

NAYS—Continued

McKay	Quillen	Steed
Madigan	Hobball	Stenholm
Marriott	Itallinack	Strockman
Martin	Regula	Stratton
Mathis	Rhodes	Stump
Mayrowles	Ritter	Synms
Mazzoli	Roberts	Synms
Mica	Kohinson	Tauke
Michel	Roe	Taylor
Miller, Ohio	Rose	Thomas
Mineia	Rostenkowski	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

R. & D. programs; \$171,000,000 is for general science and research; and \$2,959,396,000 is for atomic energy defense activities.

Mr. President, I would also point out that the conference report includes \$620,870,000 for solar energy development and applications; \$149,202,000 for geothermal energy, \$18,324,000 for small-scale hydroelectric; and \$355,405,000 for fusion energy. There is also provided \$669,919,000 for the breeder reactors program, although there are no funds in this bill for the Clinch River breeder reactor demonstration project. Funds are also provided for continuing work on other nuclear fission activities including funds for the continuation of the program for the storage of spent nuclear fuel.

Both Senate and House Appropriations Committees have made clear that they expect a vigorous effort by the administration to have one or more away-from-reactor (AFR) storage facilities in being by 1983.

The funds provided by the conference agreement will permit the administration to move forward with this effort. The administration can and should study possible regional AFR sites, hold public hearings in States with existing or proposed AFR sites and negotiate with owners of existing AFR sites to determine the availability of these sites.

In addition, the conference agreement provides \$5 million for plant and capital equipment spending for an AFR facility. This will enable the administration to continue developing site suitability data and to allow design work to proceed to a degree sufficient to prepare licensing documents, to prepare and submit the licensing and licensing support documents and to prepare procurement packages for long lead items which are on the critical path such as high density storage racks. These activities are essential if storage requirements predicted for 1983 are to be met.

The conference agreement for title II of the bill—which is the civil works program of the U.S. Army Corps of Engineers—is \$2,795,926,000. Of this amount \$1,467,566,000 is for the construction, general appropriation; \$210,515,000 for the Mississippi River and tributaries flood control program; and \$848,500,000 for operation and maintenance. The recommendations for each project and activity are included in the conference report.

Mr. President, for title III, the Bureau of Reclamation the conference agreement contains \$607,341,000 for the important water development projects and activities in the 17 Western States.

For title IV, independent agencies, the agreement provides a total of \$906,854,000, including an amount of \$359,490,000 for the Appalachian regional development programs; \$363,340,000 for the Nuclear Regulatory Commission \$148,677,000 for the Tennessee Valley Authority and \$34,614,000 for the Water Resources Council.

Mr. President, there were a number of typographical and printing errors in the conference report as printed in the Congressional Record and an error in the slip copy of the report. The House managers brought these errors and corrections to the attention of the House as listed on page H7211 of the August 2, 1979 Congressional Record, and I will not repeat enumerating these items now corrected.

Mr. President, the Senate amendment numbered 30 relative to the Tellico Dam-snail darter controversy and Senate amendment num-

bered 37 regarding the Hart Senate Office Building were reported by the conferees outside of the conference report and will require separate, further action by the Senate in light of the House action. These matters will be pending immediately after action on the conference report.

Mr. President this is a good conference report, and I take this opportunity to express my thanks and appreciation to the Senate conferees, particularly the distinguished Senator from Oregon (Mr. Hatfield) who is the ranking minority member of the subcommittee. I would also like to express our appreciation and warm regards to the able and effective gentleman from Alabama, Mr. Beville, chairman of the House conferees, and to the House conferees. It is our good fortune and pleasure to work with these fine gentlemen and ladies of the House and Representatives and to be able to settle our differences in an amicable fashion and with a minimum of disagreement.

Mr. HARTFIELD. Mr. President, I support the adoption of the conference report on H.R. 4388, making appropriations for energy and water development. The bill provides \$10,798,995,000 for these purposes, approximately \$195,000,000 below the President's budget for fiscal year 1980. I believe this is a reasonable and prudent amount that will allow us to expedite action on necessary projects without unduly fueling inflation through increased Federal spending.

I am especially pleased with the initiatives the bill takes in renewable forms of energy development and hope that we can continue to make progress in this important area. I should also point out that the bill contains no money for the Clinch River breeder reactor pending resolution of that issue in the authorizing legislation. I certainly hope we will vote to terminate that outmoded project and move away from what I consider to be a dangerous and unnecessary technology.

That concludes my remarks, Mr. President except to again express my appreciation to the subcommittee chairman, Mr. Johnston, and the staff for their work on this bill.

Mr. DOMENICI. Mr. President, at this time I take the opportunity to express my sincere gratitude to the Energy and Water Development Subcommittee for their responsiveness to the many pressing issues facing our Nation and my State of New Mexico. The bill contains funding for several extremely important projects in my State, and I appreciate the committee's attention to these matters. I think that they have done a fine job with this bill.

Mr. JOHNSTON. Mr. President, unless there are any questions or any one desires further discussion, I move the adoption of the conference report.

Mr. CULVER. Mr. President, reserving the right to object, I address this question to the manager of the bill: I gather that the pending motion is—

Mr. JOHNSTON. The pending motion is to adopt the conference report.

Mr. CULVER. Procedurally, what will come subsequent to that?

Mr. JOHNSTON. Matters in disagreement are outside the conference report, so the Senator from Iowa is not foreclosed on the conference issue by the adoption of the conference report.

Mr. CULVER. And the Senator from Louisiana is not foreclosed.

Mr. JOHNSON. Neither of us is foreclosed. That is correct. It is completely outside the conference report.

Mr. CLEVELAND. I thank the distinguished floor manager.

Mr. JOHNSON. Mr. President, I yield back the remainder of my time on the conference report.

Mr. HAYFIELD. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. TSONGAS). Without objection, the conference report is agreed to.

(From the Congressional Record, Sept. 10, 1979)

SENATE CONSIDERATION AND ADOPTION OF A MOTION TO REVEAL FROM ITS AMENDMENT NO. 30 (AND ACCEPT THE HOUSE LANGUAGE)

Mr. JOHNSON. Mr. President, I move that the Senate recede from its amendment numbered 30. This is the Tellico Dam amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Resolved, That the House insist upon its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill.

Mr. JOHNSON. Mr. President, I yield 5 minutes to the distinguished Senator from Tennessee.

Mr. SASSER. I thank the distinguished Senator from Louisiana for yielding.

Mr. President, I do not intend to take much of the Senate's time. Most of us know the issues involved here. There has been a great deal of rhetoric—both pro and con. But the basic facts remain.

As a member of the Appropriations Committee, my main concern is that we do not waste the taxpayer's money.

I say to my colleagues that the question before the Senate today is not an environmental question—it is an economic question. I direct the attention of Senators to the factsheet that has been placed on their desks. As can be seen from the picture, Tellico Dam is built—it is an existing structure. The entire project is 95 percent complete. More than \$111 million has been appropriated by Congress for this project since 1967.

If this body does not agree to the House amendment, these funds will go down the drain. In addition, it would cost the taxpayers another \$23.4 million to tear down the project we have already spent \$111 million to build. I do not think the American people want us to do that.

What are the environmental considerations of this project? The Tellico opponents say we must halt the Tellico Dam and tear it down because the snail darter must be saved.

So, what about the snail darter—a fish barely larger than a paper clip with an adult weight of only 5 grams? It has been listed as an endangered species under the Endangered Species Act. Now, I support the Endangered Species Act and have voted for it in the Chamber. A majority of the House and Senate supports the intent of this act—important species must be protected and maintained.

But I say to my colleagues that we are not faced with a decision whether or not to save the snail darter. The Tellico Dam is built on

the Little Tennessee River in my State. The snail darter is already dying out in that river. Officially the Tennessee Valley Authority has stated that there are only 100 snail darters left in the Little T. But I am told by local officials that the last time the TVA sent divers down to count the snail darter population they could not find any—so the snail darter may already be extinct in the Little Tennessee River. So the logic of saying that the Little T is critical to the survival of the snail darter escapes me.

To those who are concerned with saving the snail darter, I want to ease your mind right here and now—the snail darter is being saved. It is alive and well. Four years ago 700 snail darters were transplanted to the Hiwassee River. Today the snail darter is thriving in the Hiwassee. The 700 which were transplanted have reproduced and now number at least 2,500 and possibly as many as 3,000. So it is clear that a new habitat for the snail darter has been established in the Hiwassee River. The Little T, where the Tellico is built, apparently is no longer suitable for the snail darter.

In addition there have been reports that the snail darter is living in other bodies of water. The mayor of Sparta, Tenn., has reported that the snail darter lives in the Calfkiller River near his town. A Kentucky biology teacher has said that the snail darter is living in a river in his State.

Mr. President, the Endangered Species Committee, which was created by Congress to review conflicts arising from projects and endangered species, failed to exempt Tellico from the Endangered Species Act. Now I would think that the Endangered Species Committee reviewed this controversy very carefully and with great deliberation, just as the Congress has carefully considered this project and approved it for the past 12 years. But I am sorry to report to the Senate that the Endangered Species Committee failed to take an objective look at the situation. The Endangered Species Committee reviewed the matter only 15 minutes before making its decision. Furthermore, that committee condemned the Tellico project without even visiting the site. In fact, I am advised that no member of that Committee has visited the Little Tennessee River as it exists today.

The Endangered Species Committee made its decision based not on environmental issues but economic issues. Actually the committee made its decision not on the basis of sound economics, but rather by some creative accounting. The Endangered Species Committee would lead us to believe that the Tellico Dam project does not have a favorable benefit-to-cost ratio. The fact is the benefit-to-cost ratio has been calculated to be well above unity at 2.3 or 2.6 to 1. It is my understanding that there are several dozen other projects in this bill before us which have benefit-to-cost ratios much less than the Tellico benefit-to-cost ratio. So, Tellico Dam is an economic project. But the Endangered Species Committee would lead us to believe otherwise.

The Endangered Species Committee also said that if the Tellico Dam were to meet Bureau of Reclamation standards, another \$14.5 million would have to be spent on the spillway. But Tellico is a substantially completed Tennessee Valley Authority dam, not a Bureau of Reclamation dam. And Tellico meets the spillway standards set by the TVA. In addition, I would pose the question: Why does not