

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, 1970)

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

the Bureau of Reclamation go back and redesign its own dams that are already built and substantially completed? The Endangered Species Committee is saying to the TVA that it should comply with the guidelines of another agency. But that other agency is not going to the extreme suggested for Tellico. But the Endangered Species Committee does not tell us that.

Now, there are those who will say that since the Endangered Species Committee has made its decision, we should abide by it; that the Congress should let its own creation work its will. But I say to those who hold this opinion, that when Congress approved the Endangered Species Committee, this body did not abdicate its legislative responsibilities. It is clear the Endangered Species Committee did not make a thorough and objective review of this matter, therefore Congress must act.

Mr. President, I would like to mention one other benefit from the Tellico project before yielding the floor. This project will lead to the generation of electricity for 20,000 homes. I think all of us agree that this Nation is energy short. We should not turn our backs on any readily available energy source. Stop this project and destroy Tellico Dam and you are shutting off electricity to a town the size of Reston, Va.

Mr. President, the amendment of the House is a logical, sensible approach to ending this ridiculous impasse. The Supreme Court in its opinion invited the Congress to have the final say. Let us agree with the House and put this issue behind us so this body can get on with more important legislation.

Mr. President, the Tellico Dam is a reality. It exists. It has the almost unanimous support of the people of the area, as has been pointed out by the distinguished chairman of the subcommittee, Senator Johnston. We have already spent \$111 million on this project already; it would cost another \$24 million to tear it down. Provision has been made for the snail darter—it is thriving in another habitat. I think the mood of the American people is clear—do not waste our money. Approval of the House position is a logical, economic conclusion to the current problem. To destroy this dam—to fail to utilize this needed public facility—would be utter waste.

That is the issue before the Senate today.
The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFFET. Mr. President, I wish to ask the Senator from Tennessee one question. He said \$100 million has been spent on this dam. I think it is not so, that \$22 million has been spent on the construction of the dam, and the balance of the funds is for the purchase of the acreage that is going to be flooded. In other words, we are not looking at a \$100 million dam.

Mr. SASSER. I say to the Senator from Rhode Island that \$22.5 million has been used for the construction of the dam. But this figure does not include the additional cost of the canal built to connect Tellico with the Fort Loudoun Reservoir or the cost of numerous other improvements that were built to serve the perimeter of the proposed lake, the waters of which were to be impounded by the Tellico Dam itself.
Mr. CHAFFET. I thank the Senator very much.

Mr. SASSER. I just might say that 348 families have moved and the land entirely cleared for this project. All buildings, fences, and trees, have been removed or dismantled; roads have been abandoned; bridges have been removed, et cetera.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.
Mr. BAKER. Mr. President, I thank the Chair and thank my colleague from Louisiana.

Mr. President, I hope this is the last time around. I hope that we can resolve this issue once and for all, and I hope, finally, reason will prevail.

I trust that at this time the Senate will concur in the position taken so overwhelmingly by the House of Representatives and let us get on with the business of utilizing a dam that is 99 percent complete—it will supply electricity for heating 20,000 homes—and proceed to completion with the project that was authorized before I ever came to the Senate.

Mr. President, the remarks that I made on this subject so often in the past do not bear repetition here, and I will not burden the Senate except to say that if we have any serious intent to solve the energy shortage in this country, to make a reasonable and decent balancing judgment on the requirement of the Environmental Policy Act, on the one hand, and social necessity on the other, this in my judgment is a perfect example of it.

Mr. President, the awful beast is back. The Tennessee snail darter, the bane of my existence, the nemesis of my golden years, the bold perpetrator of the Endangered Species Act is back.

He is still insisting that the Tellico Dam on the Little Tennessee River—a dam that is now 99 percent complete—be destroyed.

In the midst of a national energy crisis, the snail darter demands that we scuttle a project that would produce 200 million kilowatt hours of hydroelectric power and save an estimated 15 million gallons of oil.

Although other residences have been found in which he can thrive quite serenely, the snail darter stubbornly insists on keeping this particular stretch of the Little Tennessee River as his principal domicile. In 1975 and 1976, more than 700 snail darter pioneers journeyed from the Little Tennessee to the Hiwassee River, also in Tennessee, and the latest snail darter census, taken in 1978, showed 2,500 of these wonderful fish going about their business in the Hiwassee River. A new snail darter subdivision is taking hold in the Holston River, as well.

Let me stress again, Mr. President, that this is fine with me. I have nothing personal against the snail darter. He seems to be quite a nice little fish, as fish go.

But it occurs to me that he should not have the ultimate veto power over his choice of residences, especially when a major energy-producing dam lies all but 1 percent complete on the snail darter's ornamental front porch.

Frankly, Mr. President, I am beginning to question his motives. This 2-inch terror kept the lowest profile of all God's creatures for thousands of years until a relatively short time ago, but now he seems to enjoy the publicity.

Perhaps if we gave him a cover story in Time or Newsweek, or got him a feature on the CBS evening news or an interview with Barbara

Walters, his lust for fame might be fulfilled and he would leave us alone.

Now seriously, Mr. President, the snail darter has become an unfortunate symbol of environmental extremism, and this kind of extremism, if rewarded and allowed to persist, will spell doom to the environmental protection movement in this country more surely and more quickly than anything else.

I am seriously concerned that if present trends continue, the Endangered Species Act will be perverted from its original intent as the means of protection of endangered species and be used instead as a convenient device to challenge any and all Federal projects.

If the snail darter can be found in the Little Tennessee River, there is a snail darter or some equally obscure creature in every river and under every rock in America. Opponents of public works projects will have a virtually limitless arsenal of weapons with which to do battle.

We who voted for the Endangered Species Act with the honest intention of protecting such forces of nature as the wolf, the eagle, and other treasures have found that extremists with wholly different motives are using this noble act for meanly obstructive ends.

That is precisely what has happened in the case of the Snail Darter against Tellico Dam, and if this perversion of the law is allowed to continue, the law itself will soon stand in jeopardy—and that will be the ultimate environmental tragedy.

We must not let that happen, Mr. President. The House has given us another opportunity to set things right, and at long last we should take it. I implore my colleagues to seize this opportunity to redeem our commitment to energy production while not forsaking our commitment to environmental protection, to turn away from extremism toward reason, to save both the darter and the dam.

I urge the adoption of the conference report as written.

Mr. STENNIS. Mr. President, will the Senator yield to me just for a brief observation?

Mr. BAKER. I yield.

Mr. STENNIS. My mind goes back to the points the Senator made, the history of this matter, the development of it, the authorization and appropriations, and the building. I heartily agree with his point about energy.

We are right on the brink—I do not mean a brink of disaster—but we are on a brink of having to make preparations for the future, the future of others who are younger than we are.

It is a small amount involved here of further investment. It just makes me feel good to think that such a small amount will finish this project and put it in operation and create energy.

I commend the Senator for his position. I do not think it is prompted by the proximity of it to his State. There are people involved and energy involved. There is very little additional money involved. I hope we take the stand the House of Representatives did.

Mr. BAKER. Mr. President, I thank my friend from Mississippi and I thoroughly concur and agree.

The PRESIDING OFFICER. Who yields time?

Mr. CURVER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURVER. I will just be interested in hearing from the sponsor of the motion to recede and accept the House position as to why he is sponsoring that amendment. I think under those circumstances one who may find himself in opposition to it could address the argument that has been advanced.

Mr. JOHNSTON. Very well, Mr. President. How much time is remaining?

The PRESIDING OFFICER. Seventeen minutes and fifteen seconds. Mr. JOHNSTON. Mr. President, this matter has indeed been debated a great deal. There may be no open minds on the question. That is regrettable because I think it is a rather clear question.

Let me just cover two points that have not been covered before.

First of all, if you want an energy and water resources bill, in my judgment, we are going to have to drop the snail darter. We are going to have to build the Tellico Dam.

Why is that? Because the Senate was closely divided 53 to 45 on the question last time. The House brought it up and reconsidered and by a vote of 156 yeas and 258 nays voted against the Senate amendment and then voted to insist on their language. They made it perfectly clear that no Tellico—no bill.

I commend that to my colleagues to think about.

I do not give it to you as a threat. I pass it along to you as what I think are the facts in the matter.

We know the dam is 98 percent complete with \$110 million spent. We know that the snail darter and in fact the endangered species law is irrelevant to this whole matter. I think the most telling argument in the minds of some people has been the fact that in their view it costs more to complete the dam than the benefits are. That has come up over and over again in the argument.

Mr. President, that argument is patently unsound and untrue. TVA and the Department of the Interior task force did a study on it, Mr. President, and came up with a benefits to remaining costs ratio of somewhere between 2.3 to 1 and 2.6 to 1.

Where did these figures, then, come from that the Secretary of the Interior has been talking about? Well, I will tell you where those figures came from, and how they got them. Not satisfied with the TVA and the Department of the Interior figures, the staff of this committee created under this law did their own investigation, using novel, untried, brand new methods, and having done that, they said it would cost more to complete than the benefits.

What were their methods? First of all, they took an interest rate of 10 percent—for opportunity—costs of land for an annual cost estimate which is not sanctioned in law, not used anywhere else in the law, and said, "We are just going to use 10 percent."

Second, they took another novel approach. They said, "We are going to consider the land that has been purchased at its highest opportunity cost."

What does that mean? The cost they figure they can sell it at. Can you imagine, having expropriated this land from farmers and other landowners to build the dam, turning around and selling the land for some other use to some other farmers, and the Federal Government pocketing the profits? It is patently absurd to think about doing that,

unfair, and probably unconstitutional, because property can be expropriated only for public use under the Constitution.

Nevertheless, they did that. But the key thing is the value they put on the property. First of all, they took the highest sales in Blount and Loudon Counties, the highest sales, and figured that in at an average cost of over \$1,000 an acre for some of this land which is so rocky, hilly, and unusable that you cannot even farm on it. And having done that, they took land, the comparable sales, according to them, in Blount and Loudon Counties, when most of the land is in Monroe County.

Mr. President, there are 38,000 acres involved here, and only a portion of that was even used for farming. Of that which was used for farming, much of the topsoil has been scraped off to use for fill for roads, the damsite, and bridges surrounding it. All the roads have been taken out. If you were going to go back to farming use, you would have to spend an estimated \$37 million to put back in the 60 miles of roads, not to mention the bridges or the cost of topsoil, or utilities. So, Mr. President, to say it costs more to complete this thing than you get in benefits is patently absurd. They added other items. The fact of the matter is that electricity for 20,000 homes can be produced from the reservoir waters, really just by closing the dam.

Let me say one final thing here, Mr. President. We keep hearing all this talk about solar energy being able to provide 20 percent of the Nation's energy resources. A very important part of that 20 percent is hydroelectric, which is defined as solar energy, and that thrust of solar energy and hydroelectric is unanimously supported by the environmental community.

The Persuading Orator. The Senator's time has expired.

Mr. JOHNSON. One more minute.

The problem is, Mr. President, when we get from the general to the specific and start talking about specific projects, we are always opposed. We are opposed on this one, even though \$110 million is invested and it is 98 percent completed. We are opposed on the Dickey-Lincoln Dam, and I will bet you if we try to build any dams in Washington and Oregon, where we have sites, we will be opposed there too.

Mr. President, we have to start somewhere. If we cannot start with this one, 98 percent complete, capable of producing additional electricity for 20,000 homes, we cannot start anywhere. The snail darter is irrelevant. If we cannot start with this one, we might as well quit, Mr. President. Every time we have some problem—this kind of problem with synfuels, that kind of problem with oil and gas development, another kind of problem with coal. This is the cleanest and cheapest kind of energy we can get. I urge the Senate to get about it, and let us produce the energy.

Mr. CURVER. Mr. President, I rise in opposition to the motion to recede and accept the House position.

The Senate has expressed itself on several occasions, twice within the last few months, on this issue, and I think very creditably has upheld the integrity of the Endangered Species Act, as well as the report and recommendations of the Endangered Species Committee, which was the child of the Culver-Baker amendment to the Endangered Species Act last year, and which recommended unanimously that this dam not be completed, and that it is not in the public interest that it be completed.

The distinguished floor manager has said that if we do not go ahead and accept the House position on this issue, and say "You get a green light to a project that has not demonstrated its economic viability or justification on a cost-benefit ratio," and that has suitable alternatives which are in the public interest, that somehow, because the House confers threaten us—threaten us that we will have no bill—that suddenly we are to repudiate the conscientious effort of the Senate for the past year, and accept that kind of logic.

What we are talking about here, make no mistake about it, is not the waiver of the Endangered Species Act, not only opening up the floodgates for countless subsequent representations of a similar nature to the Senate, where we are going to have to sit in judgment and make these highly complex decisions regarding endangered species, but also waiving all laws—all laws and all Federal statutes entered into that impact on this project.

What is the justification? Because the House of Representatives might not give us a bill if we do the right thing and reject that kind of ultimatum and threat. Well, I have respect for the integrity and the persuasiveness of the conferees on the Senate side and believe they will represent with fidelity the position expressed on innumerable occasions by the Senate as a body, and uphold the appropriate and just solution of this problem.

Mr. President, as I have stated so often in the past, as a matter of fact twice in just the last 3 months, the Tellico Dam in Tennessee should not be exempted from the Endangered Species Act. For any of my colleagues who, after voting twice on this matter, remain in a quandary as to how to cast their votes today yet a third time, let me once again outline the pertinent facts of the issues.

The Tellico Dam project is not economically viable. To date, the Tellico has cost \$163.2 million but only \$22.5 million of that is in actual dam construction. The remainder is in roads, land and many other recoverable costs which could be beneficially used in an alternative river development program outlined by TVA.

The Endangered Species Committee, which was created by last year's Culver-Baker amendment to provide flexibility to the Endangered Species Act, analyzed the benefits of completing the Tellico Dam. The representative from the State of Tennessee joined the rest of his Endangered Species Committee members in unanimously concluding that the Tellico project would cost an additional \$35 million to complete and would then annually cost \$720,000 more than it would provide in benefits.

The distinguished economist, Charles Schultze, the Chairman of the President's Council of Economic Advisers and also a member of the Endangered Species Committee, stated:

Here is a project that is 65 percent complete, and if one takes just the cost of finishing it against the total project benefits, it doesn't pay, which says something about the original project design.

Mr. President, it is very interesting to note the points raised in a letter from ONIB written on September 10, 1979, to me. I ask unanimous consent that its entire contents be printed in the Record at this point.

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

Hon. JOHN C. CULVER,
U.S. Senate,
Washington, D.C.

DEAN SENATOR CULVER: I want to take this opportunity to emphasize the strong objections of the Administration to the Tellico project, which I understand will be coming up for floor consideration in connection with action on the conference report on H.R. 4388, the Energy and Water Development Appropriations Bill. The Tellico Dam was rejected by a special seven-member Endangered Species Committee, chaired by Secretary Andrus, which was created by the Congress specifically to resolve conflicts arising under the Endangered Species Act. While the Dam was originally halted for environmental reasons, the Committee unanimously found that the project clearly lacked economic justification. Annual benefits of \$6.52 million are well outweighed by annual costs of \$7.25 million. In short, the project does not meet the test of economic merit applied to water projects elsewhere in the Nation, and I can see no reason for departing from that standard in this case.

In a period of fiscal stringency, I believe it is critical that only those projects which were clearly justified receive scarce Federal funds; and I am, therefore, hopeful that when the Senate acts on H.R. 4388, it will delete language in the bill which would direct completion of construction of the Tellico project.

Sincerely,

JOHN P. WHITE,
Deputy Director.

Mr. Culver, John White, Deputy Director of OMB, wrote in part that while the dam was originally halted for environmental reasons, the seven member Endangered Species Committee unanimously found that the project clearly lacked economic justification.

Mr. President, I repeat, that committee, that seven member committee, in its unanimous vote said the Tellico lacked economic justification. Says Mr. John White:

Annual benefits, of \$6.52 million are well outweighed by annual costs of \$7.25 million.

According to Mr. White, the project does not meet the test of economic merit "applied to water projects elsewhere in the Nation, and I can see no reason for departing from that standard in this case."

Mr. President, it baffles me that those who are coming forward in the most vigorous support of the position of the distinguished floor manager of this bill are the very ones talking about the need for a balanced budget, who are talking about the need to eliminate waste and inefficiency in our Federal expenditures in our fight against inflation. Mr. White goes on to say:

In a period of fiscal stringency, I believe it is critical that only those projects which are clearly justified receive scarce Federal funds.

He continues that OMB hopes the Senate will sustain its earlier position.

The distinguished Senator from Rhode Island asked a question of the Senator from Tennessee about the amount of money that has been spent on the Tellico. Let us get it straight.

To date, the Tellico has cost \$103.2 million, but only \$22.5 million, as has been pointed out by the Senator from Tennessee, has been spent on the dam itself. All the remainder of Federal expenditures is in roads, in land condemnation, and many other recoverable benefits and costs which could be beneficially used in an alternative river development program outlined by TVA.

In addition, Mr. President, this project would remove from production approximately 14,000 acres of prime agricultural land. We are

losing in America today 1 million acres annually to nonfarm uses. We are losing in America today 3 to 4 billion acres in soil erosion alone every year. Completing the Tellico will only add to and accelerate these trends and developments. I recently received a letter from the Department of Agriculture expressing their concern for the destruction of prime farmland that would be caused by the Tellico. I ask unanimous consent that the letter be printed in the Record at this point. The letter follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., September 6, 1976.

Hon. JOHN C. CULVER,
U.S. Senate,
Washington, D.C.

DEAN SENATOR CULVER: Your concern for the preservation of prime farmland is recognized and appreciated. For that reason, we felt that the following information concerning the proposed Tellico Dam Project in Tennessee would be of interest.

Thirty-eight per cent, or 13,935 acres of the total project area has been designated as either Prime Farmland (USDA definition) or Lands of Statewide Importance (defined by USDA and Tennessee State Government). In the reservoir area, 6,721 or 46 per cent of the total 14,159 acres were designated as Prime Farmland or Lands of Statewide Importance.

The loss of more than two square miles of the most productive farmland of a local region is always of concern. However, in Eastern Tennessee the occurrence of such a large block of the best farmland is rare, and its possible loss is of serious concern. The loss of the large block of land formerly used to grow corn, grain sorghum and alfalfa has a severe impact on the local farming economy.

The local area has suffered not only the loss of tax revenue from the 36,159 acres of land purchased for the project, but the loss of the land's contribution to the important farm industry of the area as well. We suggest, then, any further evaluations of the economic viability of continuing with the inundation of these important farmlands include a complete identification of the direct and indirect impacts on the agricultural economy.

If the Tellico Dam Project is to proceed as originally planned, the new residential, industrial, and vocational uses of the project lands would be substantial. The additional land use changes brought about outside of the project area might add an important increment to the already large direct and indirect impacts. We are concerned about this fact, and enclose a fact sheet on the land quality of the project area for your use.

Thank you for your keen interest in this country's farmland.

JIM WILLIAMS,
Acting Secretary.

TELLICO PROJECT, LAND QUALITY

	Acres	Percent of Total
1. Normal pool elevation: 813 ft above mean sea level		
2. 100,000 acres in total project, 36,159 acres of land in project		
3. Land quality, total project:		
Lands of prime farmland	8,447	23
Lands of statewide importance	5,488	15
Undesignated	22,224	62
Total	36,159	100
4. Land quality, reservoir area (813 ft):		
Prime farmland	6,500	46
Lands of statewide importance	1,221	9
Undesignated	6,438	45
Total	14,159	100
5. Land quality, area outside reservoir (813 ft):		
Prime farmland	1,947	9
Lands of statewide importance	4,267	12
Undesignated	15,785	72
Total	22,000	100

Mr. JOHNSON. Mr. President, obviously, this is an Alice in Wonderland argument. It does not cost \$35 million to complete the dam. It will cost about \$2.3 million to finish up minor work and close the gates. Who says \$35 million? This Endangered Species Committee whose recommendations are patently—I will not say, Mr. President, fraudulent, but patently wrong.

Mr. President, how do you suppose they are going to get this hand back into farm use that they keep talking about? Are they going to give it back to the farmers, or sell it to them? Oh, no. What they have in mind is to make some kind of wild and scenic free-flowing river park. This is not even a free-flowing wild river; it is backwater or tailwater, with dams upstream and a reservoir below.

Mr. President, this is so clear: With about \$1.8 million to \$3 million the dam is complete as originally designed. They have to do some minor work—just a very small part—to close this dam. And it will give additional hydroelectric power for 20,000 people, hydroelectric power, flood control, navigation and recreation benefits. And it is then complete.

How this Senate, this Congress, can come in with a project that is essentially complete and, for some asinine reason like the Endangered Species Act, which does not even preserve the endangered species—that is irrelevant here. It has already been transplanted. How we can do that, Mr. President, I do not know. I hope we shall act in good sense and approve the Tellico Dam.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. COVER. Mr. President, I shall take 3 minutes of my time.

You know, Mr. President, it is an old trick, of course, in a legislative body that if you have a convenient train passing a window that has some trendy appeal to it as a political issue, grab onto it. If energy is the name of the game, we shall trot that out as a justification to do anything in the name of progress. Let us just look at how fallacious that whole argument is.

The fact of the matter is that the Tellico dam would provide only negligible power at best. The amount of energy the Tellico produces is insignificant. It is less than 23 megawatts, Mr. President. This represents less than one one-thousandth of TVA's total capacity at this time, which is in excess of 27,000 megawatts. TVA's planned capacity for 1985 is in excess of 40,000 megawatts. TVA does not need the additional energy from the Tellico dam project.

Demand within the system is rising currently at less than 4 percent a year, instead of the previous rate, Mr. President, of 6 to 7 percent a year. A 1978 GAO report projects that at the current rate of expansion, there could be an excess power capability, in the TVA system, ranging from 6,700 to 24,800 megawatts in the year 2000. Because of this, TVA today is in fact deferring four power units that are nuclear that would produce an additional 5,200 megawatts.

The proponents of the project speak of energy as if it were free. It is not. To get the 23 megawatts that are being spoken of, we have to spend an additional \$35 million. What they are really advocating is to get these additional 23 megawatts that we do not need, we have to

spend an additional \$35 million to flood \$40 million worth of prime farmland and spend \$720,000 after that annually, over and above the project benefits.

The snail darter is endangered. There are two populations of snail darters today that we know of in this area, one in the Little Tennessee and one in the Hiwassee River. The Little Tennessee population would be destroyed if the gates of this dam were closed.

In a survey this year, the Fish and Wildlife Service found the number of young snail darters down in the Hiwassee River. The Fish and Wildlife Service considers the snail darter an endangered species. More importantly, there are no pending petitions from any Members of the Senate or any other group or party to reconsider this position.

Finally, Mr. President, in addition to ordering the completion of a dam which is environmentally and, most importantly today, economically unsound, the exemption would violate the jurisdictional prerogatives of the Environment and Public Works Committee, which, after all, is the committee of legislative jurisdiction here, which has carefully considered this issue, and which has rejected a Tellico exemption by a vote of 10 to 3. This is legislating on an appropriations bill and should not even be germane.

By approving the Tellico exemption, the Senate would also undermine an equitable solution it adopted just last year, a Cabinet-level review committee to resolve conflicts between endangered species and other legislation that it needs.

Mr. President, I again urge my colleagues to reject an exemption for the Tellico.

I just point out, an exemption for Tellico will put the Senate squarely in the business every week in the months ahead having several of these kinds of exemptions we can play with over and over again.

Mr. CHAVEZ. Mr. President, I merely note that this is extraordinary language. It provides that notwithstanding the provisions of 16 U.S.C., or any other law, TVA is authorized to proceed with this.

It means they are exempt from all other laws—workmen's compensation, clean water, historic preservation, Davis-Bacon—any other law that exists in the books, they are exempt from under the extraordinary language we are considering here.

The PRESIDING OFFICER. All time has expired. The question now is on agreeing to the motion that the Senate recede from its amendment No. 30. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. YANSTON. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Arkansas (Mr. Humphers), the Senator from Hawaii (Mr. Inouye), the Senator from Maine (Mr. Muskie), and the Senator from Rhode Island (Mr. Pell) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pell) would vote "nay."

Mr. STEVENS. I announce that the Senator from Colorado (Mr. Armstrong), the Senator from Minnesota (Mr. Durenberger), and the Senator from South Dakota (Mr. Pressler) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Durenberger) would vote "nay."

The PRESIDING OFFICER (Mr. Baucus). Are there any Senators in the Chamber wishing to vote who have not done so?

The result was announced—yeas 48, nays 44, as follows.

[Rollcall Vote No. 289 Leg.]

YEAS—48

Baker	Hatch	Morgan
Belmont	Hayakawa	Pryor
Boren	Held	Ribicoff
Burdick	Hellms	Sasser
Byrd, Harry F., Jr.	Huddleston	Schmitt
Byrd, Robert C.	Humphrey	Schweiker
Cannon	Jackson	Simpson
Cochran	Javits	Stennis
Danforth	Jepson	Stevens
Dole	Johnston	Stewart
Domesticl	Kassebaum	Talmadge
Ford	Larale	Thurmond
Garn	Long	Tower
Glenn	Lugar	Wallop
Goldwater	Mattias	Warner
Gravel	McClure	Young

NAYS—44

Baucus	Hart	Packwood
Beauren	Hatfield	Percy
Biden	Helms	Proxmire
Boschwitz	Hollings	Randolph
Bradley	Kennedy	Riegle
Chafee	Leahy	Roth
Chiles	Lavin	Sarbanes
Church	Magnuson	Stefford
Cohen	Matsunaga	Stevenson
Cranston	McGovern	Stone
Cutter	Melcher	Tsongas
DeConcini	Meizenbaum	Wetclerk
Durkin	Moylan	Williams
Eagleton	Nelson	Zoritsky
Exon	Nunn	

NOT VOTING—8

Armstrong	Durenberger	Pell
Bayh	Inouye	Presler
Bumpers	Muskie	

So the motion to recede from Senate amendment No. 30 was agreed to.

Mr. BAKER. Mr. President I move to reconsider the vote by which the motion was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

[From the Congressional Record, Sept. 18, 1979]

H. R. 4388 PRESENTED TO THE PRESIDENT

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:27 a.m., a message from the House of Representative delivered by Mr. Berry, one of its reading clerks announced that the Speaker has signed the following enrolled bills:

H. R. 4388. An act making appropriations for energy and water development for the fiscal year ending September 30, 1980, and for other purposes.

H. R. 4388 SIGNED INTO LAW, SEPTEMBER 25, 1979 (PUBLIC LAW 96-69)

ENERGY AND WATER DEVELOPMENT APPROPRIATION ACT, 1980

STATEMENT ON SIGNING H. R. 4388 INTO LAW, SEPTEMBER 25, 1979

It is with mixed reactions that I sign H. R. 4388, the Energy and Water Development Appropriations bill.

With one major exception, this is a sound and responsible bill. It recognizes the need to hold down spending. It does not commit to unacceptable future expenditures. It provides for sound water projects and for energy development. It represents a commendable step by the Congress in the direction I have been urging through my water resources development and energy policies. It does not fund water projects which, at my request, were terminated in past appropriation bills, and it generally reflects restraints in water project funding.

On the other hand, this bill mandates the completion of the Tellico project on the Little Tennessee River. This project has been hailed because of conflicts with the Endangered Species Act. A decision was made through a deliberative process to deal with these conflicts. A special Cabinet-level committee, authorized by the Congress, unanimously concluded that the project should not be completed, on economic grounds.

This action by the Congress overturns that decision and directs the flooding of the Little Tennessee River Valley. I am satisfied, however, that the Congress clearly confronted this issue and settled on its action with clear majority votes in both Houses. I accept, with regret, this action as expressing the will of the Congress in the Tellico matter. I am also convinced that even if I vetoed this bill, Tellico exemptions would be proposed repeatedly in the future.

Nevertheless, I believe firmly in the principles of the Endangered Species Act and will enforce it vigorously. I do not consider that the action by Congress on the Tellico matter implies congressional intent to overturn the general decision process for resolving conflicts under that act. I am convinced that this resolution of the Tellico matter will help assure the passage of the Endangered Species Act reauthorization without weakening amendments or further exemptions.

I also expect the Congress to move vigorously to solidify progress in water resources policy. Prompt action is needed to authorize and appropriate funds for the Water Resources Council water project review function, so that proper technical analysis can insure executive branch recommendations for sound water projects. I believe firmly that my decision on the bill I am now signing will further progress on obtaining a strong Water Resources Council.

As President, I must balance many competing interests. With many important national issues before the Congress—including energy, SALT, the department of education, the Panama Canal implementing legislation, the Endangered Species Act, and water resources policy—