. You promised it. We have the flood. The flood isn't going away. Now you must provide the benefits you promised, Federal Government." So that is what we say today to the Federal Government: Keep your promise.

We would say, I think, to those who are naysayers, those who look at this and say, "Well, we don't support this," we want to hear you. We are willing to listen. We are going to hold hearings. If you have a better approach, if you have a better plan, tell us. If you have problems with this, tell us what those problems are.

We want to address all the real problems that exist, but we intend at the end of the day to get for our State what was promised to our State. It is not just because we want to get something; it is because our State's economic future depends on our ability in the coming years to complete this project the way it was promised to North Dakota.

So let me, finally, Mr. President—and I thank Senator CONRAD for yielding—indicate that Senator CONRAD already mentioned that Bob Van Heuvelen and Derik Fettig and Kirk Johnson of his staff played a very important role in this, as did Karen Frederickson and Amy Goffe of Congressman POMEROY's staff. I don't know if we mentioned Dave Sprynczynatyk working for Governor Schafer, and Murray Sagsveen and Bob Harms, as well as critically important staff members at the State level, to help us formulate this set of amendments that we offered today to the U.S. Senate.

Mr. CONRAD. If the Senator would just yield, I think we also want to acknowledge, I might say, the individuals from the State level that we have acknowledged in our statements. We should add Mike Dwyer, of the North Dakota Water Users, who played a critical role of shuttle diplomacy, going back and forth in the final days to reach conclusion here.

So this has been a true team effort, with Dave Sprynczynatyk, the State water engineer, and Maj. Gen. Murray Sagsveen working on behalf of the Governor and Bob Harms, of the Governor's staff, and, as I have indicated, Mike Dwyer of the North Dakota Water Users. All of them played very important roles, as did Mike Olson, Bill Bicknell and Dick Kroger of the North Dakota Chapter of the Wildlife Society.

In the final hours, in the final days, it took a real coming together to achieve this result. We certainly appreciate all of their efforts.

I thank the Chair and yield the floor.

EXHIBIT 1

NORTH DAKOTA,
November 7, 1997.

Sen. FRANK MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Sen. DALE BUMPERS,
Ranking Member, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Rep. DON YOUNG,
Chairman, Committee on Resources, U.S. House of Representatives, Washington, DC.

Rep. GEORGE MILLER,
Ranking Member, Committee on Resources, U.S. House of Representatives, Washington DC.

GENTLEMEN: Today marks a significant milestone for the State of North Dakota. We, the elected political leaders of the state, have agreed to support the introduction and to urge the passage of the "Dakota Water Resources Act." The attached legislation, if enacted, will play an integral part in the economic future of our state.

We are proud that this legislation is the product of extensive and full consultation with people who represent nearly all aspects of the life of our state. It represents a cooperative effort which has not only reached across partisan political lines, but also has constructively engaged all affected interests of the state. It reflects the views of Republicans and Democrats, Tribal leaders, the North Dakota Chapter of the Wildlife Society, The North Dakota Water Users Association, and the Rural Electric Cooperatives.

Accordingly, we urge you to give this legislation your early review and full support.

Sincerely,

Kent Conrad, U.S. Senator; Byron Dorgan, U.S. Senator; Carl Pomeroy, U.S. Representative; Edward Schafer, Governor; Gary Nelson, Majority Leader, State Senate; Timothy Mathern, Minority Leader, State Senate; John Dorso, Majority Leader, State House; Merle Boucher, Minority Leader, State House.

Attachment.

NORTH DAKOTA CHAPTER OF THE WILDLIFE
SOCIETY

STATEMENT CONCERNING THE NOVEMBER 7TH,
1997 PROPOSED AMENDMENTS TO GARRISON DIVERSION REFORMULATION ACT OF 1986

The North Dakota Chapter of The Wildlife Society supports the proposed amendments to Garrison Diversion Reformulation Act as described in the November 7, 1997 Discussion Draft. We strongly believe the cooperative effort with the Congressional Delegation and North Dakota's state political leaders has strengthened the bill. Throughout this effort we have sought to develop legislation that benefits North Dakotans through water development and minimizes potential impacts to our state's natural resources.

Modification of the 1986 Reformulation Act will benefit substantially more North Dakotans by emphasizing municipal, rural, and industrial water needs of the State. The November 6, 1997 additions also place an equal emphasis on recognition of the enhancement of fish and wildlife and other natural resources as a full project feature. We are pleased to see the designation of Lonetree as a wildlife conservation area. This change is consistent with the recognition of natural resource conservation as a project feature that benefits North Dakota and the State's economy.

We are also encouraged by the addition of funds and the increased opportunities for natural resource conservation in North Dakota presented by the evolution of the Wetlands Trust into the new Natural Resources Trust. We believe the establishment of an account within the Natural Resources Trust to

operate and maintain wildlife development areas will benefit wildlife resources in the state. This will ensure the stated commitments of the project are met in the future.

The findings of the Environmental Impact Statement written by the Bureau of Reclamation will provide a framework for a project which minimizes impacts to North Dakota's natural resources and provides for opportunities to meet the comprehensive water needs of eastern North Dakota. We will gladly be a full participant in this process to help ensure that the water needs of Fargo, Grand Forks, and neighboring communities are met in an environmentally sound cost effective manner.

Our involvement in this legislation has not ended. We look forward to working with all parties involved to develop the corresponding report language to capture all points of agreement. Full involvement by all interested parties has produced a final bill that North Dakotans can embrace. We welcome the opportunity to cooperatively work on this and other issues effecting North Dakota's natural resource heritage.

NORTH DAKOTA EDUCATION ASSOCIATION,
Bismarck, ND, November 7, 1997.

Hon. KENT CONRAD,
U.S. Senator, Washington, DC.

DEAR SENATOR CONRAD: On behalf of the North Dakota Education Association, we encourage you to support the proposal to amend the 1986 Reformulation Act and complete the Garrison Division water facilities. The proposal you have developed is important to the future of our state.

We appreciate your efforts and encourage you to support the legislation that will enact a water policy for the state of North Dakota that has been long awaited.

Sincerely,

JOSEPH A. WESTBY,
Executive Director.

NORTH DAKOTA ASSOCIATION OF
RURAL ELECTRIC COOPERATIVES,
Mandan, ND, November 7, 1997.

To: Sen. KENT CONRAD, Sen. BYRON DORGAN, Rep. EARL POMEROY, Gov. ED SCHAFER, Sen. GARY NELSON, Sen. TIM MATHERN, Rep. JOHN DORSO, and Rep. MERLE BOUCHER.

From: Dennis Hill, Executive Vice President.
Re: Amendments to 1986 Garrison Reformulation Act.

On behalf of the rural electric network in North Dakota, I want to commend each of you for the leadership you've provided to develop a set of amendments to the 1986 Garrison Reformulation Act. This process has been an impressive display of bi-partisan leadership that has resulted in a set of amendments that will finish a major water supply project for our state.

The rural electric network has long supported the completion of Garrison Diversion. We supported the 1965 Act, the 1986 Reformulation, and we now support these amendments that you have been able to craft that will help our state meet its future contemporary water needs.

We pledge our continuing support of this project and this process. Please let us know how can we be of help in moving this set of amendments through the Congress.

Again, thanks for the excellent leadership.

NORTH DAKOTA WATER
USERS ASSOCIATION,
Bismarck, ND, November 7, 1997.

To: Gov. EDWARD SCHAFER, Sen. KENT CONRAD, Sen. BYRON DORGAN, Rep. EARL POMEROY, Sen. GARY NELSON, Sen. TIM MATHERN, Rep. JOHN DORSO, Rep. MERLE BOUCHER.

From: North Dakota Water Users Association.

Re: Garrison Amendments.

We would like to thank you for your considerable effort to achieve consensus on a proposal to further the Garrison project and meet the critical water needs of North Dakota. We sense there is a unity we have not had before among state water users, state wildlife interests, Tribes, power customers and others on how we should proceed in proposing to complete Garrison Diversion water supply facilities.

We fully support the amendments that have been developed to enable the 1986 Reformulation Act to be modified and implemented. While the amendments eliminate most of the irrigation opportunities provided in the 1965 and 1986 Acts, we will vigorously support the current proposal in the spirit of compromise with the many competing interests in this project, and with the belief that the proposal will meet the critical water needs of our state, including the opportunity to utilize the existing facilities to provide Missouri River water to meet the water needs of the Red River Valley.

We look forward to working with you and the Tribe, state wildlife interests, cities, rural water systems, other water users, power customers and others to secure approval and implementation of the proposed amendments.

MIKE DWYER,
Executive Vice President.

JACK OLIN,
President.

SOUTHWEST WATER AUTHORITY,
Dickinson, ND, November 7, 1997.

Gov. EDWARD SCHAFER,
State Capitol,
Bismarck, ND.

Sen. KENT CONRAD,
Hart Office Building,
Washington, DC.

Sen. BYRON DORGAN,
Hart Office Building,
Washington, DC.
Rep. EARL POMEROY,
Longworth Office Building,
Washington, DC.

Sen. GARY NELSON,
Casselton, ND.

Sen. TIM MATHERN,
Fargo, ND.

Rep. JOHN DORSO,
Fargo, ND.

Rep. MERLE BOUCHER,
Rolette, ND.

DEAR GENTLEMEN: The Southwest Water Authority Board of Directors supports the proposal to amend the 1986 Reformulation Act and the completion of Garrison Diversion water facilities.

Your joint effort on this issue is a reflection of the statewide support for water development in North Dakota. Garrison Diversion does not only support eastern North Dakota. We in southwestern North Dakota also benefit from this project.

Currently the Southwest Pipeline Project provides water to 15 communities, Assumption Abbey, Sacred Heart Monastery, and 1200 farms and ranches. Construction to these areas was possible because of funding through Garrison Diversions' Municipal, Rural, and Industrial Fund and the North Dakota Resource Trust Fund.

The cities of Hettinger, Reeder, and Glen Ullin, cited for excessive fluoride violations, await a new water supply. The Southwest Pipeline Project will be that new source of water. An additional 11 cities and approximately 2300 farms and ranches are waiting for water from the Southwest Pipeline Project. The amended 1986 Reformulation Act will supply funds necessary for completion of the Southwest Pipeline Project.

Your support and efforts are appreciated. The Southwest Water Authority offers its support and assistance to you as necessary.

Sincerely,

PINKIE EVANS-CURRY,
Manager/CEO.

DEVILS LAKE BASIN
JOINT WATER RESOURCE BOARD,
Devils Lake, ND, November 7, 1997.

Gov. EDWARD SCHAFER,
State Capitol,
Bismarck, ND.

Sen. GARY NELSON,
Casselton, ND.

Sen. KENT CONRAD,
Hart Office Building,
Washington, DC.

Sen. Tim Mathern,
Fargo, ND.

Sen. BYRON DORGAN,
Hart Office Building,
Washington, DC.

Rep. JOHN DORSO,
Fargo, ND.

Rep. EARL POMEROY,
Longworth Office Building,
Washington, DC.

Rep. MERLE BOUCHER,
Rolette, ND.

GENTLEMEN: On behalf of the Devils Lake Basin Joint Water Resource Board this is to communicate our support of the proposal to amend the 1986 Reformulation Act and complete the Garrison Diversion water facilities.

The proposal you have jointly and cooperatively developed will meet the water needs of North Dakota.

Your efforts to achieve consensus are greatly appreciated. We stand ready to provide necessary support and assistance.

Sincerely,

BEN VARNSON,
Chairman.

CITY OF MINOT,
OFFICE OF THE MAYOR,
November 7, 1997.

Gov. ED SCHAFER,
State Capitol,
Bismarck, ND.

Sen. KENT CONRAD,
Hart Office Building,
Washington, DC.

Sen. BYRON DORGAN,
Hart Office Building,
Washington, DC.

Rep. EARL POMEROY,
Longworth Office Building,
Washington, DC.

Sen. GARY NELSON,
Casselton, ND.

Sen. TIM MATHERN,
Fargo, ND.

Rep. JOHN DORSO,
Fargo, ND.

Rep. MERLE BOUCHER,
Rolette, ND.

DEAR GENTLEMEN: On behalf of the City of Minot, this is to communicate our support the proposal to amend the 1986 Reformulation Act and complete the Garrison Diversion water facilities.

The proposal you have jointly and cooperatively developed will finish a project that has languished far too long.

Your efforts to achieve consensus are greatly appreciated. We stand ready to provide necessary support and assistance.

Sincerely,

ORLIN W. BACKES,
Mayor.

INDUSTRIAL DEVELOPMENT
ASSOCIATION OF NORTH DAKOTA,
November 7, 1997.

Gov. EDWARD SCHAFER,
State Capitol,
Bismarck, ND.
Sen. KENT CONRAD,
Hart Office Building,
Washington, DC.
Sen. BYRON DORGAN,
Hart Office Building,
Washington, DC.
Rep. EARL POMEROY,
Longworth Office Building,
Washington, DC.
Sen. GARY NELSON,
Cassellton, ND.
Sen. TIM MATHERN,
Fargo, ND.
Rep. JOHN DORSO,
Fargo, ND.
Rep. MERLE BOUCHER,
Rolette, ND.

DEAR GENTLEMEN: On behalf of the Industrial Development Association of North Dakota, and as a member of the North Dakota Water Coalition, we support the proposal to amend the 1986 Reformulation Act and completion of the Garrison Diversion water facilities plan. My understanding is that this is being offered under the "Dakota Water Resources Act of 1997".

Water is one of the predominant economic development issues for many of the communities in the state. Simply stated, we seem to have too much water in some areas and not enough in others. Therefore, we support the consensus efforts of the water coalition and our congressional delegation in crafting legislation that will help us build our future by developing water delivery systems across our state.

We appreciate your initiative in this important matter. We look forward to working with you in the future.

Sincerely,

THOMAS C. ROLFSTAD,
Immediate Past President.

CITY OF FARGO,
OFFICE OF THE MAYOR,
November 7, 1997.

Hon. KENT CONRAD,
U.S. Senate,
Hart Office Building,
Washington, DC.

DEAR SENATOR CONRAD: The latest draft amendments to the Garrison Diversion Reformulation Act of 1986 have been received and reviewed by Fargo staff and elected officials. We are very supportive of the proposed language.

As the State's largest City which continues to have a population growth of nearly 2% per year—this rate of increase has sustained for over 20 years—the need for an adequate, reliable and quality source of water is key to our future. The City has just completed construction of a state of the art water treatment facility having the capabilities of addressing all current and anticipated safe drinking water standards well into the 21st Century. While this facility is on line and treating water from the Red River of the North and the Sheyenne River, it will be of little use if water is not available in either of these water sources.

History bears out the fact that the lack of water in these rivers is a real possibility—in the 1930's low flow conditions prevented the use of water from the Red River for seven

straight years. As late as 1975, severe rationing of water in Fargo was caused by low flows in the Red River.

The introduction of new legislation to continue the Garrison Diversion effort is very timely. The modifications to the established legislation will greatly enhance Fargo's and eastern North Dakota's potential as a growth area—for population, economic and agricultural purposes—in the Midwest.

Your continued support and work on this very important legislation is needed and appreciated. If we can do anything to further this legislative effort, please call on me.

Sincerely,

BRUCE W. FURNESS,
Mayor.

TURTLE MOUNTAIN BAND OF
CHIPPEWA INDIANS,
Belcourt, ND, November 7, 1997.

Hon. BYRON DORGAN,
U.S. Senate,
Hart Building,
Washington, DC.
Hon. KENT CONRAD,
U.S. Senate,
Hart Building,
Washington, DC.

DEAR SENATOR: The Turtle Mountain Band of Chippewa Indians approve the efforts of our congressional representatives in your effort with regard to the "Dakota Water Resources Act". We know how hard this type of legislation is to get bipartisan agreement and feel your efforts have been exceptional.

We of the Turtle Mountain Band of Chippewa Indians appreciate being invited to the October 27th, 1997 hearing on the Draft Garrison Amendments. We feel that the hearings were very productive and appreciate the cooperation and courtesies extended to the tribes of North Dakota.

We have reviewed the total "discussion draft" dated November 5, 1997 as was sent to us.

1. We feel this draft is well put together and generally portrays the feeling of the majority of attendees at the table. The Tribes of North Dakota agreed on the breakdown of the Native American authorizations and find them as was discussed.

2. We note that you have taken some of the suggestions put forth in Russell D. Mason, Sr. letter dated October 27, 1997 handed out at the hearings.

3. We note that in section 7(c) you have made specific reference to the Trenton Indian Service Area in the Turtle Mountain allocation and are pleased with that thought.

4. In the Section 7(c) page 14 line 22, you have included "along with adjacent areas" what is the intent of this?

The Turtle Mountain Band of Chippewa Indians feel this document is put together in the spirit of cooperation with the entities involved and look forward to doing whatever the Tribe can do to support the passage of this legislation. Please contact myself or Ken Loveland at any time if we can assist your efforts toward final passage of the Dakota Water Resources Act.

Respectfully yours,

RAPHAEL J. DECOTEAU.

STANDING ROCK SIOUX TRIBE,
November 7, 1997.

Hon. KENT CONRAD,
Hart Senate Building,
Washington, DC.

DEAR SENATOR CONRAD: The Standing Rock Sioux Tribe is in full support of the amendments to the Garrison Reformulation Act of 1986.

The Tribe especially appreciates the inclusion of the irrigation issues for the Standing Rock reservation and the \$200 million requested for water systems on the reservation.

The Tribe hereby acknowledges the efforts of all our representatives in Congress and will continue to endorse the North Dakota Congressional delegation with regards to Indian Affairs.

I was very grateful for the opportunity to represent my tribe by giving testimony on this very important piece of legislation. I look forward to a continued effort on both our parts to ensure the very best for our State and my Tribe.

Sincerely,

CHARLES W. MURPHY,
Chairman.

S. 1515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dakota Water Resources Act of 1997".

SEC. 2. PURPOSES AND AUTHORIZATION.

Section 1 of Public Law 89-108 (79 Stat. 433; 100 Stat. 418) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "of" and inserting "within";

(B) in paragraph (5), by striking "more timely" and inserting "appropriate"; and

(C) in paragraph (7), by striking "providing irrigation for 130,940 acres of land" and inserting "providing for the development of municipal, rural, and industrial water systems, ground water recharge, augmented stream flows, irrigation, and enhanced fish and wildlife habitat and other natural resources";

(2) in subsection (b)—

(A) by inserting ", jointly with the State of North Dakota," after "construct";

(B) by striking "the irrigation of 130,940 acres" and inserting "irrigation";

(C) by striking "fish and wildlife conservation" and inserting "fish, wildlife, and other natural resource conservation";

(D) by inserting "augmented stream flows, ground water recharge," after "flood control,"; and

(E) by inserting "(as modified by this Act)" before the period at the end;

(3) in subsection (e), by striking "terminated," and all that follows and inserting "terminated."; and

(4) by striking subsections (f) and (g) and inserting the following:

"(f) NONREIMBURSABILITY OF FEATURES.—All features constructed by the Secretary before the date of enactment of the Dakota Water Resources Act of 1997, including the Oakes Test Area, shall be nonreimbursable.

"(g) AGREEMENT BETWEEN THE SECRETARY AND THE STATE.—The Secretary shall enter into an agreement with the State of North Dakota providing for the operation and maintenance of the completed unit facilities and the design and construction of authorized new unit facilities by the State. The Secretary shall be responsible for the cost of operation and maintenance of the proportionate share attributable to the facilities which remain unused.

"(h) MITIGATION AND ENHANCEMENT.—The Secretary shall be responsible for operation, maintenance, and replacement of mitigation and enhancement measures associated with features constructed under this Act."

SEC. 3. FISH AND WILDLIFE.

Section 2 of Public Law 89-108 (79 Stat. 433; 100 Stat. 419) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "(1) If, before commencement of construction of the unit, non-Federal public bodies agree" and inserting "If non-Federal public bodies continue to agree"; and

(ii) by inserting "and the State of North Dakota" after "the Secretary"; and

(B) by striking paragraph (2);

(2) in subsection (d), by striking "Provided, That" and all that follows through "years";

(3) in subsection (e)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting "(1)" after "(e)";

(C) in the first sentence of paragraph (2) (as redesignated by subparagraph (A)), by striking "within ten years after initial unit operation"; and

(D) in the first sentence of paragraph (3) (as redesignated by subparagraph (A))—

(i) by striking "within ten years after initial operation of the unit."; and

(ii) by striking "paragraph (1) of this subsection" and inserting "paragraph (2) of this subsection"; and

(4) in subsection (j)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 4. IRRIGATION FACILITIES.

Section 5 of Public Law 89-108 (100 Stat. 419) is amended—

(1) by striking "SEC. 5. (a)(1)" and all that follows through subsection (c) and inserting the following:

"SEC. 5. IRRIGATION FACILITIES.

"(a) In addition to the existing 5,000-acre Oakes Test Area, the Secretary is authorized to develop irrigation in the following project service areas: Turtle Lake (13,700 acres) and McClusky Canal (10,000 acres). The Secretary may also develop 1,200 acres of irrigation in the New Rockford Canal Service Area provided that the Secretary also implements user fees for full reimbursement. The Secretary is prohibited from developing irrigation in these areas in excess of the acreage specified herein, except that the Secretary is authorized and directed to develop up to 28,000 acres of irrigation in other areas of North Dakota (such as Nesson Valley and Horsehead Flats areas), not located in the Hudson Bay, Devils Lake, or James River drainage basins.";

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively;

(3) in the first sentence of subsection (b) (as redesignated by paragraph (2)), by striking "(a)(1)" and inserting "(a)"; and

(4) in the first sentence of subsection (c) (as redesignated by paragraph (2)), by striking "Lucky Mound (7,700 acres), Upper Six Mile Creek (7,500 acres)" and inserting "Lucky Mound (7,700 acres) and Upper Six Mile Creek (7,500 acres), or such other lands at Fort Berthold of equal acreage as may be selected by the tribe and approved by the Secretary.";

SEC. 5. POWER.

Section 6 of Public Law 89-108 (79 Stat. 435; 100 Stat. 421) is amended—

(1) in subsection (b)—

(A) by striking "Notwithstanding the provisions of" and inserting "Pursuant to the provisions of"; and

(B) by striking "revenues," and all that follows and inserting "revenues."; and

(2) in subsection (c)—

(A) in the first sentence, by striking "any reallocation" and all that follows and inserting "section 1(e) shall not result in any reallocation of project costs and shall not result in increased rates to Pick-Sloan Missouri Basin Program customers."; and

(B) by adding at the end the following: "Nothing in this Act shall alter or affect in any way the current repayment methodology for other features of the Pick-Sloan Missouri Basin Program."

SEC. 6. MUNICIPAL, RURAL, AND INDUSTRIAL WATER SERVICE.

Section 7 of Public Law 89-108 (100 Stat. 422) is amended—

(1) in subsection (a)—

(A) in paragraph (3)—

(i) in the second sentence—

(I) by striking "The non-Federal share" and inserting "Unless otherwise provided in this Act, the non-Federal share"; and

(II) by striking "this section shall be 25 percent" and inserting "this section and section 8(a) shall be 15 percent";

(ii) by inserting after the second sentence the following: "The State may use the Federal and non-Federal funds to provide grants or loans for municipal, rural, and industrial water systems. The State may continue to use funds from repaid loans for municipal, rural, and industrial water systems."; and

(iii) by striking the last sentence and inserting the following: "The Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in the State of North Dakota shall be eligible for funding under this section."; and

(B) by adding at the end the following:

"(4) PROJECT FEATURES FOR RED RIVER VALLEY WATER NEEDS.—

"(A) REPORT ON RED RIVER VALLEY WATER NEEDS AND DELIVERY OPTIONS.—Not later than 90 days after the effective date of the Dakota Water Resources Act of 1997, the Secretary, acting through the Commissioner of the Bureau of Reclamation, and the State of North Dakota shall jointly submit to Congress a report on the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley. Such needs shall include, but not be limited to, augmenting stream flows and enhancing: municipal, rural, and industrial water supplies; water quality; aquatic environment; and recreation.

"(B) ENVIRONMENTAL IMPACT STATEMENT.—Not later than 180 days after the date of enactment of the Dakota Water Resources Act of 1997, the Secretary shall, in coordination with and with the concurrence of the State of North Dakota, prepare and complete a draft environmental impact statement concerning all feasible options to meet the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley.

"(C) PROCESS FOR SELECTION.—After reviewing the final report required by section 7(a)(4)(A) and complying with the requirements of section 7(a)(4)(B), and after consultation with the Secretary of the Interior, the Secretary of State, and other interested parties, the State of North Dakota in coordination with affected local communities shall select 1 or more project features described in section 8(a)(1) that will meet the comprehensive water quality and quantity needs of the Red River Valley. The Secretary is authorized and directed to enter into, within 180 days after the record of decision has been executed, agreements in accordance with sections 1(g) and 7(a) to construct the feature or features selected by the State.

"(D) WATER CONSERVATION PROGRAM.—Funds provided in section 10(b)(1) and funds provided in section 10(b)(2) to carry out section 8(a) may be used by the State to develop and implement a water conservation program. The Secretary and State shall jointly establish water conservation goals to meet the purposes of the State's program and to improve the availability of water supplies to meet the purposes of this Act. If the State

achieves the established water conservation goals, the non-Federal cost share established in section 7(a)(3) shall be reduced by 0.5 percent."

(2) in subsection (b)—

(A) in the first sentence, by striking the period at the end and inserting "or such other feature or features as may be selected under subsection (a)(4)(C).";

(B) in the second sentence, by striking "conveyance" and inserting "a project feature selected under subsection (a)(4)(C)."; and

(C) by adding at the end the following: "In addition, the costs of construction, operation, maintenance, and replacement of Northwest Area Water Supply Project water treatment facilities deemed attributable to meeting the requirements of the Boundary Waters Treaty of 1909 shall also be non-reimbursable."

(3) in subsection (c), by striking "and Fort Totten Indian Reservations" and inserting "Turtle Mountain (including the Trenton Indian Service Area), and Fort Totten Indian Reservations and adjacent areas"; and

(4) by adding at the end the following:

"(e) NONREIMBURSABILITY OF COSTS.—With respect to the Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in North Dakota, the costs of the features constructed on the Missouri River by the Secretary of the Army before the date of enactment of the Dakota Water Resources Act of 1997 shall be nonreimbursable."

SEC. 7. SPECIFIC FEATURES.

(a) IN GENERAL.—Section 8 of Public Law 89-108 (100 Stat. 423) is amended by striking "SEC. 8." and all that follows through subsection (a) and inserting the following:

"SEC. 8. SPECIFIC FEATURES.

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—The Secretary is authorized and directed to construct a feature or features to deliver Missouri River water to the Sheyenne River water supply and release facility or such other feature or features as are selected under section 7(a)(4)(C). The feature shall be designed and constructed to meet only the water delivery requirements of the irrigation areas, municipal, rural, and industrial water supply needs, ground water recharge, and streamflow augmentation (as described in section 7(a)(4)(A)) authorized in this Act. The feature shall be located, constructed, and operated so that, in the opinion of the Secretaries of the Interior and State, no violation of the Boundary Waters Treaty of 1909 would result. The Secretary may not commence construction on the feature until a master repayment contract consistent with the provisions of this Act between the Secretary and the appropriate non-Federal entity has been executed.

"(2) DEAUTHORIZATION OF LONETREE DAM AND RESERVOIR.—The Lonetree Dam and Reservoir is deauthorized, and the Secretary shall designate the lands acquired for the former reservoir site a wildlife conservation area.

"(3) The Secretary is authorized and directed to enter into an agreement with the State of North Dakota providing for the operation and maintenance of the Lonetree wildlife conservation area, the costs of which shall be paid by the Secretary.

(b) TAAZER RESERVOIR.—Section 8(b) of Public Law 89-108 (100 Stat. 423) is amended in the second sentence—

(1) by inserting "acting through the Commissioner of the Bureau of Reclamation" after "Secretary"; and

(2) by inserting "including acquisition through donation or exchange," after "acquire".

SEC. 8. EXCESS CROPS.

Section 9 of Public Law 89-108 (100 Stat. 423) is amended by adding at the end the following: "Upon transfer of the Oakes Test Area to the State of North Dakota, but not later than 1 year after enactment of the Dakota Water Resources Act of 1997, Federal funds authorized by this Act may not be used to subsidize the irrigation of any crop at the Oakes Test Area."

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of Public Law 89-108 (100 Stat. 424; 106 Stat. 4669, 4739) is amended—

(1) in subsection (a)—

(A) in the first sentence of paragraph (1), by striking "\$270,395,000 for carrying out the provisions of section 5(a) through section 5(c) and section 8(a)(1) of this Act" and inserting "to carry out section 5(a) \$84,200,000"; and

(B) in the first sentence of paragraph (2), by striking "5(e) of this Act" and inserting "5(c)";

(2) in subsection (b)—

(A) in paragraph (1), by inserting after the first sentence the following: "In addition to the amount authorized under the preceding sentence, there is authorized to be appropriated \$300,000,000 to carry out section 7(a)."; and

(B) in paragraph (2), by inserting after the first sentence the following: "In addition to the amount authorized under the preceding sentence, there are authorized to be appropriated \$200,000,000 to carry out section 7(c), to be allocated as follows: \$30,000,000 to the Fort Totten Indian Reservation, \$70,000,000 to the Fort Berthold Indian Reservation, \$80,000,000 to the Standing Rock Indian Reservation, and \$20,000,000 to the Turtle Mountain Indian Reservation. Also, in addition to the amount authorized under the first sentence of this subsection, there are authorized to be appropriated \$200,000,000 to carry out section 8(a).";

(3) in subsection (c)—

(A) by striking the second sentence and inserting the following: "In addition to the amount authorized under the preceding sentence, there are authorized to be appropriated \$6,500,000 to carry out recreational projects and, subject to section 11(a)(2), \$25,000,000 to carry out section 11. Of the funds authorized for recreational projects, up to \$1,500,000 may be used to fund a wetland interpretive center in the State of North Dakota.";

(B) in the last sentence, by striking the period at the end and inserting "(including the mitigation and enhancement features)."; and

(C) by adding at the end the following: "Expenditures for operation and maintenance of features substantially completed and features constructed before the date of enactment of the Dakota Water Resources Act of 1997, including funds expended for such purposes since the date of enactment of Public Law 99-294, shall not be subject to the authorization limits in this section. When the features authorized by section 8(a) are operational, a separate account in the Natural Resources Trust established in section 11 shall be established for operation and maintenance of the mitigation and enhancement lands associated with the unit.";

(4) in subsection (e), by striking "portion of the \$61,000,000 authorized for Indian municipal, rural, and industrial water features" and inserting "amounts under subsection (b)"; and

(5) by adding at the end the following:

"(f) **FOUR BEARS BRIDGE.**—There is authorized to be appropriated, for demolition of the existing structure and construction of the Four Bears Bridge across Lake Sakakawea within the Fort Berthold Indian Reservation, \$40,000,000."

SEC. 10. NATURAL RESOURCES TRUST.

Section 11 of Public Law 89-108 (100 Stat. 424) is amended—

(1) in subsection (a)—

(A) by striking "Wetlands" and inserting "Natural Resources";

(B) by striking "The amount of each such annual contribution shall be as follows:";

(C) by striking paragraphs (1), (2), and (3);

(D) by redesignating paragraph (4) as paragraph (1); and

(E) by inserting after paragraph (1) (as redesignated by subparagraph (D)) the following:

"(2) **ADDITIONAL FEDERAL CONTRIBUTION.**—In addition to the amounts authorized in the preceding subsection, the total amount of the Federal contribution pursuant to this Act is increased by \$25,000,000.

"(A) The amount of each annual Federal contribution authorized by this subsection shall be 5 percent of the total amount appropriated under section 10(b)(1) and under section 10(b)(2) to carry out section 8(a) of this Act.

"(B) The sums appropriated under section 11(a)(2)(A) shall not exceed \$10,000,000, subject to the provisions of section 11(a)(2)(C).

"(C) The remaining \$15,000,000 may not be appropriated until the features authorized by section 8(a) are operational and meeting the objectives of that section as determined jointly by the Secretary and the State.";

(2) in subsection (b), by striking "Wetlands Trust" and inserting "Natural Resources Trust"; and

(3) in subsection (c)—

(A) by striking "Wetland Trust" and inserting "Natural Resources Trust";

(B) by striking "are met" and inserting "is met";

(C) in paragraph (1), by inserting ", grassland conservation and riparian areas" after "habitat"; and

(D) in paragraph (2), by adding at the end the following:

"(C) The power to fund incentives for conservation practices by landowners."

SEC. 11. BANK STABILIZATION.

The Secretary of the Interior shall cause to be performed a review of the options for stabilization of the banks of the Missouri River downstream of the Garrison Dam in the State of North Dakota.

Mr. DORGAN. Mr. President, I rise today to introduce the Dakota Water Resources Act of 1997. I introduce this bill jointly with my colleague, Senator KENT CONRAD, while our colleague in the U.S. House of Representatives, Representative EARL POMEROY, will introduce an identical companion bill.

This bill is the most important piece of legislation I will introduce for my State. I say this because the key to North Dakota's future is economic development based on water resource management and development. And the key to water development in my State is the Dakota Water Resources Act.

Over 100 years ago, John Wesley Powell of the U.S. Geological Survey told the North Dakota Constitutional Convention that the State would have:

... a series of years when they will have abundant crops; then for two or three years they will have less rainfall and there will be failure of crops and disaster will come on thousands of people, who will become discouraged and leave. That is the history of those who live on the border between humid and arid lands.

Well, I want to let my colleagues know that what was true in 1889 is still

true in 1997. Thousands of people are leaving North Dakota for economic opportunity Denver, Minneapolis, and dozens of other places. Only 11 counties in North Dakota had population increases in the past decade. The root of the problem is the challenge of making a dependable living on farms in rural areas and of planning for a dependable economic future in major cities that do not now have reliable water supplies.

Before turning to the main features of the Dakota Water Resources Act, I thought my colleagues would find it useful to know how the stoppage of war supplies in 1943 brought us to introduction of this legislation in 1997.

KEEPING A PROMISE

This bill offers hope to North Dakotans that they will finally see the completion of a major Federal-State water development project that was promised over 50 years ago. The promise was that North Dakota would get a comprehensive water development project if it accepted a permanent Rhode Island-sized flood behind a dam built for downstream flood protection and generation of hydro-electric power primarily for out-of-State customers.

It all started in 1943 when a great flood on the Missouri River crippled the delivery to gulf ports of supplies for American troops fighting World War II. The Army Corps of Engineers and Bureau of Reclamation responded with the Pick-Sloan Missouri Basin Program to bring massive flood control with dams in the States of the Upper Missouri Basin. The dams were built under the authority of the 1944 Flood Control Act.

When the Garrison Dam and Reservoir were completed in 1955, North Dakota lost 550,000 acres of rich farmlands in the Missouri River Valley. The cumulative value of farming losses over several decades amounts to hundreds of millions of dollars. In addition, the State lost access to valuable coal and oil reserves. But the losses didn't stop here: valuable wildlife habitat, especially along game-rich river bottoms, also were lost.

In return, North Dakota expected to receive both a network of irrigation systems across the State to develop more than 1 million acres and access to reliable supplies of municipal, rural, and industrial water. The 1965 Reauthorization Act set the stage for the development of the Garrison diversion project. The project consisted of a network of canals throughout North Dakota to irrigate more than 250,000 acres. That plan eventually encountered some stiff opposition and had to be modified.

In 1986, I wrote the Garrison Diversion Reformulation Act to implement the Federal commitment to North Dakota in a way that addressed concerns raised about the project. That act provided substantial benefits to North Dakota, primarily in the form of water systems for nearly 200,000 North Dakotans in almost 100 communities. Three Indian reservations, with some of the

worst water in the State, have started to realize the Reformulation Act's promise of safe drinking water as they have completed the first phase of their own MR&I programs.

Experts from North Dakota State University have conducted valuable research at the Oakes test area, also authorized by the 1986 act, on alternative crops such as beans, onions, and carrots, which were not traditionally grown in our State. This research provided the basis for farming diversification that will benefit our economic future. With such research in hand, the State will be able to carry out agricultural development in five areas authorized by the new bill.

In addition, the 1986 act provided for the purchase of 23,000 acres of wetlands, grasslands, and woodlands for wildlife mitigation and enhancement and authorized development of the 5,000-acre Kraft Slough National Wildlife Refuge.

RETHINKING THE PROMISE OF WATER DEVELOPMENT

Despite the Garrison act's benefits, much of its promise remains unrealized. We still have not completed a means of meeting the water needs of North Dakota's most populous area, the Red River Valley with key cities at Wahpeton, Fargo, Grand Forks, and Grafton, ND. That act also included authorizations for agricultural projects that were deemed to be too costly or too environmentally disruptive to pursue.

So the bipartisan leadership of the State, including the Governor, the majority and minority leadership of the State legislature, and the congressional delegation embarked on an effort to complete the project in a way that could meet the tough tests of fiscal responsibility, environmental protection, economic opportunity, project completion, and statewide support.

I want to commend publicly the efforts of my two congressional colleagues, Senator KENT CONRAD and Congressman EARL POMEROY, as well as Gov. Ed Schafer, and the bipartisan leadership of the North Dakota Legislature—State Senators Gary Nelson and Tim Mathern, and State Representatives John Dorso and Merle Boucher—for their creative and tireless efforts to build a statewide consensus for a bill that meets those tests.

DAKOTA WATER RESOURCES ACT OF 1997

Before turning to those tests, let me summarize the key components of the bill and their benefits to North Dakota. The bill provides:

\$300 million for municipal, rural and industrial [MR&I] water systems in North Dakota;

\$200 million to meet the comprehensive water needs of the Red River Valley;

\$200 million for MR&I projects for four Indian reservations; \$40 million for construction of Four Bears Bridge across Lake Sakakawea;

\$25 million for a natural resources trust to preserve, enhance, restore, and manage wetlands and associated wildlife habitat, grasslands, and riparian areas;

\$5 million for recreation projects;

\$1.5 million for a Wetlands Interpretive Center in North Dakota;

Debt forgiveness for expenses associated with features of the Garrison project previously constructed with Federal funds, but which now will go unused, or only partially used;

Authorization for the state to develop water conservation programs using MR&I funding;

Authorization for a study of bank stabilization along the Missouri River below Garrison Dam;

Designation of the current Lonetree Reservoir as a wildlife conservation area;

A provision requiring the Federal Government to pay for operation and maintenance on mitigation lands;

A provision that "upon transfer of the Oakes Test Area to the State of North Dakota, but not later than 1 year after enactment of this Act, federal funds authorized by this Act may not be used to subsidize the irrigation of any crops at the Oakes Test Area";

A provision giving Indian tribes flexibility in determining irrigation sites within the reservations;

A provision that the bill will not result in any rate increases for power generated by dams on the Missouri River; and

Authorization for the following irrigation areas: Turtle Mountain—13,700 acres, McClusky Canal—10,000 acres, Missouri River Basin—28,000 acres, Stand Rock Sioux Reservation—2,380 acres, Fort Berthold Reservation—15,200 acres, and New Rockford Canal—1,200 acres, provided user fees pay for the cost of irrigation at this site.

THE DAKOTA WATER RESOURCES ACT MEETS THE TEST

Let me return to my prior thought and show how the Dakota Water Resources Act of 1997 meets the tests I noted before.

First, it is fiscally responsible because it cuts nearly \$200 million for irrigation projects and requires cost sharing by the State for the MR&I projects authorized by the bill. Further, it stretches Federal resources by allowing the State to make loans, rather than grants, under the MR&I program so that money can be recycled through a revolving fund and thereby benefit even more communities across the State. The MR&I programs for the State and tribes alike focus only on the highest priority water needs, which have been validated by the State Water Commission and the Bureau of Reclamation.

Second, the act provides substantial environmental benefits. It includes incentives for water conservation and the creation of a natural resources trust. The bill provides additional incentives for the State to establish and meet specified conservation goals. Also, it allows for the creation of a separate account in an expanded national re-

sources trust to maintain sensitive mitigation tracts. Perhaps more notably, the bill includes for the first time as one of the defined project purposes "enhancement of fish and wildlife habitat and other natural resources."

Let me share with colleagues a letter and statement from the professional wildlife managers and biologists, the North Dakota Chapter of the Wildlife Society, which explains their support for the new legislation. The Society said, in part, that:

We strongly believe the cooperative effort with the Congressional Delegation and North Dakota's state political leaders has strengthened the bill. Throughout this effort we have sought to develop legislation that benefits North Dakotans through water development and minimizes potential impacts to our state's natural resources.

I want to commend the North Dakota Chapter of the Wildlife Society for its strong and explicit support for this legislation. Its members, especially Mike Olson, Dick Kroger, and Bill Bicknell, have played a key role in developing this bill.

Third test: This bill meets a third test by providing much more for economic development than natural resource enhancement alone. Water is necessary for all life, but in the semi-arid Plains States, such as North Dakota, it is often difficult to find a reliable supply of water to meet the needs of growing population centers and agriculture. Moreover, even where water is available, it often is undrinkable.

I remember seeing a constituent from the Dickinson area hold a glass of what appeared to be tobacco juice only to be informed that it was tap water. Several communities in southwestern North Dakota, where I grew up, cannot even comply with Environmental Protection Agency [EPA] standards implementing the Safe Drinking Water Act. Western North Dakota communities clustered around Minot and Dickinson will gain the benefits of reliable drinking water supplies from the northwest area water supply and the southwest pipeline, which are authorized in this bill.

The Dakota Water Resources Act of 1997 will assure an adequate and dependable water supply for at least one out of three North Dakotans in urban, rural, and native American communities. It will also promote industrial uses in North Dakota for manufacturing and agricultural processing and target water delivery to five project areas for agricultural development. Finally, the bill will enhance recreation through projects such as a Wetlands Interpretive Center.

The fourth test this bill meets is project completion. A major provision of the bill is to allow the State to choose, in consultation with the Secretary of the Interior, how to meet the water needs of the Red River Valley—North Dakota's fastest growing region. The legislation will permit the State to either complete an existing water supply system or choose alternative methods to meet the comprehensive water