

Payment to Tennessee Valley Authority Fund

Amendment No. 29: Appropriations \$148,677,000 for payment of the Tennessee Valley Authority Fund as proposed by the Senate instead of \$146,177,000 as approved by the House.
Amendment No. 30: Reported in disagreement.

[From the Congressional Record, Aug. 2, 1970]

HOUSE COMMENCEES CONSIDERATION OF CONFERENCE REPORT ON
H.R. 4388 (AUGUST 1, 1970)

CONFERENCE REPORT ON H.R. 4388, ENERGY AND WATER
DEVELOPMENT APPROPRIATIONS, 1980

Mr. BEVILL. Mr. Speaker, I call up the conference report on the bill (H.R. 4388) making appropriations for energy and water development for the fiscal year ending September 30, 1980, and for other purposes.

The Clerk read the title of the bill.

The Speaker pro tempore. Pursuant to the provisions of clause 2, rule XXVIII, the conference report is considered as having been read. (For conference report and statement, see proceedings of the House of July 25, 1970.) [Actually, July 26, 1970.]

Mr. BEVILL. Mr. Speaker, the conference report on the 1980 energy and water development appropriation bill is a good report. I am pleased to recommend it to you today for your favorable consideration. Our colleagues will recall that the debate on this bill occurred in the House on June 14, 15, and 18, Mr. Speaker, you will recall that the House passed this bill by a substantial margin: 359 to 29.

Mr. Speaker, we held our conference committee meeting last Tuesday and the report was filed on Wednesday. I can report to you today particularly the Senator from Louisiana, Mr. Johnston, the chairman of the conference committee, and the Senator from Oregon, Mr. Hatfield, the senior minority member. I also want to thank the House conferees for their support and for their valuable participation during the conference deliberations.

Let me now turn to the various aspects of the conference agreement.

[From the Congressional Record, Aug. 2, 1970]

COMMENTS OF MR. BEVILL CONCERNING TELLICO DAM AND RESERVOIR

TELLICO DAM AND RESERVOIR

Mr. Speaker, the Tellico Dam and Reservoir project is 98 percent complete. Over \$110,000,000 has been spent on this project and despite the continued support of the Congress for this important project, the Supreme Court said last year that unless the language of Amendment No. 30 is enacted, this project cannot be completed. Congress has already considered the merits of the Tellico Dam. Last October, the

House of Representatives voted 231 to 157 to exempt Tellico from the Endangered Species Act.

It is foolish to talk about this issue as if the dam and the other structures do not exist. The work has been completed. This project will supply 20,000 homes with valuable electrical energy. The question is whether we are going to complete and use the project as designed so as to confer the valuable project benefits on the people of Tennessee or do we, in the words of Supreme Court Justice Powell:

... wish to defend an interpretation of the [Endangered Species] Act that requires the waste of at least \$53 million . . . and denies the people of the Tennessee valley area the benefits of the reservoir that Congress intended to confer.

Mr. Speaker, I have and intend to continue to support the principles of the Endangered Species Act. But I cannot and will not support a determination that requires a waste of taxpayers' money. It is well known that a small minority have sought to use the provisions of the Endangered Species Act to stop the Tellico project. I have not heard one word of opposition from the Members of the Tennessee delegation on this issue. They have been elected by the citizens of Tennessee to represent the public interest, and, as I understand it, they all support the project. At the appropriate time, I will offer a motion to insist on the House position on Amendment No. 30 to retain the Tellico language in the bill.

[From the Congressional Record, Aug. 2, 1970]

HOUSE CONSIDERATION AND ADOPTION OF MOTION THAT IT INSIST ON ITS DISAGREEMENT TO THE AMENDMENT OF THE SENATE NUMBERED 30 (CONCERNING TELLICO DAM AND RESERVOIR AND WHICH THE CONFERENCE COMMITTEE REPORTED IN DISAGREEMENT)

The Speaker pro tempore. The Clerk will designate the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 30: Page 31, line 8, strike out " : *Provided*, That notwithstanding the provisions of 16 U.S.C., chapter 35 or any other law, the Corporation is authorized and directed to complete construction, operate and maintain the Tellico Dam and Reservoir project for navigation, flood control, and electric power generation and other purposes, including the maintenance of a normal summer reservoir pool of 813 feet above sea level."

MOTION OFFERED BY MR. BEVILL.

Mr. BEVILL. Mr. Speaker, I offer a motion.
The Clerk read as follows:

Mr. Bevill moved that the House insist on its disagreement to the amendment of the Senate numbered 30.

PREFERENTIAL MOTION OFFERED BY MR. BREAUX

Mr. BREAUX. Mr. Speaker, I offer a preferential motion.
The Clerk read as follows:

Mr. Breaux moves that the House recede and concur in the amendment of the Senate numbered 30.

The SPEAKER pro tempore. Does the gentleman from Alabama wish to debate this amendment?

Mr. BEVILL. Yes, Mr. Speaker, I believe I am allotted 1 hour; is that correct?

The SPEAKER pro tempore. The rule would provide 30 minutes on the side. The gentleman from Alabama (Mr. Bevill) is recognized for 30 minutes.

Mr. BEVILL. Mr. Speaker, I do not think anyone who has been here for any length of time, who knows the record that I have tried to put together in this House, can in any way, shape, form, or fashion classify me as being a crazy environmentalist or some sort of nut when it comes to environmental issues. I have tried to amend the Clean Water Act, to amend the Clean Air Act; I am one of the major sponsors of efforts termed, "Rape, run, burn," which dealt with the State of Alaska. Coming from that background, I stand before the State and ask that we uphold the integrity of this House and the integrity of the legislative process, from the appropriations process. I make this motion to recede and concur in Senate amendment 30 in the State of Tennessee, but I do so in defense of the legislative process and the integrity of this House, which I think is at stake.

The issue here is very simple. Is it appropriate for the House to attach a rider on an appropriation bill which exempts the Tellico project in Tennessee from all laws? Not just on endangered species, but from all law; not just clean water laws or clean air laws, but all laws which might affect the operation; from dam safety laws, from all laws. The amendment was added late one Monday afternoon with about 40 seconds of debate. It was not printed in the Congressional Record. It was not read on the floor. It was not described, and it was not debated. I think that is a pretty smooth move, but one that I really do not think we should approve of.

I offer a preferential motion to recede from that position and to reinstate and give us a chance to vote against the Tellico Dam project. Let me explain something. All the Members have heard about the Tellico project. We voted on it many times. I, as author of this amendment, have voted to support the project, but I do not do it today because I think that if Members look at it from an economic standpoint it comes out as being a turkey; a turkey not only to us from an economic standpoint but as anything else.

The Endangered Species Act had become unworkable and unreasonable. I am on the committee that wrote that, but we made some changes in the last 2 years. We recommend that projects like the Tellico Dam and Grey Rocks project, a reservoir project, should be considered specially because they are very important projects, that we should have a mechanism to balance the economic value of that project without voting on a small darter or some other endangered species.

So this Congress by a large margin voted special amendments to the Endangered Species Act. We created a seven-man committee, a seven-person committee, to consider whether to give special exemptions to projects that have been found to be in conflict with the Endangered Species Act. We did it after we debated this issue for 13 days

in our committee process. We have created a seven-man committee. The committee has met. It included a member representing the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Council of Economic Advisers, the Administrator of EPA, the Secretary of the Interior, a member from NOAA, and a representative of the State where the project exists, the State of Tennessee. They unanimously—not by a close vote, not by almost doing it—every single member unanimously, after they listened to the merits of whether we should balance this thing economically, voted not to grant an exemption. That is what this House voted for. That is the process we voted for, and I think we should abide by it. We should not say we will go out and play baseball and then when we lose the game, say the answer to that is change the rules. That is not the rule. And also on this we should abide by the decision of the Endangered Species Committee.

It is not a question of whether it is the small darter or Tellico Dam. It is a question of the integrity of the process of this House. The committee has voted unanimously not to grant an exemption, and I do not think this House, the Congress, wants to be put in the position of every time we have a project having the House sit down and spend days debating the merits of it. We have created a special committee, a seven-man committee, and balanced it with environmentalists and people who believe in construction, and they came down unanimously with the decision that this is not a good project. I support that decision. If it was any other way, I would support it because I have voted for it on a number of occasions.

Some people have said, "Well, it is almost finished; let us go ahead and build it."

TV-A said, if you put a pencil to it, to the credit just to complete the remaining 10 percent, the benefits will justify the costs. That just does not wash.

I would just conclude with the fact that we have a process. This Congress has supported that process. Economically, the committee found that it does not wash. It is not a good project. The benefits already there can be used. There are basically roads, and there are structures that are going to remain after the process.

I say let us support the congressional process. Let us vote for the preferential motion I have offered.

Mr. McCOSKER. Mr. Speaker, my colleague, Ed Forsythe, ranking member of the Fish and Wildlife Subcommittee. He asked that I make this comment in support of the motion of the gentleman from Louisiana with which I concur. In 1979 the Committee on Merchant Marine and Fisheries conducted 13 days of oversight hearings on the Endangered Species Act, primarily because of the Tellico Dam and the small darter controversy.

As a result of these hearings, the Congress approved legislation providing for more balance in the Endangered Species Act. The Tellico Dam project was considered under the new criteria of the act and it was determined by the newly created Endangered Species Committee that the benefits associated with completing the project did not outweigh the economic and environmental disadvantages of the project. The Representative from Tennessee who sat on the Endangered Species Committee concurred. A report prepared by the General

Accounting Office supports the conclusion of the committee that benefits of the Tellico Dam will not be proportionate with the project costs.

Despite this overwhelming evidence the House adopted an amendment exempting the Tellico Dam from the Endangered Species Act and from several other statutes including the Federal Water Pollution Control Act, the National Historic Preservation Act, acts regulating dam safety, and the Fish and Wildlife Coordination Act. The House took this action after 42 seconds of consideration during which the amendment was not fully read let alone debated. In addition, the amendment violated the House rules on germaneness as legislating in an appropriations bill.

I might add that I was present on the floor when the amendment was offered by the gentleman from Tennessee, considered as read, quickly accepted by both the majority and minority floor managers without any discussion or debate that would reveal that we were voting the refunding of the controversial Tellico Dam and setting aside five major Federal laws in the process.

The word "Tellico" was the key word in this amendment. It has been under consideration by this House and its committees. I want to submit to my friends on the Committee on Appropriations that this does attack the integrity of the House proceedings. I would not want to come to you with a Fish and Wildlife bill with an agreement that the gentleman from New York (Mr. Murphy) and I had agreed on. I think we all understand the danger of condemnation from the public if we adopt without reading an amendment of this degree of controversy.

I would plead with the members of the Committee on Appropriations that they vote in favor of this motion that we set aside the process by which that amendment was adopted for the substantive reason that the economic and environmental costs of the Tellico Dam outweigh its benefits, and for the procedural reasons that the amendment in question was not understood nor fully considered by the House, and it was also in violation of the House rules as being nongermane. I urge the adoption of the gentleman's motion.

Mrs. BOUVARD. Mr. Speaker, I rise in favor of the motion made by the gentleman from Alabama.

Mr. Speaker, there are several important facts which must be fully understood if we are to make the proper decision on the completion of the Tellico Dam. First of all, I have had any number of public meetings, discussions and debates with those both supporting and opposing the completion of this project. My very strong impression, reinforced time and again in public forums, is that the majority of people in this area support the completion of the project.

A second fact, we are not now discussing whether or not to build a dam on the Little Tennessee River. The dam is built. The amount of \$103.2 million of the TVA's ratepayers money has been spent. If the project does not go forward the \$103.2 million is a total loss.

A third fact, when this project was initiated there was no Endangered Species Act. If there had been, I doubt we would be facing this question again today, but the fact is that the dam was constructed in accordance with the existing laws and regulations.

A fourth fact, this project will produce some 200 million kilowatt hours of electricity each year. This is a sufficient amount to provide

electrical energy for 20,000 homes. To meet peak demand of this amount at the present time TVA burns about 15 million gallons of oil. With completion of the project that oil could be diverted to better purposes. The value of that electricity at today's TVA rates is \$2.7 million. Given the probability of TVA rate increases this summer and fall, the value of that electricity will almost certainly exceed \$3 million by the end of this year. Given the environmental advantages of hydroelectric power, completion of the project will contribute to both clean air and clean water goals.

A final fact, though my list is by no means inclusive. If anyone wonders what has become of our friend the snail darter in this controversy, you might like to know that the present snail darter population in the Little Tennessee River is seven. Some 2,500 of the progeny of the 710 who transplanted in this new habitat last year now survive in the Hiwassee River. A second transplant has been made to the Holston River.

Now my colleagues, if you can, with a straight face, answer that you are willing to write off \$103.2 million in expended dollars, and give up some \$3 million worth of electricity a year in order to protect the continued existence of seven snail darters, then I think your constituents would want you to oppose this motion. If on the other hand, your district demands of you a certain amount of fiscal responsibility and common sense, then I believe you have no alternative but to support our colleague from Alabama, complete this project, and move on to the more crucial business of this House.

Mr. Mraz of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. Evans).

(Mr. Evans of Delaware asked and was given permission to revise and extend his remarks.)

Mr. Evans of Delaware. Mr. Speaker, I rise in support of the motion by the gentleman from Louisiana (Mr. Breaux) to recede and concur with the Senate on the matter of the Tellico Dam exemption contained in the House version of the energy and water appropriations bill.

There are two issues at stake here. First, should the Tellico Dam be exempted from the Endangered Species Act and other Federal laws so that construction may proceed? Second, should we breach the integrity of the Endangered Species Act as amended only last year, and indeed, tamper with the very rules of the House of Representatives? I will not consider the issue of the Tellico Dam here in detail, except to say that from what I know of the project it does not make economic sense. Entirely apart from small darters and the like, it is my understanding that recent studies by the Tennessee Valley Authority and others indicate that a developed river—without a dam—has greater economic potential in terms of jobs and revenues than does a damned river and reservoir.

My fundamental concern, however, is in the integrity of the legislative process. As a member of the Merchant Marine and Fisheries Subcommittee on Fish and Wildlife Conservation, I participated in the careful and thorough evaluation of the Endangered Species Act in the 96th Congress.

Our subcommittee and committee reviewed the act in detail, and, in the end, we settled on a process which carefully balanced economic and environmental interests. The keystone of these revisions was the

establishment of a process by which any project could be considered for an exemption by a Cabinet level review committee. The Tellico Dam project was considered by this committee, and by unanimous vote the exemption was denied.

Now for the proponents of the Tellico project to turn around and come back to Congress for additional consideration strikes me as "sour grapes." I repeat, the Tellico Dam had its day in court and it was found wanting.

Not only did the Tellico proponents come back to Congress for an exemption, but it was done so in a mere 40 seconds of discussion on the floor of the House. Nobody knew what was happening, and in the process, two Rules of the House were violated—germaneness and legislating in appropriation bills.

Mr. Speaker, this is not the way to conduct the business of the House. We established a fair process for considering exemptions to the Endangered Species Act, a process specifically intended to relieve the Congress from the burden of having to review case-by-case exemptions. It is time we reaffirmed our faith in the integrity and wisdom of that process—and in the procedures of the House—by adopting the motion to reject an exemption for the Tellico Dam.

The Senate has twice defeated a motion to grant a Tellico Dam exemption. I urge my colleagues to join with the Senate on this matter and give the Endangered Species Act a chance to work. Otherwise, we make a mockery of the legislative process.

Mr. DINNER. Mr. Speaker, I thank my dear friend for yielding to me.

Mr. Speaker, it is appalling to me that the House must again take its time and resources to debate an issue that was put to rest in the 95th Congress. The special body that was constituted by a special act of this Congress to deal with exemptions has said that the Tellico Dam should be laid mercifully to rest on grounds that it has no economic merit. I believe that that judgment having been made we should stand with it. I think we should certainly not overrule that on the basis of an amendment adopted without proper notice to the House and under circumstances where its germaneness is open to very serious question and where that action of the House constituted legislation on an appropriation bill.

Mr. Speaker, the issue before us today was the result of an amendment adopted on the basis of 40 seconds of discussion on a proposal that was neither printed in the Congressional Record, fully read, described nor debated. The adoption of the amendment violated the House rules of germaneness and legislating in an appropriations bill. The Members of this body have an institutional responsibility to reject this language.

The issue of the Tellico Dam has been resolved. It was put to rest in the 95th Congress during the extensively debated amendments to the Endangered Species Act. The 1978 amendments to that act created, as one of the provisions, a seven-member Exemption Board to make case-by-case determinations relative to project exemptions from the Endangered Species Act. The Tellico project was given full and thorough consideration by this Board—and an exemption was not granted. Now, we have been asked to overrule that judgment on the

basis of an amendment that was adopted under the most questionable circumstances.

On the substance of completing the Tellico Dam, there have been several misleading statements regarding the efficacy of completing the dam and the aggregate benefits which would accrue by removing environmental and other constraints currently impeding its completion.

It has been represented that it has taken \$111 million to construct the Tellico Dam. This is simply not true. TVA figures indicate the dam cost \$13.8 million in materials and \$8.7 million in labor totaling \$22.5 million. The major expense of this questionable project was in the purchase of 60 square miles of private farmland and in the construction of roads.

It has also been represented that the completion of the Tellico Dam would constitute a viable and substantial source of hydroelectric power to the TVA system. This statement is not factual. The primary purpose—in the initial construction of the project—was for recreational purposes. The dam has no generators and the only power that could be generated by Tellico would be 22 megawatts produced by water flowing through a small barge canal. Compared to the existing 27,000 megawatt electrical capacity of TVA and the projected capacity of 42,000 megawatts by 1985—it is insignificant.

Tellico has already been condemned by the seven-member Endangered Species Exemption Committee because of its very poor benefit-cost ratio and absence of contribution to a worthwhile purpose.

The amendment should be stricken from this conference report and I urge my colleagues to support the Breaux motion.

I urge my colleagues not to negate the excellent work of this body during the 95th Congress. I move that we take immediate action to rid the House of the albatross of Tellico Dam and defeat this amendment.

Mr. COVTE. Mr. Speaker, I rise in opposition to the chairman's motion to insist on the House position with respect to amendment No. 30. I believe the House language pertaining to the Tellico Dam which is the subject of amendment No. 30 sets a bad legislative precedent and only serves to illustrate how desperate the backers of this project must be to see it brought to completion. I cannot believe that those who support this amendment would want to see this same language uniformly applied to all water projects.

Last year, as a result of the Supreme Court decision relating to the Tellico Dam and the Endangered Species Act, this body passed a bill which later became law establishing a Cabinet-level review committee to weigh the value of preserving endangered species against the economic and social benefits of development projects. Now just a year later, the Tellico Dam question is again before us in spite of the fact that the review committee that we ourselves established has rendered a negative decision on Tellico. If it was not our intention to abide by the reasoned decisions of this review committee, why in the world did we establish it in the first place?

The fact of the matter is that this Cabinet-level committee which included a representative of the Governor of Tennessee reviewed the Tellico Dam project very carefully and after reviewing all the facts this committee voted unanimously that the project simply could not be

justified on economic grounds. I call your attention to a letter recently sent to the Speaker by Secretary Andrus who chaired that seven-member committee. The Secretary states that among other things influencing their decision the committee found that:

First. The annual cost of the project exceeded its annual benefits; Second. The dam would not meet even Bureau of Reclamation standards for dam safety since the dam would not be able to contain the maximum flood thought probable to occur; and

Third. Any electricity produced would be an indirect benefit of the additional waterflow created by the dam and would not add to the capacity of the TVA system.

What concerns me the most at this time, however, is not whether the small darter would become extinct as a result of this project or even whether the project is economically justified. What concerns me the most now is the manner in which the proponents of this project have proceeded through the language of this amendment to try to force this project down the throats of the American people. We have absolutely no sound basis on which to overturn the decision of the Cabinet-level committee we ourselves had established to resolve this matter and neither can I think of a single good reason why this Congress should summarily exempt a water project from all statutory requirement, which is what the language of amendment No. 30 does.

Whether or not this language was originally added to the House-passed bill in the "dead of the night," as some have euphemistically called the proceedings that occurred, it is true that this amendment was not published and was not read in its entirety before being quickly agreed to by the committee. The experience in the other body was just the opposite. The amendment was presented and thoroughly debated and, in the subsequent recorded vote taken, the amendment was defeated. I think we should move to recede and concur to the Senate on amendment No. 30, thereby abiding by the decision reached by the Cabinet-level committee, a decision process we ourselves agree was fair.

Mr. Speaker, I want at this point to read a letter from the Secretary of Interior to the Speaker.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., July 23, 1979.

Hon. THOMAS P. O'NEIL, Jr.,
Speaker, U.S. House of Representatives, Washington, D.C.

Dear Mr. Speaker: I understand that the House of Representatives will soon be considering the conference report on H.R. 4388, the Energy and Water Development appropriations bill. On behalf of the Administration, I wish to express our grave concern over the House language which specifically exempts the Tellico Dam from the Endangered Species Act and all other provisions of law. I understand that because the conferees reported this provision in technical disagreement, the House will be considering it separately from the rest of the conference report.

Last year Congress directed a special seven-member Committee, which I chaired, to determine whether the dam should be exempted from the Endangered Species Act. In doing so, we were directed to balance the project's economic and related benefits against the benefits of reasonable and prudent alternatives which are consistent with conserving the small darter, which would become extinct if the dam is completed. After due consideration, we found that Tellico does not meet the criteria set forth by the Congress and that on the basis of economic considerations alone, the project is not justified. In fact, when the committee compared the full range of project benefits against only the remaining costs of completing the Tellico Dam (\$35.9 million), we found that the costs of the project exceed its benefits.

We also found:
The annual benefits of the project are \$6.52 million, compared to annual cost of \$7.25 million.

Although project costs to date total \$103.2 million, only \$22.5 million has been sunk into actual construction of the dam. Remaining expenditures were for salaries, land acquisition, road construction and the like, most of which have produced or will produce benefits regardless of whether the dam is completed.

Tellico does not meet current Bureau of Reclamation standards for dam safety. In its 1978 report TVA states that the maximum design flood is larger than the maximum flood that can be contained by the dam. That is, in the event of such a flood, the dam would be overtopped and breached, resulting in more significant destruction than if the dam had not been built. Furthermore, for less severe floods, flood control benefits are slight, totalling \$1.04 million annually, and a substantial portion of these benefits can be achieved by other means, such as local zoning.

Although project proponents claim substantial energy benefits for Tellico, actual benefits total only \$2.7 million annually and are based on the cost saved by substituting 200 million kWh of hydroelectric power for power which would otherwise be generated by TVA's existing coal fired and nuclear facilities. The dam itself has no generators but rather creates water flow to provide additional generation for the nearby Fort Loudon Dam. This electricity is not available as peaking power and does not add to the capacity of the TVA system.

Although approximately one third of annual project benefits (\$2.5 million) are justified on the basis of flat water recreation, there are twenty-four other such sites located within a sixty mile radius of the dam. In addition, annual recreation benefits of the free-flowing river alternative exceed those of the dam by \$600,000.

Creation of the Tellico reservoir would tie up approximately \$40 million in private land values, resulting in an annual loss of \$1 million in benefits from alternative land uses.

Contrary to the claims of project proponents, the small darter transplant into the Hiwassee River has not yet been determined to be successful. Based on the most recent surveys, the river's population of the fish is down from a year ago. An additional problem is posed by the rail transport of sulfuric acid in the Hiwassee River gorge since, according to the TVA report, a large acid spill could conceivably decimate the Hiwassee small darter population.

In addition to the serious economic problems I have described, the Tellico amendment to H.R. 4388 overturns the deliberate and thoughtful processes designed by Congress to deal with conflicts between endangered species and development projects. Moreover, it creates a most serious and undesirable precedent of summarily overturning all statutory requirements relating to the construction of a water project.

Given the uneconomic nature of the Tellico project and the other factors cited above, I intend to urge the President to veto the Energy and Water Development appropriations bill if the language on Tellico remains in the bill, and I urge you to recede and concur with the Senate's position on this matter.

Sincerely,

CECIL D. ANDRUS,
Secretary.

Mr. Speaker, Mr. Speaker, I would like to commend the gentleman. I think the gentleman in the well has pointed out the importance of trying to focus attention on negative aspects of the Tellico Dam. It is one of several bad dam projects throughout our Nation that should be not constructed. I think the gentleman makes some very cogent points by detailing the strong objection of Cecil D. Andrus, Secretary of the Interior, to this project.

I hope that the Members of the House have read the "Dear Colleague" letters that have been circulated on this issue and that we can resolve it once and for all tonight.

I would also hope that the President would veto this bill as suggested in the July 23, 1979, letter to House Speaker Thomas P. O'Neill, Jr., by the Secretary of the Interior.

Mr. DEAN of Tennessee. Mr. Speaker, the Tellico Dam has had a long and a colorful history. Its construction has always been a part of the overall plan for the Tennessee River. In 1965 and 1966 the Congress held hearings on the proposal and because of the support and merit of the project, funds were appropriated and have since been appropriated by every succeeding Congress, including the Congress in 1968. In fact, funds were approved by the Senate and House in 1978 for the closure and completion of the dam which may I say only cost \$1,800,000 to close the dam.

Funding was first approved by the Congress on September 21, 1966, by vote of 351 to 25.

I doubt there is more than two or three Members still in the House that voted against the project funds in 1966.

Those who voted for the project in 1966 and also in succeeding appropriations through the years exercised good judgment.

Mr. Speaker, I know that Congress is not in the habit of starting and funding and stopping projects it does not want to construct. This is why most of the present membership has expressed its desire that the project be completed.

On October 14, 1978, on a rollcall vote of 231 to 157 the House approved an amendment to exempt the Tellico project from the Endangered Species Act. Because the 95th Congress was close to adjournment the Senate did not accept the amendment.

Mr. Speaker, I would now like to talk about the Endangered Species Committee that was appointed. The committee was not properly appointed and, in fact, the Tennessee member was not appointed as required under the act until 1 day after the hearings were held in Tennessee by hearing officers. Neither the Tennessee member lives in the area nor has the Tennessee member or any member of the Endangered Species Committee visited the eastern part of Tennessee where this dam lies. I personally asked them to do so.

Mr. Speaker, the entire committee is still a complete stranger to the local community and its situation. Because of alleged illegal functions of the committee and its failure to disclose vital information, it is now the subject of a lawsuit that is pending in the U.S. Sixth Circuit Court of Appeals in Cincinnati.

This project is in my district. Mr. Speaker, and if I did not think it was a good project and justified I would not be here today advocating its completion.

The gentlewoman from Tennessee (Mrs. Bonquard) has mentioned how it would have saved her home in 1973 if the project had been completed at that time. At that time it had been stopped because of an environmental statement.

Mr. Speaker, I have on several occasions survived the public opinion on the Tellico project. In March 1977, I sent a one-question questionnaire to the three counties directly affected by the Tellico Dam, the Counties of Monroe, Loudon, and Blount.

Of those who responded 1,537 were for completion of the dam and 116 were opposed.

In 1977 the Tennessee General Assembly by almost unanimous vote, and again in 1978, passed a joint resolution advocating completion of the project. When the project was first approved there was not a handful of opposition. After the project was started some opposition did

develop but much of it was outside the area. The opposition first tried the route of the environmental impact statement. They were thwarted in this attempt by the Federal courts in Knoxville and although they did bring about some delay, and I did mention the case where the gentlewoman from Tennessee (Mrs. Bonquard) lost her home. I would like to call your attention to three letters that have for some reason been hidden until yesterday. The TVA requested three Federal agencies to review this project and they received reports and may I ask did the Endangered Species Committee include these reports in their report? Absolutely not. Did they ask for them?

They were from the Department of Energy Western Area Power Administration, the Department of Transportation and the Department of State's Agency for International Development. I would like to include these letters in the Record. They are as follows:

OFFICE OF THE SECRETARY OF TRANSPORTATION,
Washington, D.C., October 17, 1978.

Mr. S. DAVID FREEMAN,
Chairman, Office of the Board of Directors, Tennessee Valley Authority, Knoxville, Tenn.

Dear Mr. FREEMAN: We appreciate having had the opportunity to review the joint Tennessee Valley Authority (TVA) and Department of Interior (DOI) report on the status of, and the available options, on the Tellico Dam project. We regret that our comments could not be made available within your suggested time frame but are submitted since your conclusions are not yet final.

We found the report to be most interesting and consider that it carefully balances the opposing possibilities of further development. However, we believe the substantial evidence of support by public officials including the U.S. Congress, the Governor of Tennessee and the Tennessee State legislature, when considered along with the potential economic benefit of completing the original project, is persuasive of the view that the project should be completed. We consider that the problem of danger to the Small Darter is being adequately addressed and that a habitat can be developed in which that species can exist.

While the project has had a contentious history, present evidence appears to provide a basis for a decision to complete the project.

RAY WARNER, Director,
Office of Intergovernmental Affairs.

DEPARTMENT OF ENERGY,
Golden, Colo., October 6, 1978.

Mr. S. DAVID FREEMAN,
Chairman, Office of the Board of Directors,
Tennessee Valley Authority, Knoxville, Tenn.

Dear Mr. FREEMAN: Thank you for the invitation to review your draft report "Alternatives for Completing the Tellico Project." We wish to present the following comment for the official record.

We note that Congress approved the initial appropriation of funds for the Tellico Project in 1966. Currently construction of the project as originally planned is 83 percent complete. Expenditures and obligations through May 1978 have totaled \$100,000,000. Costs for completion of the original project are estimated as \$19,400,000. Additional spillway capacity to handle a new inflow design flood as computed by the USBR would cost an additional \$12,500,000.

New evidence indicates the Small Darter fish can survive and reproduce in the Hiwassee River where it was transplanted in 1976. If additional studies prove that the Tennessee River would no longer be critical habitat, then the Small Darter could be removed from the endangered species list and reservoir development could proceed.

The report also shows that reservoir development has a superior benefit-cost ratio. Although it stated that "benefit-cost comparisons often have been compromised by the unevenness and unreliability of benefit forecasts," the proven and predictable benefits of clean hydro-power generation are apparent.

Since the oil embargo of October 1973, the National oil consumption has risen above pre-embargo levels despite a 75 percent increase in the retail price of gas-

line. Oil imports have risen to the point that they total 43 percent of the oil consumed in this country, causing the attendant problems of inflation, balance of payment deficit, and weakening of the dollar abroad.

Our experience indicates that the demand for hydro-power resources in the Western Area Power Administration marketing area increases as the availability of nonreplacable oil and gas fuel resources for electric generation decline. The development of new hydro-power resources and their integration with thermal generation provides a desirable and efficient use of the resources available for electric power production.

We trust the Small Darter will be removed from the endangered species list, or other suitable solutions will be found and, therefore, support the alternative for reservoir development and early completion of the Tellico Project.

Sincerely,

ROBERT L. McPHAIL,
Administrator.

DEPARTMENT OF STATE,
Washington, D.C., September 20, 1978.

Mr. S. DAVID FREEMAN,
Chairman, Office of the Board of Directors,
Tennessee Valley Authority, Knoxville, Tenn.

Dear Mr. FREEMAN: Governor Gilligan has asked me to review and comment on the draft Alternatives for Completing the Tellico Project, submitted with your letter of August 16, 1978.

The draft report establishes the baseline of evaluation of available options as the present condition of the Tellico project. Therefore the broad consideration as to whether it is more beneficial to complete the project as planned, complete and operate it purely as a flood control facility or remove it.

On balance the difficult areas of judgment are the soft, unquantifiable areas such as the cultural, aesthetic and historical. These are highly personal and subjective. The report seems to give greater weight to these factors than would appear appropriate considering the present condition of the project and its history, including the extensive debates conducted in the region and in the Congress before construction started in 1967.

While the report was prepared jointly by TVA and Interior, the Interior team did not include water resources experts from the USGS and the Bureau of Reclamation.

Our overall assessment supports the reservoir alternative based on the following considerations:

Agricultural benefits and programs can be achieved reasonably with any of the alternatives. The reservoir option providing flood protection and water management for supplemental irrigation should provide greater overall benefits for agriculture. While the land used for the reservoir is indeed the prime quality land, it is a small portion of the prime and good agricultural land available in the immediate and down stream area.

The reservoir option offers a better mix of opportunities including industrial and other development. Water transport and a power dimension are increasingly valuable in view of energy requirements. The multi-objective potential of this option is superior to the other options.

Most of the cultural and educational objectives can be adequately achieved with the reservoir option. The one constraint in educational and historical activities which cannot be entirely met is in the actual location of reconstructed and restored facilities on the exact original site. There is considerable disagreement on the critical value of this.

There is no guarantee that the small darter would survive if nothing in its habitat were changed. The fact that reproduction at another site seems to be proceeding successfully supports this doubt. There is no evidence to indicate any economic or ecological benefit to be derived from protecting the small darter from extinction. NEPA has definite economic objectives and considers the harmonious interaction of man and his environment important.

The benefit-cost evaluations show a smaller spread in calculated benefits for the reservoir option indicating a better basis for these values. The cost of removing the dam is greater than that required to complete the reservoir, while the reservoir option yields a higher benefit-to-cost ratio.

Sincerely yours,

FRANK A. DIMARTINO, P.E.,
Director, Office of Engineering.

Mr. Speaker, there are hundreds of people including this Member who believe that the small darter thrives and reproduces in many streams and rivers in Tennessee, Kentucky, North Carolina, and elsewhere. From June 1975 to February 1976, 710 small darters were transferred from the Little Tennessee River to the Hiwassee River. In August 1978, a survey of the Hiwassee population reveals a present population of over 2,500 small darters.

A second transplant is being successfully carried out now in the Holston River while the population of the Little Tennessee has declined and perhaps the Tellico project has aided the survival of the small darter by removing it to a free-flowing river. The Little Tennessee River was never a free-flowing river, regardless of what the Secretary might have said.

Mr. Speaker, the Little Tennessee has not been a flowing river since about 1917. The return of the Little Tennessee River to a free-flowing stream would require not only the removal of the Tellico Dam but would require the removal of 4 other dams as well. I hope we will not overlook the human considerations of this controversy. Should a worthless, unsightly, minute, inedible minnow outweigh a possible injustice to human beings?

A great deal has been said about farmland.

Mr. Speaker, the land has already been sold. The farmers do not own the land. They have given up their homes and their land for the projects. Roads have been taken out and homes have been demolished. The bridges are out. The topsoil has been taken off the land that the water will cover. Stumps and debris have been put in the area preparing it for flooding when the dam is closed.

Mr. Speaker, even if the original owners could repurchase their land they would perhaps be financially unable to do so. Would it be just and right to sell the land to other prospective land purchasers? Should it be sold in international land sales as has been suggested? The U.S. Government promised these people a dam and a reservoir. Now, the people wonder whether they have surrendered their homes for nothing, whether they have been duped by a government that says one thing and does another.

Have the taxpayers paid their taxes to build a project that is being terminated after the expenditure of millions of dollars and there is no validity to the fact that you do not count the wages paid to the wage earners as part of the cost of a project? That is the way, I suggest, some Government agencies figure their costs of certain projects. Mr. Speaker, the people feel betrayed. It is a case of abandoned promises, of raised expectations ending in disappointment.

Mr. Speaker, I feel that the Congress will right this wrong. The money has been spent and estimates given in 1977 showed that removal of the dam would cost over \$16 million and because of inflation that estimate, without doubt, today, is conceivably more.

Mr. Speaker, the President has sounded the call for nonpetroleum energy sources as the gentlewoman from Tennessee (Mrs. Bonquard) stated. The project will produce 200 million kilowatt hours of electricity per year, enough electricity to furnish heat for 20,000 homes.

Mr. Speaker, there have been some direct and implied statements that the amendment to H.R. 4388, authorizing the completion of the dam was something that happened in the late hours of the day

when few Members were present. That is an incorrect statement. The House was full of people. The statement also reflects against the credibility of the chairman of this committee, the gentleman from Alabama (Mr. Beville), and the ranking minority member, the gentleman from Indiana (Mr. Myers), and also this Member.

I think all of us know who these men are. We know they are men of highest credibility and highest integrity.

Mr. Speaker, the amendment was distributed through this House. It was on the table Friday before it came up on Monday and if we knocked out everything that this House when minority and majority agree to accept certain amendments, we would certainly have a lot less laws today than we now have on the books.

It was handled in a proper manner, and, as I say, the entire Tennessee delegation supports this. It is not like Dickey-Lincoln. If they do not want a dam up there, that is all right with us.

But we do support this, and we want the Government to do what they said they would do and not let the judgment of the Congress be transferred to some hasty committee that failed to give consideration not only to the Congress but also to the people of our area.

Mr. QUINN. I want to associate myself with the remarks of the gentleman from Tennessee (Mr. Duncan), and I commend him for the very fine statement he has made.

When we look at this realistically, it seems absurd certainly to have a little 3-inch snail darter stop the completion of a dam in which the taxpayers have already invested over \$100 million. I made that point in the Committee on Rules when the extension of the Endangered Species Act was before us last year. I had a goldfish there which I had sent out for and bought, a small goldfish, and I put it in a pitcher and displayed it in front of me. I held it up for all to see in the committee, and I said, "A fish this small is stopping the construction of this dam, the Tellico Dam."

Where are our priorities, and what should we do? The gentleman from Tennessee (Mr. Duncan), in whose district the dam is located, has explained the situation and has put forth a good statement. I believe we all should support his views.

Mr. Speaker, I thank the gentleman for yielding.

Mr. WARRER. Mr. Speaker, I think the gentleman from Tennessee (Mr. Duncan) has very ably described the situation that is before the House tonight. Approximately one-third of the congressional district that I represent lies within the watershed of the Tennessee Valley.

I have followed the history of this project with great interest, and the Committee on Appropriations has considered this matter very carefully. It seems to me they have given it fair and adequate consideration. As we are grasping for solutions to the critical energy problem facing our Nation this very night, it seems to me that only common sense would dictate that we proceed with the completion of this project, so that it can serve the purposes for which it was originally envisioned, and for which it has been constructed.

Mr. Speaker, I urge all my colleagues to vote no on the motion to

recede and concur and support the committee's position.

Mr. DUNCAN of Tennessee. Mr. Speaker, I urge all of my colleagues to support the Committee on Appropriations.

Mr. Myers of Indiana. Mr. Speaker, terms like "Tellico" and "Dickey-Lincoln" have become household words in this House. Some of us feel like we have been up and down this path so many times, we have the merits and the arguments committed to memory.

The impression has been left here today—and it comes from statements made in the other body as well as from other sources—that the amendment offered in the House a few weeks ago on this bill was passed in the dark of the night, in violation of House rules. That was not the case.

During the proceedings today on the Emergency Energy Conservation Act of 1979, this same procedure was used four times. I refer to accepting language that was not read. It is a common practice. It was not done for the purpose of misleading our colleagues because most of us understood the language. The gentleman who spoke earlier suggests that we somehow violated the rules of the House. I am sorry if he had that impression because it was not intended.

Mr. BEAUX. Mr. Speaker, does the gentleman mean to give the House the impression that in four instances where the amendments were not read, in all four instances the amendments were not germane to the bill, as was the case in this instance?

Mr. MYERS of Indiana. Tellico Dam was initiated in 1967. Would the gentleman agree with that?

Funds were appropriated by the Congress for the construction of the Tellico Dam in most of the subsequent years. Congress intended that the project be constructed.

Mr. BEAUX. Mr. Speaker, the real point on the amendment that was adopted was the fact that it exempted the Tellico Dam from all laws. I am sure the members of the Committee on Appropriations did not consider that to be appropriation language. It was a major exemption for the dam that was added to comply with all the laws of the United States of America.

That very much tends to sound like authorizing language to the gentleman from Louisiana.

Mr. MYERS of Indiana. Mr. Speaker, the House adopted an amendment to the endangered species authorization to exempt Tellico from the endangered species laws. The vote was taken on October 14 of last year.

Mr. Speaker, the Record had not been printed before the conferees from this body cavied in to the other body and took that language out. It had passed this House rather substantially last fall. It is not something new to this body.

I would also like to point out that this project was started long before the Endangered Species Act was passed. It was about the same time we started construction here on the Washington subway, and because it was already under construction, it was grandfathered in. It was exempted from the Endangered Species Act provisions. So there is a good case there, and there are many precedents.

Mr. Speaker, Griffin Bell, the Attorney General, appeared before the Supreme Court last year and said that Congress time after time had expressed its intention that the Tellico Dam should be completed. The Supreme Court invited this amendment. It was done in the open; it was not done in the dark of the night. It is common procedure. We did

proceed under the normal rules and customs of the House, and we merely responded to the invitation by the Supreme Court that Congress should act in this fashion if it wanted the reservoir to be completed.

Over \$117 million has been appropriated to date. It will take just a very small sum to finish this project.

Mr. Speaker, I will state to my friends that the issue, frankly, is not one of jurisdiction. The issue is whether we want to see \$117 million of our taxpayers' money wasted with absolutely no benefits. The Court has cited in the dissenting views that it would be a waste of money. They were sure that Congress would see fit to insure that the dam is completed because not to do so would be a waste of the taxpayers' funds.

So that is the issue today. We can disguise it if we want to and say it is a jurisdictional problem, but the real issue is: Shall we waste the taxpayers' money, or shall we give the people of Tennessee the benefits from the investments that have already been made?

Mr. BEVILL. Mr. Speaker, I will make this brief. We have been through this several times. This project, the Tellico Dam, was stopped because of a small darter that was placed on the endangered species list.

I would like to point out, as the Members know, we supported it and voted for the Endangered Species Act. You and I supported that act. It is a good act. We are not apologizing for the Endangered Species Act, but you and I may disagree on how it is being interpreted.

That is the issue here today. The people in Tennessee want this dam completed. Every Member of the Tennessee delegation has signed a letter to me urging its completion. All eight House Members from Tennessee signed the letter. They want the dam completed. Are we going to stand here and argue about jurisdiction in this situation?

Let us talk about the small darter a little bit. I met Friday with the TVA biologists, who are favorable to the small darter. We paid \$850,000 for a report on the small darter and the studies that have been made. We paid for moving the small darter from the Little Tennessee River, where the Tellico Dam is, to the Hiwassee River. This effort has been going on now for about 3 years. We are spending money to protect the small darter. That is what the people want. They want the small darter protected. I do and you do, and we have protected it. The small darter is safe.

Let me tell you what it says in this study:

The small darter we are transplanting were seined from the Little Tennessee River. A total of 710 small darters were transplanted to three sites in the Hiwassee. Periodic surveys of the areas where transplants were made show that the darters remain in good condition. Observation of young small darters one year later indicates successful reproduction and recruitment in the Hiwassee. This strengthens confidence that the future of the small darter can be assured.

Let me turn to another statement. This is the biologists' report, the biologists who have followed the small darter all the way through this issue.

Two years of successful reproduction and juvenile recruitment in the Hiwassee River shows the transplant to be successful to this time. There is no reason to believe that the Hiwassee River small darter population will not be a self-sustaining population.

We have done our duty. We have taken care of the small darter. We have moved it. Actually, it is doing better now than it was doing in the Little Tennessee River. They told me last Friday that there were thousands of them now in the Hiwassee River. They moved 710 over there, and now there are thousands. So the small darter is taken care of. I know people are very sincere about this. The Secretary of Interior has been quoted tonight. He testified before my committee. He said, "We know that the Endangered Species Act is being used by some people." That was his testimony, and it is in the record.

We know that is taking place. You and I know that.

So we have a small dam here. Maybe you will say, "That is not much oil that it will save." The undisputed testimony shows that the water from this dam will go to the hydroelectric plant down below it and will provide heat for 20,000 homes.

What we have is a project that is 99 percent complete. The people want it. The people of Tennessee want it. You hear these folks who are opposing it, and making all this noise. You do not hear that from the people in Tennessee. So we need to move on. We have \$100 million invested in this project, and I do not think that you and I want it to be a monument to this Congress action, against the will of the people of Tennessee, against the delegation, the elected representatives of the people of Tennessee, who want this project completed. The small darter is safe. Now let us make some energy.

The Members heard the gentlewoman from Tennessee talk about her home being washed away because of the floods that could have been prevented. So, we know we need the energy; we know we need the flood control; we know that the industrial park is important; we know that the recreation part of it is important. We could go over these points too. But this is essentially an energy project. We must start taking these things more seriously. Actually, we are doing just as the Supreme Court of the United States suggested we do. They said, "If Congress wants it, they ought to provide for it." That is what the gentleman from Tennessee provided for in his amendment.

Mr. RUTHER. Mr. Speaker, I would like to commend the gentleman from Alabama (Mr. Beville) for his remarks and I would like to point out that the President, in his domestic policy review of solar energy, talked about reaching a 20-percent goal by the year 2000. The Members may not realize this, but in that 20 percent he included hydroelectric, he included both "low-head" and "high-head"—hydro; yes, he included energy generated by hydroelectric dams, big and small.

It is indeed hard to link hydroelectric with solar energy. But nevertheless that is part of the overall energy equation whether as part of "solar energy" or not. That is part of the ability of this country to reduce its dependence on imported energy. Now we are going to have to explain to the American people all over this country how \$100 million of the taxpayers' money has been spent and wasted, how a small darter, which has now been taken care of, shifted into other hospitable waters, still can gum up the works. We are going to have to explain to the American people how we cannot even get our act together to go ahead with an energy producing dam that is 99 percent complete. Is it any wonder that the American people's confidence in its leadership is so low? I think those Members who vote against this Tellico Dam com-

pletion will have a very rough time explaining this waste to their constituents at a time of severe energy shortage and a need to move forward.

Mr. BEVILL. I thank the gentleman for his contribution.

Mr. REED. Mr. Speaker, I would like to associate myself with the very fine remarks of the distinguished gentleman in the well. This dam provides energy, it provides flood control, it enhances navigation on the river, and it provides recreation, all beneficial to humankind and the citizens of this country, and I see no reason why a small darter that does not even provide food for humankind should be under consideration at this time.

I hope that this motion will be defeated.

Mr. McCLOSKEY. Mr. Speaker, I think the gentleman in the well mistakes the purpose of this motion. I think many of us might agree, as the gentleman who made the motion did, with the merits of the Tellico Dam. But I ask the gentleman, is not this in fact legislation on an appropriation bill? And I have heard the gentleman on countless times, and the rest of us who are not on the Appropriations Committee have tried to respect this process, because we do not think we should legislate on an appropriations bill. But the way this amendment was adopted, and the amendment itself, would not the gentleman concede it is major legislation to set aside five major laws to give this dam an exemption? That is our objection. Not on the merits that the gentleman has powerfully argued, but the question of whether or not on an appropriation bill there ought to be major legislation enacted without warning to the other Members of the House.

Mr. BEVILL. Mr. Speaker, you could argue that issue on nearly every bill that comes to this floor. If we do not quit talking about jurisdiction, this country is going to be on its knees with respect to energy. This amendment was handled properly. I did not offer it, I accepted it. The gentleman from Tennessee offered the amendment. Three hundred Members were sitting there. Nobody questioned it.

Mr. McCLOSKEY. I was sitting in the front row.

Mr. BEVILL. The gentleman was sitting in the front row. And that was the time to object under our rules. The gentleman knows that.

But let us not stop there. The gentleman knows that we voted 231 to 157 to continue this project last year.

Mr. BEARD of Tennessee. Mr. Speaker, it befuddles my mind that we continue to talk about technicalities such as legislation on an appropriation bill. I wish the Members of this House would take the time or, if they have not seen it, call for a copy of the GAO report that has been done on the enforcement and the implementation of the Endangered Species Act. If the Members did this they would see that you can throw technicalities to the wind, because the endangered species and the activation of the implementation of this Act has been an absolute and total disaster and insult to the integrity of this body as to the direction this body gave it in starting this bill.

The report shows how, on different projects, they turned their head the other way because a particular Member happened to be on a particular committee that could prove embarrassing if they placed this particular endangered species on the list. So, therefore, the head was turned the other way. It just so happens, apparently, the Member of

this particular district did not happen to be on the right committee and, therefore, because of connections here and there, the snail darter was placed on it, with no priority, and this project has been stopped. It fulfilled every environmental responsibility when it was initiated. I ask every Member of this House, the way the Endangered Species Act was originally written, under suspension, with approximately 45 minutes of debate, talking about the coyote and the elephant, or whatever, some of the big items, never some of these other ones talked about, 45 minutes of debate. And I want to tell every Member here that each one of you could have had a project that had fulfilled every environmental requirement in this country, it could be 2 years down the road to the project having been completed, and it could have been stopped the way the bill was written. That is what happened here. It was a terrible piece of legislation the way it was written. Intent was good; the legislation and the interpretation by the Department enforcing it was absolutely an embarrassment, and some heads should roll.

So I say to this body and I plead with this body to look at this and to correct this terrible injustice and vote to exempt the Tellico Dam.

Mr. BEARD. Mr. Speaker, I would like to suggest that everyone take a look at the letter by Cecil Andrus that is dated July 27, which was read by my colleague, the gentleman from Massachusetts (Mr. Conte). I happen to support the amendment offered by the gentleman from Louisiana (Mr. Breaux), and I would suggest to the House that this particular dam should be looked at under the regular authorizing process and not put into this legislation at this time.

I would hope that this bill is not vetoed by the President because this amendment is included.

I would like to just say one thing that disturbs me in this debate. We are talking about the Endangered Species Act, and we are talking about its implementation, whether we are for it or against it, and the way it is processed.

I was disturbed by one of the statements of one of the gentlemen from the other side who said that just because this snail darter is small, it somehow is insignificant.

If you look at the human race in comparison to the universe, we are small, and we are insignificant. I think most of us would agree that we have a right to exist on this particular planet. There is a very delicate interface in the world in which we live in terms of environmental species.

I think that, while you may not like the looks, the shape or the size of the snail darter, it has a right to exist.

I draw your attention to Cecil Andrus' letter, where he states specifically that, contrary to claims of the project proponents, the snail darter's transplant into a separate river has not yet been determined to be successful.

Mr. WIRTEN. May I say, we had Mr. Andrus before our Committee on Appropriations. He agreed with us that this act was not supposed to be used to stop projects, that one could meet the requirements of the act if one transferred the endangered species to new areas.

That occurred in the State of Mississippi. They moved the whooping crane so as not to stop a highway. Mr. Andrus' testimony was, if we did what was done here, it was all right. Mr. Andrus proved it by his

own action in going along with Highway 10 in the southern part of our State.

Mr. Brevitt. I thank the gentleman for his contribution. I urge my colleagues to vote "no" on the preferential motion of the gentleman from Louisiana (Mr. Breaux).

Mr. Speaker, I yield back the balance of my time.

The Speaker pro tempore. The question is on the preferential motion offered by the gentleman from Louisiana (Mr. Breaux).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. Breaux. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The Speaker pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 156, nays 258, not voting 20, as follows:

[Roll No. 4251]

YEAS—156

Addabbo	Emery	Long, Md.
Ambro	Erdahl	Lowry
Anderson, Ill.	Evans, Del.	Landline
Andrews, N.C.	Fazio	McCluskey
AuCoin	Fennick	McDade
Barnard	Ferraro	McHugh
Barnes	Fish	Maguire
Beard, R. I.	Flaher	Markey
Bell	Fiorio	Markes
Bellenson	Foley	Mattau
Blagel	Ford, Mich.	Mattor
Bligham	Fowler	Mikniski
Blanchard	Frost	Milky
Boulter	Fuqua	Miller, Calif.
Bonker	Gibbons	Mintab
Brademas	Gillman	Mitchell, Md.
Breux	Gingrich	Mitchell, N.Y.
Brothead	Ginn	Moakley
Brown, Calif.	Gradsion	Moffett
Burton, John	Green	Motti
Burton, Phillip	Guarini	Nedzi
Carr	Hall, Ohio	Nelson
Chabholm	Harkin	Nolan
Clay	Harris	Oberstar
Cleveland	Hawkins	Oney
Conte	Heckler	Ottinger
D'Amours	Hechler	Patterson
Deckerd	Hollenbeck	Paul
DeJums	Holtzman	Pease
Derrick	Hughes	Petri
Derwinski	Jacobs	Peyster
Dicks	Jeffords	Preyer
Dingell	Kastenmeier	Pritchard
Dodd	Killdeer	Pursell
Donnelly	Klindness	Rangel
Downey	Kortmayer	Ratchford
Drinan	LaFalce	Reuss
Earty	Lee	Richmond
Edhardt	Lehman	Rinaldo
Edgar	Leland	Rodino
Edwards, Calif.	Levitas	Rosenthal

YEAS—Continued

Russo	Solari
Sabo	Spellman
Sawyer	St Germain
Schauer	Stack
Schroeder	Stewart
Seiberling	Stokes
Sensenbrenner	Studds
Shannon	Swift
Simon	Udall
Skellon	Van Deerlin
Snowe	Vanik

NAYS—258

Abdnor	Corcoran	Hamilton
Akaka	Corman	Hammer Schmidt
Albosta	Cotler	Hance
Alexander	Coughlin	Hanley
Anderson, Calif.	Courter	Hansen
Andrews, N. Dak.	Crane, Daniel	Harsba
Annunzio	Crane, Phillip	Hefel
Anthony	Daniel, Dan	Hightower
Applegate	Daniel, R. W.	Hillis
Archer	Danielson	Hinson
Ashbrook	Dannemeyer	Holt
Ashley	Daschle	Hopkins
Aspin	Davis, Mich.	Horton
Atkinson	Davis, S.C.	Howard
Badham	de la Garza	Hubbard
Bafalis	Devine	Huckaby
Bailley	Dickinson	Hutto
Baltus	Dixon	Hyde
Bauman	Dorman	Ichord
Beard, Tenn.	Dougherty	Jefries
Benjamin	Duncan, Oreg.	Jenkins
Bennett	Duncan, Tenn.	Jenrette
Bernter	Edwards, Ala.	Johnson, Calif.
Bethune	Edwards, Okla.	Johnson, Colo.
Bevill	English	Jones, N.C.
Boggs	Erlenborn	Jones, Okla.
Boland	Ertel	Jones, Tenn.
Boner	Evans, Ind.	Kazen
Bouquard	Fary	Kelly
Bowen	Fascell	Kenp
Brinkley	Findley	Kogovsek
Brooks	Fithian	Kramer
Broomfield	Filippo	Lagomarsino
Broyhill	Ford, Tenn.	Latva
Buchanan	Fountain	Leach, Iowa
Burgener	Frenzel	Leach, Ia.
Burison	Gardos	Leath, Tex.
Butler	Gephardt	Lederer
Byron	Gialino	Lent
Campbell	Glickman	Lewis
Carmy	Goldwater	Livingston
Carter	Gonzalez	Lloyd
Cavanaugh	Goodling	Loeffler
Chappell	Gore	Long, Ia.
Cheney	Gramm	Loft
Clausen	Grassley	Lujan
Clinger	Gray	Luken
Coebo	Grisham	Lungren
Coleman	Gudger	McClory
Collins, Ill.	Guyer	McDonald
Collins, Tex.	Hagedorn	McEwen
Conable	Hall, Tex.	

NAYS—Continued

McKay	Quillen	Steed
Madigan	Hobball	Stenholm
Marriott	Italsinck	Strockman
Martin	Regula	Stratton
Mathis	Rhodes	Stump
Mayrowles	Ritter	Synms
Mazzoli	Roberts	Synms
Mica	Kohinson	Tauke
Michel	Roe	Taylor
Miller, Ohio	Rose	Thomas
Mina	Rosenkowsk	Thompson
Mollohan	Roth	Traxler
Montgomery	Rousslet	Tribe
Moore	Roybal	Tillman
Moorhead, Calif.	Royer	Vander
Moorhead, Pa.	Rudd	Walker
Murphy, N.Y.	Runnels	Wampler
Murphy, Pa.	Santini	Warkins
Martha	Satterfield	White
Myers, Ind.	Schulze	Whitehurst
Myers, Pa.	Sebelius	Whitley
Natcher	Sharp	Whittaker
Neal	Shelby	Whitten
Nichols	Shurway	Willson, Bob
Nowak	Shuster	Willson, C. H.
O'Brien	Slack	Wilson, Tex.
Oakar	Smith, Iowa	Winn
Panetta	Smith, Nebr.	Wright
Pashayan	Snyder	Wyatt
Patten	Solomon	Yatron
Perkins	Spence	Young, Alaska
Pflichte	Stagers	Young, Fla.
Price	Stangeland	Young, Mo.
Quayle	Stanton	Zablocki

NOT VOTING—20

Bolling	Garcia	Stark
Brown, Ohio	Holland	Treen
Conyers	Ireland	Volkmer
Diggs	McKinney	Williams, Ohio
Evans, Ga.	Marlenee	Wyder
Flood	Murphy, Ill.	Wylie
Forsythe	Pepper	

The Clerk announced the following pairs:

Messrs. Traxler, Atkinson, Abdnor, Mazzoli, and Krogovsek changed their vote from "yea" to "nay."

Messrs. Wirth and Beard of Rhode Island changed their vote from "nay" to "yea."

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

[From the Congressional Record, Sept. 10, 1979]

SENATE CONSIDERATION AND ACCEPTANCE OF THE CONFERENCE REPORT EXCLUSIVE OF AMENDMENTS IN DISAGREEMENT, INCLUDING THAT CONCERNING THE TELlico DAM AND RESERVOIR

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1980—CONFERENCE REPORT

Mr. JOHNSON, Mr. President, I submit a report of the committee of conference on H.R. 4388 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Bradley). The report will be stated. The second assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4388) making appropriations for energy and water development for the fiscal year ending September 30, 1980, and for other purposes, having met, after full and free conference, have agreed and do recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

Mr. JOHNSON, Mr. President, this is the Energy and Water Resources conference report. The conference report is totally noncontroversial. The bill originally passed the Senate by a vote of 90 to 6 and passed the House of Representatives by a vote of 359 to 29.

I contemplate very shortly making my statement for the Record and asking approval of the conference report.

There are two important amendments in disagreement which will be voted on separately by the Senate. One is the Hart Building because the House approved the Senate action on the Hart Building after reducing the amount as approved by the Senate. I will plan shortly to ask for concurrence in the House amendment because, as a matter of fact, the House did precisely what I as chairman of the Building Committee had recommended in the first place. I think it was very sound action.

Second, we will have a vote on the Tellico Dam, which is, of course, controversial and will be debated.

But the conference report itself, for which we will shortly ask approval, is totally noncontroversial.

Mr. President, this is the conference report on H.R. 4388, the energy and water development appropriation bill for fiscal year 1980. The House of Representatives agreed to the conference report on August 1, and I hope that the Senate will clear this measure this afternoon in order that the bill can be sent to the President immediately.

Mr. President, inasmuch as the conference report has been available since July 25—both the printed report and in the Congressional Record, I will only give a brief summary of the conference action in settling the differences between the House and the Senate.

As recommended by the committee of conference, the conference agreement provides \$10,586,475,700 in new budget (obligational) authority for the fiscal year 1980, including the amount of \$57,480,700 for the Hart Senate Office Building. This amount for the Hart Building was changed slightly by action of the House and I will move that the Senate concur in the House amendment.

For the energy and water development appropriation bill items, the agreement would provide a total of \$10,798,995,000, an amount which is \$30,020,000 less than the bill as passed by the Senate, and \$113,065,000 more than the bill as passed by the House. The conference agreement is \$195,497,000 less than the President's budget estimates submitted for our consideration. I want to emphasize that this is almost a \$200 million reduction from the amounts requested in the President's budget.

The conference agreement provides \$6,488,874,000 to the Department of Energy for various research and development programs and other activities. Of this amount, \$3,061,828,000 is for energy supply