

Vol. 138 WASHINGTON, WEDNESDAY, SEPTEMBER 23, 1992 No. 131

Congressional Record



United States
of America

PROCEEDINGS AND DEBATES OF THE 102^d CONGRESS, SECOND SESSION

United States
Government
Printing Office

SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, \$300

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(USPS 087-390)

Authorize billions of dollars for projects or project modifications which have not been subject to the established water resources review process. Such a review is crucial to determine a project's (1) economic justification, (2) environmental and engineering feasibility, and (3) compliance with Administration programs and policies.

Expand Federal funding for disposal areas for operation and maintenance dredging at navigation projects around the country. Such an expansion would require the Harbor Maintenance Trust Fund to provide more than \$1 billion in additional funds. This would require a significant increase in the port use tax imposed on importers, exporters, and shippers.

Needlessly duplicate existing programs of other Federal agencies.

There are more than one hundred specific provisions which are unnecessary for the reasons stated above.

The bill also contains in excess of 50 other provisions which the Administration finds troublesome. For example, the Administration strongly opposes the bill's requirement that Senior Executive Service (SES) employees of the Corps of Engineers be given special locality pay adjustments. Currently, no SES employee receives such adjustments. This provision is inconsistent with the President's authority, under the Federal Employees Pay Comparability Act, to decide which categories of employees should receive these adjustments.

The Administration urges the House to adopt the Administration's proposal, transmitted by the Department of the Army-Civil Works on March 11, 1992, and introduced as S. 2502, rather than amend H.R. 2764.

Pay-as-You-Go Score: H.R. 2764 would increase Federal receipts and is, therefore, subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1991 (OBRA). OMB's preliminary scoring estimates of this bill are presented in the table below. Final scoring of this legislation may deviate from these estimates. If H.R. 2764 were enacted, final OMB scoring estimates would be published within 5 days of enactment, as required by OBRA. The cumulative effects of all enacted legislation on direct spending will be issued in monthly reports transmitted to Congress.

Estimates For Pay-As-You-Go
(in millions of dollars)

	1993	1994	1995	1996	1997	1998-97
Receipts	0	0	0	0	0	0

However, an open rule would give the House the opportunity to direct the various concerns expressed by the administration and others, and I look forward to a final product that will be enacted into law.

I would also like to note the concern of the minority that this rule includes a 4-hour time limit on the amendment process. This time limit seems to be becoming a standard feature of our rules, regardless of the floor schedule of the day, regardless of the consideration of the bill, I believe, as indeed the minority members of the Committee on Rules contend, that this is developing a bad trend.

Mr. Speaker, I wish the Committee on Rules could have treated all members fairly and with equity, that would have let us get promptly to the business of the water resources bill. However, I must rise to oppose the rule in

its present condition and yet urge support for the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I want to congratulate the gentleman from Ohio for his very laudatory remarks about the gentleman from New Jersey [Mr. ROX] and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] and I heartily concur.

Mr. Speaker, I reserve the balance of my time.

Mr. McEWEN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DOOLITTLE].

(Mr. DOOLITTLE asked and was given permission to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, I certainly join with previous speakers in commending the gentleman from New Jersey [Mr. ROX] and the gentleman from Arkansas [Mr. HAMMERSCHMIDT]. With reference to the chairman, I want to say at the outset that although we are going to be on different sides of one issue in this bill, I felt that I was treated with eminent fairness by both he and his staff. I for one, and I am sure many others, will miss his guiding hand at the helm at the Committee on Public Works and Transportation.

As the gentleman from Ohio mentioned, I was precluded by the Committee on Rules from offering essentially the same type of amendment as has been granted to two of my colleagues to bring up today with reference to the Auburn Dam. As the Representative for the area where this is to be built, we care very much about what type of facility is going to be constructed. It is my belief and the belief of the people whom I represent that the facility provided for in this bill does not do the job for the people of our region, but basically meets only one special need of the city of Sacramento and ignores all the others.

I would like to just take a few moments to outline what some of those deficiencies are.

Let me say at the outset that I believe in the need to build dams. They provide important benefits for the people of our communities. Auburn has been controversial for years. First authorized in 1966, it remains controversial today, some 27 years later. There is about 300 million dollars' worth of site work that has been done on Auburn Dam. Construction stopped in, I believe, 1978 and has never resumed as the issues swirling around this dam have been debated again and again.

I believe in an expandable dam. The Corps report which is referenced in this bill, purports to be that. We believe, after hearing the testimony in the Committee on Interior and Insular Affairs, that in fact is not expandable as it claims.

What is at issue here is some \$457 million of Federal funds which will be combined with about \$298 million of State and local funds to produce a \$755 million facility. This facility essen-

tially will be a \$700 million concrete pyramid which holds no water in the Auburn Canyon. It, in essence, is an exaggerated flow control device, a structure which provides only flood control and which will never pay for itself.

We think flood control is important, and I endorse that and will work for that as a part of a total package that will include water storage and hydroelectric power generation and recreation.

My district is the site where this facility will be built. We think it will be very detrimental environmentally in terms of the impact that it will have, in a couple of ways: First, in terms of what it does for the periodic or occasional inundations behind the dam, leaving behind a lot of dead vegetation and killing the wildlife. But just as important, and perhaps more important, it will devastate the present reservoir, Folsom Reservoir.

Folsom Reservoir right now stands at about 10 percent of its capacity. During the construction of this corps facility, the lake level will be kept exceedingly low. It destroys recreation in the area.

Mr. Speaker, we heard testimony from the Corps of Engineers that there will be a 96-percent fish kill as a result of the lowered lake level and the higher temperatures of the water in which the fish cannot live.

We will also do tremendous damage to the aquifer in San Joaquin County. San Joaquin County years ago was promised water from the Auburn Dam. Unfortunately, that project has never been completed. In the meantime, San Joaquin has had to turn to ground water as its source of water and over the years has pumped increasingly and, as they do so, they draw saltwater into the aquifer. It is moving east at about 1 foot per year. Once that intrusion of the saltwater into the aquifer occurs, it can never be reversed.

Significant environmental damage is occurring every day that we do not provide an alternative source of water. Additionally, Sacramento County has overpumped its ground water basin for some 50 years. Sacramento County has several environmental hazardous cleanup sites, and we are going to have to provide some relief for the ground water overdrafting that is occurring there.

In addition, we are going to have the need for additional sources of power. Our nuclear reactor at Rancho Seco, which generated a considerable amount of power, was shut down several years ago and we will have to have a replacement source.

Now, in this year of tremendous budgetary difficulty, it seems absolutely ludicrous to me that we would spend almost \$600 million of Federal money and build a facility that can never pay for itself.

The ongoing share of the Federal maintenance costs of this facility, once built, will be \$1 million per year in perpetuity as long as the facility stands.

By way of contrast, we could build a multipurpose, at least a stageable facility, one that allows us to get to the second stage, the multipurpose stage, and we could do that for no more Federal cost. But in order to do that, we have to have certain considerations taken into account. We have to have gates on this structure.

The Corps of Engineers report calls for only half the gates that are needed. We need the other half in order to be able to eventually have facilities needed to store water behind the dam. Also, we need to have penstocks provided for at the time this dam is constructed. Penstocks for a dam this size will be three openings through the base of a dam, 800 to 700 feet long, about 10 feet wide each in diameter. Those need to be provided for in the beginning.

We also need to allow for the convenient and practical expansion of the dam, and in order to do that we have a seismic study of the dam and make sure that the engineering is such that the dam can retain water.

Testimony by the U.S. Geological Survey indicated that this project has not been evaluated for the seismic ramifications.

□ 1500

Mr. Speaker, a multipurpose facility would pay for itself. We have another facility which was completed in 1954, I believe, the Folsom Dam. That was at a cost of \$90 million at the time it was constructed.

In power sales alone from that dam, we have now generated over \$300 million, more than three times what the dam cost to build.

Mr. Speaker, we have people, local agencies, ready, willing and able to pay the extra \$200 million to build the multipurpose features of the dam that will enable it to pay for itself.

We must have a project that allows for the convenient, practical, and economical expansion of the second stage. That is why I oppose this rule. I was prevented from offering the amendment that would allow that.

I think we have to have that in order to wisely spend the taxpayers' money and in order to relieve the perpetual drain on the Federal Treasury that we will otherwise have if the report goes through as it is contained here in this bill.

So Mr. Speaker, I would urge a no vote on this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. FAZIO].

(Mr. FAZIO asked and was given permission to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, I thank the chairman of the Rules Committee for yielding me this time. I had not intended to speak on the rule. I support it and hope that it will carry.

I am very pleased that we have a chance today to finally bring out the facts about the whole controversy surrounding the Auburn Dam. As the gen-

tleman from California [Mr. DOOLITTLE] said, it is an issue that has been before this Congress since the early 1900's when the late Congressman Bis Johnson caused the high dam at Auburn to be authorized.

We have had many changes in our fiscal policy, many changes in our attitude toward the environment. We have had earthquake prone regions better understood. In California, after the earthquake at Oroville, a State reservoir north of this dam site we learned about a fault line running through the additional site of the Auburn project. So the picture has changed dramatically through the years in our water development policy and particularly in regard to Auburn Dam.

But a number of the basic disputes that have paralyzed our region continue to this day. I think it is important that we bring them out and talk about them in some depth.

Now, the gentleman from California [Mr. MATSUI] and I are working together, along with Governor Wilson and Senator SRYMOUR to bring hopefully to enactment this year what some people might call an interim solution to our problem, and that is an expandable flood control facility, expandable because we want to leave the issue of whether a multipurpose project is feasible whether water and power, now the full finding responsibility of State and local government is feasible to the later Congresses and to the people locally who would determine whether or not they could pay for it.

But we cannot allow the people of our region who are in the flood plain, who have suddenly discovered, since 1986 when our area was hit with major flooding just how vulnerable they are to suffer. We cannot leave these people any longer than necessary to the potential ravages of floods.

For people buying a home in this flood plain today with a normal 30-year mortgage, they would have a 40-percent chance of being flooded to 10 or 20 feet during the life of that mortgage. This is a life and death issue for people, a safety issue.

We have 300,000 people and \$23 billion in assessed valuation, vulnerable to this kind of flooding in an area that has historically known the scourge of rushing water. So we are bringing together today, hopefully by adopting this self-executing rule, a flood control project that we think solves the immediate problem, the health and safety problem, the danger to our constituents, and at the same time is absolutely neutral on the question of expansion to a multipurpose project.

My friend, the gentleman from California [Mr. DOOLITTLE] said this project would not pay for itself. Well, it would pay for itself overnight if we had a flood \$ billion dollars' worth of damage could occur with flooding.

The Government of this country, even though aided by local flood insurance payers, would be liable for costs

that would far far exceed the project itself.

This project has a 2.7 to 1 cost benefit ratio. It is one of the best projects we have seen come to this floor in years. In fact, I think it is fair to say we have followed the procedures that were put in place by this very committee, the Water Resources Subcommittee, in the 1986 omnibus water resources enactment that changed the way in which we do flood control projects, major public works projects in this Nation.

We followed every step of the way those requirements, and we are here today proud of the fact that we have a tight project with a major State and local share there.

We think we are saving the Federal taxpayer a tremendous amount of money. And we really think we are being fair to the people in the watershed that the gentleman from California [Mr. DOOLITTLE] represents, because we are not resolving the issue of expansion. We are leaving that to be determined by future Congresses and the people of the region.

In fact, my Appropriations Subcommittee on Energy and Water Development has funded—50 percent Federal, 50 percent local—a feasibility study through the Bureau of Reclamation to determine whether or not expansion should take place. I might add that the administration has not once supported these Federal expenditures. That study is not before us. There is really nothing else before us today, other than the question of whether we want to keep this corps project report in this bill and allow us to go forward to the Senate to see whether we can succeed in our search for a consensus on what is a very divisive issue.

In addition to the opposition to our flood control project we have heard from the gentleman from California [Mr. DOOLITTLE], and I suppose to this bill, you will hear from environmental groups who oppose it as well. They want no structure at all, no dam at all. Mr. PETRI speaks for them.

Mr. Speaker, I think it is fair to say that we have tried as best we could in discussions with the gentleman from California [Mr. DOOLITTLE], his staff and his constituents, to assure the people of Placer and El Dorado Counties and others affected in the region that we have no intention of precluding a multipurpose project from being built with State and local funds.

We have guaranteed a \$100 million highway bridge that would link El Dorado and Placer County together that would be built high enough and of sufficient strength that we could build eventually a multipurpose project at this site.

We have provided in the interim a Placer County pumping plant at a cost of \$15 million and provide at an annual cost of almost \$300,000 in subsidized electricity, the ability to provide 72,000 acre-feet of water to the areas of Placer County that have long been looking forward to the completion of this