

The original documents are located in Box 7, folder “Energy Development Impact Assistance” of the Loen and Leppert Files at the Gerald R. Ford Presidential Library.

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February 13, 1976

MEMORANDUM FOR:

GLENN SCHLEEDE

THRU:

**MAX L. FRIEDERSDORF
VERN LOEN**

FROM:

CHARLES LEPPERT, JR.

SUBJECT:

Energy Development Impact Assistance

This is in response to your memo of February 11 on the above subject and your interest in heading off unacceptable legislation now going through the Congress. Regrettably, we are behind the power curve in trying to head off any unacceptable legislation.

H.R. 3981, the Coastal Zone Management Act Amendments of 1976 bill has been ordered reported by the House Committee on Merchant Marine and Fisheries. Rep's duPont and Treen inform me that this bill will be scheduled for consideration by the House of Representatives around March 3, 1976. At the present time, I am trying to set up a joint meeting between Rep's duPont and Treen and Jim Mitchell to see if there is any possibility of offering floor amendments to H.R. 3981 consistent with the Administration's position.

H.R. 6218, the Outer Continental Shelf Lands Act Amendments of 1976, is scheduled for mark-up by the Ad Hoc Select Committee on the Outer Continental Shelf on February 25, 26, and March 4, 17 and 18.

H.R. 11792, the Federal Energy Development Impact Assistance Act of 1976, (Administration bill), has been introduced and referred to the House Interior Committee. No hearings are scheduled on this legislation and none are anticipated. I am advised that there is no member interest in moving this bill. I have asked the Minority Counsel to consider having H.R. 11792 made in order as a substitute to H.R. 3981 or H.R. 6218 through the House Rules Committee if either H.R. 3981 or H.R. 6218 is taken up by the House. I doubt if this will be possible if the Interior Committee does not hold some type of hearings on H.R. 11792.

cc: Tom Loeffler



THE WHITE HOUSE

WASHINGTON

February 11, 1976

HE
CC
TL

MEMORANDUM FOR:

BILL KENDALL

✓ VERN LOEN

FROM:

GLENN SCHLEEDE

SUBJECT:

ENERGY DEVELOPMENT IMPACT ASSISTANCE

Attached is a letter from Secretary Kleppe transmitting a proposed bill, the Federal Energy Development Impact Assistance Act of 1976. This bill implements a recent Presidential decision which will propose an energy development impact assistance program.

Announcement of the proposal was supposed to come from the White House, preferably as a part of the President's upcoming energy message. However, as a result of some confusion for which OMB and Interior are blaming each other, the bill was transmitted without publicity or credit for the President.

I understand it has been introduced on the House side by Congressmen Haley and Skubitz and referred to the Interior Committee.

This bill will be especially important since it's the principal basis we have for trying to head off unacceptable legislation now moving through Congress which provides for sharing OCS revenues with States and for increasing the State's share of revenues from ~~unsecure~~ ^{offshore} leases.

I will be calling a meeting within the next few days to try to get some attention focused on the development of a legislative strategy for getting the attached bill through and head off the others.

Attachment

cc: Jim Cannon

WHL 11992
Ex Conn 7508





United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

FEB 4 - 1976

Dear Mr. President:

Enclosed is a draft bill "To provide assistance to States for extraordinary fiscal impacts resulting from development of Federal energy resources, and for other purposes."

We recommend that the bill be referred to the appropriate Committee for consideration, and that it be enacted.

The proposed bill recognizes that there may be a need for public facilities to serve additional population in areas affected by the development of Federal energy resources. States and units of local government may lack the ability to finance such facilities in the period before State and local tax revenues are generated by the additional population and economic activity. The purpose of the bill is to establish the Federal Energy Development Impact Assistance Fund from which planning grants, loans and loan guarantees can be made to assist affected States and local governments in providing public facilities.

The operation of the Fund has been designed with several principles in mind. First, the impacts from the exploration, development, and production of federally owned energy resources on both the Outer Continental Shelf and onshore should be treated as consistently as possible. Second, in order to be equitable and efficient, Federal assistance should be available only: where needed, at the time of need, for appropriate purposes, and in appropriate amounts. Third, the States should have broad discretion in determining the types and locations of needed public facilities. Fourth, the extent of Federal management and the size of staff needed to administer the fund should be kept to a minimum. Finally, the States or localities, and ultimately the increased population, which benefit from the development of Federal energy resources and from the public infrastructure built pursuant to this Act should bear final financial responsibility except in cases where the projected exploration, development, extraction or processing activities are not achieved due to circumstances beyond such State or locality's control.



Save Energy and You Serve America!



Summary of the Proposed Bill

The proposed bill establishes a Fund of \$1 billion to be administered by the Secretary of the Interior. Assistance from the Fund will be allotted to the States by the Secretary using a formula based on the additional employment and population growth projected for Federally owned extractive energy resources developed under Federal approvals such as OCS development plans and coal mining plans approved by the Secretary. The formula will also include the average per capita costs of public facilities, a factor related to the rate of population growth caused by the Federally related activities, and adjustments to reflect differences in public facilities costs from State to State. The formula is intended to minimize the Federal effort required to administer the program while equitably focusing assistance on the need.

The Governor of a State receiving an allotment from the Fund would be given broad discretion to determine the manner of its use and the jurisdictions and projects to receive assistance. Up to 10 percent of the allotted assistance may be taken in the form of grants from the Fund for community facilities planning and for the planning, design and management of construction of the facilities to be financed from the Fund. The Governor may take the allotted assistance as loans or loan guarantees from the Fund directly to the State or to units of local government. Proceeds of loans or guaranteed loans to the State may be passed along to localities in the form of grants from the State.

Assistance under the proposed bill must be used for public facilities serving residents of areas expected to experience population growth as a result of Federal energy resource development. Eligible facilities include water supply, storm water drainage and sewer systems, waste treatment facilities, roads and related improvements, health care facilities, schools, libraries, public safety facilities and facilities for recreational participation. Land acquisition, construction, and equipment costs may all be covered by the Fund. Loans and loan guarantees under the Act will be made at rates equal to the higher of the rate for municipal bonds or the Federal market rate plus an allowance for administrative costs and losses.

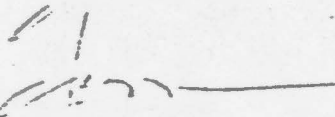
Loans and guarantees made from the Fund will be forgiven by the Secretary to the extent that energy resource development activities fail to achieve projected levels. The amount of forgiveness will be offset by any revenues received by the State from the energy resource development under the Mineral Leasing Act of 1920. No forgiveness will be made if the failure to reach projected levels results primarily from actions initiated by the State or local governments unless these actions are found by the Secretary to be in the public interest.



We believe that enactment of this bill would provide an efficient, equitable and consistent approach for assisting States and localities affected by outer continental shelf oil and gas development as well as coal and other energy resources to be developed onshore. It would meet the recognized needs of States and localities without placing a heavy burden on the Federal taxpayer and without undue Federal intrusion into the management of State and local affairs. It would encourage State and local jurisdictions to place the State and local public costs of Federal energy resource development, upon the population increases and new economic activities generated by that development. We believe that the merits of this proposal warrant its passage by the Congress and thus recommend its enactment.

The Office of Management and Budget has advised that this draft bill is in accord with the program of the President.

Sincerely yours,



Secretary of the Interior

Honorable Nelson A. Rockefeller
President of the
United States Senate
Washington, D.C.

Enclosure



A B I L L

To provide assistance to States for extraordinary fiscal impacts resulting from development of Federal energy resources, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, this Act may be cited as the "Federal Energy Development Impact Assistance Act of 1976."

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that:

(i) In furtherance of the national goal of greater energy self-sufficiency, energy resources owned by the United States must be developed under policies consistent with protection of the environment, sound land and water use and community planning, and sound financial management by governments at the Federal, State, and local levels.

(ii) States, units of local government, and Indian tribes, may find it necessary to undertake planning and to provide public facilities to accommodate the additional population and economic activity that may result from development of such energy resources.

(iii) States, units of local government, and Indian tribes, may lack the ability to provide such planning and public facilities ahead of the time that revenues are generated by the additional population and economic activity.



(iv) To assist States, units of local government, and Indian tribes, to provide planning and public facilities on a timely basis, it is appropriate for the Federal Government to make needed loans, loan guarantees, and planning grants.

(v) Such Federal assistance should be administered to respect traditional functions of States, units of local government, and Indian tribes, to strengthen their long-term capacity to meet their responsibilities, and to provide broad discretion to the Governors of States and Chairmen of Indian tribes to determine the use of assistance.

Sec. 2 (b) The purpose of this Act is to provide for making planning grants to States and Indian tribes and loans and loan guarantees to States, units of local government, and Indian tribes, to assist them in the timely provision of the public facilities which may be necessitated by the development of Federal energy resources.

DEFINITIONS

Sec. 3. As used in this Act, the term:

(a) "Federal energy resources" means any energy resource which occurs (i) in lands in which the mineral estate is held in trust by the United States for the benefit of an Indian tribe, or (ii) in lands in which the United States owns the energy resource in its entirety, or (iii) in the Outer Continental Shelf as defined in the Outer Continental Shelf Lands Act, 43 U.S.C. § 1331 (a), and is limited to coal, oil and gas, oil shale, uranium, and geothermal steam and associated geothermal resources as defined in the Geothermal Steam Act of 1970, 30 U.S.C. § 1001 (c).



(b) "Additional direct employment" means the net increase in employment by firms conducting exploration, development, extractive, or on-site processing activities related to Federal energy resources; by firms offering specialized services to other firms conducting such activities; and by firms processing Federal energy resources to produce synthetic fuels. In cases where the exploration, development, extraction, or on-site processing activities involve both Federal and non-Federal energy resources, the additional direct employment shall include only that portion of total employment attributable on a pro-rata basis to the Federal energy resources.

(c) "Provision of public facilities" means the acquisition (including acquisition of land and the costs of relocating individuals, families, businesses, organizations, and farm operations displaced by any acquisition hereunder), construction, or equipping of the following public facilities: schools, libraries, roads and related improvements, water supply and sewer systems, and facilities for storm water drainage, waste treatment, health care, fire protection, police, recreational participation, and governmental administration.

(d) "Fund" means the Federal Energy Development Impact Assistance Fund established by section 11 of this Act.

(e) "Secretary" means the Secretary of the Interior.

(f) "State" means a State of the United States.

(g) "Governor" means the chief executive of a State.

(h) "Indian tribe" means an Indian tribe as defined in section 4 of P.L. 93-638 with the exception of Alaskan Native Villages.



(i) "Chairman of an Indian tribe" means the chairman of a tribal council or the chief executive of an Indian tribe.

(j) "Unit of local government" means any city, county, town, township, parish, village, or other general purpose political subdivision of the State or any special unit or district of the foregoing or of the State.

(k) "State agency" means a public corporate body authorized under State law to provide or assist in the provision of public facilities.

AUTHORIZATION OF ASSISTANCE

SEC. 4. The Secretary is authorized to provide assistance from the Fund to States, Indian tribes, and units of local government which are affected, as determined by the Secretary, by the exploration, development, extraction, or processing of Federal energy resources. Such assistance shall include loans or guarantees of loans for the provision of public facilities, and grants for necessary planning and management for the provision of public facilities. The total amount of grants and of loans and loan guarantees outstanding at any one time shall not exceed \$1,000,000,000. No grants may be made and no commitment to make or guarantee a loan may be entered into after September 30, 1989.

ALLOTMENTS

SEC. 5. (a) The Secretary shall allot such assistance to the States and Indian tribes based on a formula established by regulations which the Secretary shall promulgate and, from time to time, revise, after consultation with the Governors, Chairman of Indian



Tribes, and affected Federal agencies. The formula shall include the following factors:

(1) The population growth (excluding temporary peaks, as defined by the Secretary) within the State or Indian reservation as projected by the Secretary to result from additional direct employment in exploration, development, extraction, or processing of Federal energy resources.

(2) The national average per capita expenditure necessary to provide public facilities eligible under this Act, not to exceed \$5,500; Provided, That for remote areas, as defined by the Secretary, the per capita amount to be used in the formula may be increased by an amount not to exceed \$1,500.

(3) Regional differences in the costs of construction as determined by the Secretary.

(4) A factor relating the need for additional public facilities to the rate of population growth occurring in the impact area, as defined by the Secretary, and caused by the activities in the exploration, development, extraction, or processing of Federal energy resources.

(b) An allotment shall be calculated not later than the time of the Federal approval of plans for the exploration, development, extraction, or processing of Federal energy resources, and shall be recalculated at the time of approval of any subsequent revisions of such plans, Provided, That such activities in exploration, development, extraction, or processing of Federal energy resources

have received any other Federal, State, and local reviews or approvals which are required by Federal, State, and local law or regulations and which are determined by the Secretary to be essential to the timely conduct of such activities, and Provided, That such activities have been approved by the Federal Government not earlier than three years prior to enactment of this Act.

Planning grants shall be available for disbursement as soon after the calculation of an allotment as practicable. Assistance for the provision of public facilities shall be available for obligation thereafter upon request by the Governor or Chairman.

(c) The Secretary shall have discretion to increase an allotment for any State or Indian tribe by up to 5 percent on determination that such higher allotment is justified by special environmental circumstances.

(d) The Secretary shall, after consultation with the affected Indian tribe and States, adjust any allotment computed for an Indian tribe to reflect the extent to which needed public facilities would be provided from sources other than the tribe. In cases where the additional public facilities for an Indian tribe would be provided by a State or unit of local government, pursuant to an agreement between such tribe and a State or unit of local government, the Secretary shall transfer an appropriate portion of the computed allotment from the tribe to the State, Provided, That the Governor agrees that any amounts so transferred will be allocated by the Governor to provide such public facilities for the tribe.



USE OF ASSISTANCE

SEC. 6 (a) The Governor of a State or Chairman of an Indian tribe receiving an allotment shall determine the jurisdictions that will receive assistance under such an allotment. The Governor may designate the State, a State agency, or any unit of local government to receive assistance directly from the Fund. If the State or State agency receives such assistance from the Fund, such assistance may be used in any combination of direct expenditures by the State or State agency, and grants, loans, and loan guarantees from the State or State agency to units of local government, Provided, That such loan guarantees shall be subject to the provisions of section 7 (d). Any allotted assistance not drawn upon within three years of its allotment shall revert to the Fund, except that the Secretary may extend the period of availability if he determines that delays in the exploitation of Federal energy resources warrant such an extension.

(b) The proceeds of loans made or guaranteed under this Act shall be used for the provision of public facilities to serve residents of any units of local government or Indian reservations expected to experience population growth as a result of exploration, development, extraction, or processing of Federal energy resources.

(c) Grants from the Fund shall be used for necessary planning and management for the provision of public facilities to serve residents of any units of local government or Indian reservations expected to experience population growth as a result of exploration development, extraction, or processing of Federal energy resources.

Grants from the Fund shall not exceed the lesser of (1)

10 per centum of each allotment for a State or Indian tribe, or

(2) \$1,000,000 for each impact area as defined by the Secretary in regulations. A State, Indian tribe, or unit of local government may transfer part or all of the proceeds of grants made from the Fund to public planning agencies, as defined by the Secretary.

(d) Notwithstanding any other provision of any other act, financial assistance under this Act may be used for the non-Federal share of the aggregate cost of any project or program otherwise funded by the Federal Government which requires a non-Federal share for such project or program, Provided, That such project or program provides planning or public facilities otherwise eligible for assistance under this Act.

(e) The Governor of any State receiving assistance from the Fund or any State in which units of local government are receiving such assistance and the Chairman of any Indian tribe receiving such assistance shall certify each year that the proceeds are being used for the provision of public facilities consistent with any plans or planning required by or supported by Federal programs and that assistance received under this Act is being used in accordance with this Act.

LOAN TERMS

Sec. 7 (a) No loan or loan guarantee shall be extended unless the Secretary finds that credit is not otherwise available on reasonable terms and that there is reasonable assurance of repayment. No guarantee shall be extended without the approval of the Secretary of the Treasury.



(b) Loans made from the Fund shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on municipal bonds but not less than (1) a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus (2) an allowance adequate in the judgment of the Secretary to cover administrative costs and probable losses under the program, except that amounts forgiven under subsection (g) shall not be taken into account in determining such an allowance.

(c) Loans shall not be guaranteed if they bear interest or other charges that the Secretary determines to be excessive, taking into account the range of rates for similar loans and the risks assumed by the United States. The Secretary shall charge and collect fees in amounts sufficient in his judgment to cover administrative costs and probable losses on guaranteed loans.

(d) The interest paid on any obligation which is guaranteed under this Act, and received by the purchaser thereof (or the purchaser's successor in interest), shall be included in gross income for the purpose of chapter 1 of the Internal Revenue Code of 1954, as amended; but the Secretary may pay out of the Fund not more than such portion of the interest on such obligations as exceeds the amount of interest that would be due at the rate determined for direct loans in subsection (b).



(e) Loans made or guaranteed shall be repaid as determined by the Secretary, Provided, That the amortization period shall not exceed 20 years.

(f) In the event the borrower is unable to pay principal and interest when due, the Secretary is authorized to (1), with respect to a loan made from the Fund, permit deferral of part or all of such principal or interest payment, but any payment so deferred shall itself bear interest at the rate established pursuant to subsection (b), and (2), with respect to a loan guaranteed from the Fund, make a loan to the borrower in an amount sufficient to enable the borrower to make such payment. The Secretary is also authorized to extend the maturity of or renew any loan made from the fund for additional periods or consent to such extension or renewal of any loan guaranteed from the Fund if such extension or renewal will aid in the orderly liquidation of such loan.

(g) The Secretary is authorized to forgive part or all of the principal of and interest on any loan made from the Fund or to pay part or all the outstanding principal of and interest on any obligation guaranteed by the Fund to the extent that either the exploration, development, extraction, or processing activity or the population growth from such activity projected by the Secretary in making an allotment is not achieved and such forgiveness would be an appropriate recognition of any current and reasonably foreseeable future inability of the borrower to repay, Provided, That all feasible remedies, including deferrals and extensions authorized by subsection (f) have been exhausted; and,



Provided, that, when the borrower is a State or unit of local government, and when the sum of the State per capita revenues and the per capita local revenues collected by the borrowing jurisdiction is less than the national per capita State and local revenues, the Secretary shall assume, for purposes of considering the current and foreseeable future ability of the borrower to repay, that the borrowing jurisdiction will increase its tax effort for the remaining term of the loan to a level which will make the aforementioned sum equal to the national per capita State and local government revenues.

Provided, That no loan, guaranteed obligation, or portion thereof will be forgiven if the Secretary determines that the projected activity was not achieved primarily because of actions initiated by the State, Indian tribe, or unit of local government to whom the loan or loan guarantee was made unless the Secretary finds that such actions were in the public interest; and Provided, That an amount shall be subtracted from the amount of principal and interest to be forgiven equal to the amount of any revenues received by a State under Sec. 35 of the Mineral Leasing Act of 1920 (41 Stat. 450) as amended (30 U.S.C. 191), from mineral leases on which the failure to achieve projected levels of activity is grounds for forgiveness of a loan or loan guarantee to such State from the Fund.

(h) In connection with any loan made or guaranteed under this Act, the Secretary may require the State, Indian tribe, or unit of local government to provide such security as he deems appropriate. The Secretary may take such steps as he deems necessary to realize upon



any collateral in which the United States has a security interest pursuant to this section to enforce any claim the United States may have against the State, Indian tribe, or unit of local government pursuant to this Act.

ACCOUNTING

Sec. 8. Recipients of financial assistance under this Act shall keep such records as the Secretary shall prescribe by regulation, including records which fully disclose the disposition of the proceeds of such assistance, the total cost of the provision of public facilities for which such assistance was used and such other records as the Secretary may require to facilitate an effective audit. The Secretary and the Comptroller General of the United States or their duly authorized representatives shall have access, for the purpose of audit, to such records.

NONDISCRIMINATION

Sec. 9. No person in the United States shall on the grounds of race, color, religion, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act, Provided, That Indian tribes are exempt from the operation of this section, Provided, Further, That such exemption shall be limited to the planning and provision of public facilities which are located on reservations and which are provided for members of the affected Indian tribes as the primary beneficiaries.



ENFORCEMENT

Sec. 10. Whenever the Secretary determines that a State, Indian tribe, or unit of local government which is a recipient of assistance from the Fund has failed to comply with the requirements of this Act or an applicable regulation, he shall notify the Governor of such State, Chairman of such Indian tribe, or chief executive officer of such unit of local government of the noncompliance and shall request the Governor, Chairman, or chief executive officer to secure compliance. If within a reasonable period the Governor, Chairman, or chief executive officer fails or refuses to secure compliance or to commence to secure and thereafter diligently to continue to secure compliance, the Secretary is authorized to (1) withdraw all or part of any outstanding allotments under this Act to the State or Indian tribe, (2) withhold all or part of any additional allotments of assistance under this Act that would otherwise be made, and (3) request the Attorney General to bring a civil action in a United States district court for such relief as may be appropriate, including but not limited to an action to recover the amount of assistance furnished under this Act which was not expended in accordance with this Act, or for mandatory or injunctive relief. Notwithstanding any other provision of law, Acts making appropriations may provide for the withholding of any payments from the United States to the State, Indian tribe or unit of local government which may be or may become due pursuant to any law and offset the amount of such withheld payments against any claim the Secretary may have against the State, Indian tribe, or unit of local government pursuant to this Act.



FUND

Sec. 11 (a) There is hereby created within the Treasury a Federal Energy Development Impact Assistance Fund which shall be available to the Secretary without fiscal year limitation as a revolving fund for the purpose of this Act. The total of any expenses, grants, loans made, or loans guaranteed from the Fund in any fiscal year shall not exceed limitations specified in appropriation acts, except that renewals of loans or extensions of maturities, or other refinancing of existing loans made or guaranteed under this Act (other than increases in principal amounts) shall not count as additional loans under these limitations. A business-type budget for the Fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law (sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847-849)) for wholly-owned Government operations.

(b) (1) All amounts received by the Secretary as interest payments or repayments of principal on loans, fees, and any other moneys, property, or assets derived from operations in connection with this Act shall be deposited in the Fund.

(2) All grants, loans, expenses, including reimbursements to other government accounts, and repayments pursuant to operations of the Secretary under this Act shall be paid from the Fund. If at any time the Secretary determines that moneys in the Fund exceed the present and any reasonably prospective future requirements of the Fund, such excess shall be transferred to the general fund of the Treasury. All moneys in the Fund on October 1, 1989 and all amounts subsequently received under this Act shall be deposited in the General Fund of the Treasury.

(c) If at any time the moneys available in the Fund are insufficient to enable the Secretary to discharge his responsibilities

under guarantees under this Act, he may borrow from the Treasury of the United States in such amounts as may be provided without fiscal year limitation in appropriation Acts by issuing to the Secretary of the Treasury notes or other obligations in such form and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Secretary from appropriations or other moneys available under subsection (b) of this section. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall be not less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

AUTHORIZATION OF APPROPRIATIONS

Sec. 12. There is authorized to be appropriated to provide capital to the Fund, the sum of \$1,000,000,000 to be available until September 30, 1989.



INTERGOVERNMENTAL RELATIONS

Sec. 13. The Secretary is directed to establish appropriate working arrangements with the Governors, Chairmen of Indian tribes, and Federal agencies affected by this Act. Such Federal agencies shall include but are not limited to the Department of Agriculture, the Environmental Protection Agency, the Federal Energy Administration, the Department of Commerce, the Department of Housing and Urban Development, the Department of Labor, and the Department of the Treasury. Further, the Secretary shall report to the President and Congress within 120 days of this enactment of this Act the procedures to be used to establish and to continue such working arrangements.

LABOR STANDARDS

Sec. 14. All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with funds received under this Act shall be paid wages of rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a - 276a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and Section 2 of the Act of June 13, 1934 as amended (48 Stat. 948; 40 U.S.C. 276 (c)).

REGULATIONS

Sec. 15. The Secretary is authorized to promulgate such rules and regulations as he determines are necessary to carry out this Act.



Federal Energy Administration authorization, H.R. 12169, but in its present form the rule is unfair.

Under the provisions of H.R. 1220, a major amendment which should be considered by this House is ruled nongermane. That amendment, offered by Congressman FITHIAN and Congresswoman SCHROEDER, would transfer the functions of the Federal Energy Administration to other agencies. However, the Rules Committee refused to provide for the consideration of this important amendment, and as a result, the House is being prevented from working its will on this legislative provision.

The Schroeder-Fithian substitute has been ruled nongermane in view of the argument that other legislative committees ought to be involved in legislation which would provide for a major governmental organization. It was felt that the Government Operations Committee should have been involved in the consideration of the substitute. I do not dispute this. As a member of the Government Operations Committee, I agree that my committee ought to consider the full ramifications of a major governmental reorganization. Yet by our actions today, we are denying a forum for the Schroeder-Fithian amendment and preventing the Government Operations Committee from involving itself in this matter at the same time. I, therefore, feel that this procedure is unwarranted.

I do believe that the House ought to be given a chance to work its will on the FEA authorization. My vote against this rule does not oppose this consideration. But I do oppose the pending rule as unfairly ruling out-of-order a major amendment which should be voted on by the membership of the House today.

GENERAL LEAVE

Mr. SISK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 1220.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SISK. Mr. Speaker, I yield to myself the balance of my time.

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

Mr. SISK. Mr. Speaker, I join my colleague, the gentleman from Tennessee (Mr. QUILLIN), in urging an aye vote on this rule. We have heard a great deal of discussion here but I think it is evident that the Committee on Interstate and Foreign Commerce should be given an opportunity to take the floor and to discuss the merits and demerits of their proposal and then the House, of course, will be given an opportunity to work its will on the legislation.

So, Mr. Speaker, I urge an aye vote.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. SYMMES. 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 238, nays 116, not voting 77, as follows:

(Roll No. 313)

YEAS—238

Abdnor	Hall	Freyer
Adams	Hamilton	Price
Addabbo	Harris	Quie
Allen	Harsha	Quillen
Anderson, Ill.	Hechler, W. Va.	Rallsback
AnCon	Heckler, Mass.	Randall
Badillo	Hefner	Rangel
Ballas	Holmes	Raulo
Baldus	Helstoski	Richmond
Beard, Tenn.	Henderson	Roberts
Bennett	Hightower	Rodino
Bevill	Hillis	Roe
Biaggi	Holtzman	Rogers
Bisler	Horton	Roncalio
Boland	Hughes	Rooney
Bolling	Hungate	Rosenthal
Boaker	Hyde	Roush
Brademas	Ichord	Roybal
Breckinridge	Jarman	Russo
Brown, Calif.	Jedwards	Santini
Brown, Mich.	Johnson, Pa.	Sarasin
Brown, Ohio	Jones, N.C.	Satterfield
Broyhill	Jordan	Scheuer
Burgener	Kasten	Schulze
Burke, Calif.	Kelly	Sebelius
Burke, Fla.	Koch	Seiberling
Burke, Mass.	LaFalce	Sharp
Burleson, Tex.	Lagomarsino	Shriver
Burlison, Mo.	Leggett	Shuster
Burtr	Lehman	Sikes
Carney	Lent	Sisk
Carr	Litton	Skubitz
Cederberg	Long, La.	Smith, Iowa
Clancy	Long, Md.	Smith, Nebr.
Clay	Lott	Snyder
Cochran	Lundine	Solarz
Cohen	McClory	Spellman
Collins, Ill.	McCloskey	Spence
Collins, Tex.	McDade	Staggers
Conable	McEwen	Stanton
Conte	McFall	J. William
Corman	McHugh	Stark
Cornell	McKay	Seiger, Wis.
Cotter	McKinney	Stephens
Coughlin	Madden	Stokes
Daniel, Dan.	Madigan	Stratton
Daniels, N.J.	Maguire	Studds
Davis	Martin	Sullivan
Derwinski	Mazzei	Symington
Devine	Melcher	Talcott
Dingell	Metcalf	Taylor, N.C.
Dodd	Meyner	Teague
Duncan, Tenn.	Michel	Thone
du Pont	Milford	Treen
Eady	Miller, Ohio	Teongas
Eckhardt	Mineta	Ullman
Edgar	Minish	Van Deeren
Edwards, Calif.	Mitchell, N.Y.	Vander Jagt
Elberg	Moakley	Vander Veer
Emery	Moffett	Vigorito
Evans, Colo.	Moorhead, Pa.	Waggonner
Evins, Tenn.	Morgan	Walsh
Findley	Moss	Wampler
Fish	Murphy, N.Y.	Whalen
Flood	Myers, Ind.	Whitten
Florio	Natcher	Wiggins
Ford, Tenn.	Neal	Wilson, Bob
Foran	Nedzi	Wilson, Tex.
Foran	Nolan	Winn
Fountain	Nowak	Wirth
Fraser	Oberstar	Wolf
Frenzel	O'Brien	Wright
Fritman	O'Hara	Wyder
Goodling	O'Neill	Wyss
Gradison	Ottiger	Yates
Green	Patten, N.J.	Yatron
Gude	Pepper	Young, Fla.
Guy	Perkins	Young, Tex.
Hagedorn	Pike	Zablocki
Haley	Poage	

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Alexander	Fithian	Mezvinsky
Ambro	Flowers	Mikva
Anderson, Calif.	Flynt	Mink
Andrews, N.C.	Fuqua	Mitchell, Md.
Archer	Goldwater	Mollohan
Armstrong	Gonzalez	Moore
Aspin	Grassley	Moorhead, Calif.
Baucus	Hammer	Mori
Bauman	schmidt	Murphy, Ill.
Beard, R.I.	Hanley	Murtha
Bedell	Hannaford	Myers, Pa.
Blanchard	Hansen	Ober
Blouin	Harkin	Pasman
Bowen	Hawkins	Patterson, Calif.
Brinkley	Hayes, Ind.	Patterson, N.Y.
Broomfield	Holland	Paul
Buchanan	Holt	Pettis
Burton, John	Howard	Pickle
Byron	Howe	Pritchard
Chappell	Hubbard	Reuss
Chisholm	Jacobs	Robinson
Clausen	Jenrette	Roussot
Don H.	Jones, Okla.	Runnels
Cleveland	Jones, Tenn.	Euppe
Conyers	Kastenmeier	Ryan
Crane	Kazen	St. Germain
D'Amours	Kemp	Schroeder
Daniel, R. W.	Ketchum	Shirley
Delaney	Keys	Simon
Dent	Kindness	Slack
Derrick	Krebs	Symms
Dickinson	Levitas	Taylor, Mo.
Downey, N.Y.	Lloyd, Calif.	Thornton
Downing, Va.	Lloyd, Tenn.	White
Drinan	Lujan	Whitehurst
Duncan, Oreg.	McCormack	Young, Ga.
English	Mahon	Zelezetti
Evans, Ind.	Mann	
Fary	Mathis	
Fascell	Meeds	

NOT VOTING—77

Abzug	Poley	Feyer
Andrews, N. Dak.	Ford, Mich.	Pressler
Annunzio	Gaydos	Rees
Aashbrook	Gialmo	Rhodes
Ashley	Gibbons	Riegle
Bell	Harrington	Rinaldo
Bergland	Hays, Ohio	Rosenbloom
Bingham	Hébert	Rose
Boggs	Hicks	Rostenkowski
Breaux	Hinshaw	Sarbanes
Brodhead	Hutchinson	Schneebeli
Brooks	Johnson, Calif.	Stanton
Burton, Phillip	Johnson, Colo.	James V.
Carter	Jones, Ala.	Steed
Clawson, Del.	Kath	Steelman
Conlan	Krueger	Steiger, Ariz.
Danielson	Landrum	Stuckey
de la Garza	Latta	Thompson
Dellums	McCollister	Traxler
Diggs	McDonald	Udall
Edwards, Ala.	Matsumaga	Vanik
Erlenborn	Miller, Calif.	Waxman
Esch	Mills	Weaver
Eshleman	Montgomery	Wilson, C. H.
Penwick	Moher	Young, Alaska
Fisher	Nichols	

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Harrington against.

Ms. Abug for, with Mr. Riegle against.

Mrs. Boggs for, with Mr. Phillip Burton against.

Mr. Thompson for, with Mr. de la Garza against.

Mrs. Penwick for, with Mr. Dellums against.

Mr. Johnson of California for, with Mr. Steelman against.

Until further notice:

Mr. Nichols with Mr. Gibbons.

Mr. Breaux with Mr. James V. Stanton.

Mr. Bingham with Mr. Miller of California.

Mr. Gialmo with Mr. Feyer.

Mr. Rostenkowski with Mr. Bell.

Mr. Udall with Mr. Egan.

Mr. Brooke with Mr. Stuckey.

Mr. Gaydos with Mr. Charles H. Wilson of California.

Mr. Hébert with Mr. Fisher.

Mr. Hays of Ohio with Mr. Conlan.