

NATIONAL WATER LEGISLATION IN THE 89TH CONGRESS

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The theme of this year's conference, "Water Economics--with a Short Supply and Increasing Population" summarizes the national water problem as seen by Congress.

In 1966, in the second session of the 89th Congress, we can look back at a record of legislative activity in the field of water resources that has never been equalled in the history of the United States. There have been years of landmark legislation before, as in 1902, when the Federal Reclamation Act became law; 1920, which saw enacted, after many years of effort, the Federal Power Act; 1927 and 1928, which gave us in turn the adoption of the comprehensive flood control project on the Lower Mississippi River and Tributaries and the Boulder Canyon Project which led to the construction of the Hoover Dam, first of the great multiple purpose water development projects in the West; 1936, when under the last of unprecedented floods in the Ohio River basin, Congress adopted a flood control policy for the entire Nation.

But the far-reaching impact of the broad legislation enacted in the past two years, which will be added to before the end of the present session of Congress, will be greater than that of any one of these legislative milestones.

Starting from the benchmark of the 1961 report of the Senate Select Committee on National Water Resources--a committee, you will remember, that was chaired by the late Senator Robert S. Kerr of Oklahoma, with the wholehearted assistance and cooperation of New Mexico's own Senator Clinton P. Anderson and the late Dennis Chavez--the Congress has now laid the legislative groundwork for tackling problems of water economics. This is being done through a series of statutes that will permit necessary action to be taken to deal with water problems far into the future, so that the Nation can find the most efficient way of coping with the situation resulting from the great pressure of growth of population, agriculture, and industry, against the finite limits of natural water supply.

So far, through enactment of the Water Resources Research Act of July 17, 1964, and the Water Resources Planning Act of July 22, 1965, Congress has raised the Nation's sights above the limitations imposed by a project-by-project approach to water resources development, and established the means to find through research, better technical

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answers to our various problems, and through improved cooperative arrangements, a way to focus the best efforts of all Federal and State agencies toward the solution of problems of river basin development on a comprehensive basis.

In addition, new legislation to broaden and intensify the program of research and development of economical processes for desalinization of ocean and brackish waters has been enacted to extend this program for another six years, in continuation of the program initiated more than a decade ago under the leadership of the present senior Senator from the State of New Mexico.

It has been my privilege to join Senator Anderson in the co-sponsorship of all of this important legislation. Senator Anderson and I have joined forces again this session to push legislation that will establish a large program of scientific and engineering research, experiments, testing, and operations for increasing the yield of water from atmospheric sources, under the direction of the Secretary of the Interior. We are talking in terms of a program in the magnitude of \$35 to \$70 million a year over the first three years, to go beyond the meager research programs presently underway under the National Science Foundation and the Bureau of Reclamation.

Other legislation having great importance in our all-out endeavor to surmount the broadening water crisis of our times was enacted as the Water Quality Act of 1965, which for the first time provides for water quality standards in streams receiving the effluent from various sources of pollution.

Other important water resources legislation during the last session includes the Water Projects Recreation Act of July 9, 1965.

As a basis for discussing what we are considering during the current session, let me comment briefly on the programs which have already been enacted.

FIRST THE WATER RESOURCES RESEARCH ACT

This Act authorizes establishment of water resources research institutes at land-grant colleges or other universities or combination thereof in each of the 50 States and Puerto Rico, and provides a contribution of Federal Funds which will eventually amount to \$100,000 annually, toward the administrative expenses of the institute.

In addition, matching funds are provided for grants to carry on research on all aspects of water and water-related problems at the institutes. This Act grew directly out of the recommendations of the Kerr Committee for increased research into these aspects of water that are not fully

understood by scientists and engineers, as well as into scientific techniques that need to be improved in order to utilize our water resources to the optimum.

In the science of water, as in other scientific fields such as space, meteorology, or astronomy, there has to be a body of basic fact on which plans may be fruitfully made for solving problems. The Water Resources Research Act is modeled after the agricultural experiment stations programs, and it is hoped that these institutes will do as much to solve the Nation's gaps in water knowledge as the agricultural experiment stations have done to solve problems in American agricultural conservation and production. Federal funds are provided to assist in the establishment and administration of the centers, and matching grants will be made for specific research projects originated by scientists and engineers from within each State. There has been a shortage of well-trained engineers and scientists working in water and water-related problems, and one of the reasons for setting up these research centers in each State is to provide training for scientists and engineers in water and water-related fields. Our water resources research institute in New Mexico is right here at New Mexico State University, under the direction of Dr. H. R. Stucky. I am sure that you will hear more about it during the course of your meeting.

WATER RESOURCES PLANNING ACT

While the water resources research institutes have to do with research, the second landmark in recent water resources legislation has to do with planning. The Water Resources Planning Act of 1965, like the Water Resources Research Act, is based on recommendations made by the Senate Select Committee on National Water Resources. It may be interesting to note that as far back as 1949, when he first came to the United States Senate, there was a proposal by New Mexico's great and practical neighbor, the late Senator Kerr of Oklahoma, for a river basin commission to carry on comprehensive planning for multiple purpose development of the water and related land resources of the Arkansas-White-Red River Basins. His original proposal was modified and the Arkansas-White-Red River study was carried on under authority given to the Corp of Engineers in the Flood Control Act of 1950. Subsequently, there have been many proposals for independent river basin planning commissions which would tie together Federal, State, local, and private interests in the planning for the overall development of the water resources of entire river basins.

With the passage of time, it has become perfectly clear that the water problems of the Nation have been increasing because of our expanding population, our growing economy, and increased leisure time. Solution of these problems requires nothing less than full and complete coordination between Federal, State, and local interests to plan for the most

comprehensive and efficient uses of the water resources of all States and regions as well as of the Nation. The Select Committee therefore recommended that coordinated river basin plans be developed in all major river basins and that Federal grants be made to the States to stimulate and help along their efforts in doing this.

The Water Resources Planning Act of 1965 is the culmination of this objective. The Act aims to improve the coordination of planning activities of Federal, State, and local governments, as well as many parts of the private enterprise economy, so as to promote better ways of dealing with water problems now and in future years.

The first part of the Planning Act establishes a Water Resources Council as a cabinet-level coordinating agency in Washington for the many Federal agencies that are involved in water resources development programs. These programs, as you well know, are scattered among many departments and agencies, from the Bureau of Reclamation to the Department of Health, Education and Welfare. The Council is composed of the Secretary of the Interior (appointed chairman by the President), the Secretary of Agriculture, the Secretary of the Army (representing the Corps of Engineers), the Secretary of Health, Education and Welfare, and the Chairman of the Federal Power Commission.

The Council's assignments are to (1) make continuing studies and periodic assessments of the adequacy of water supplies to meet water requirements in the various water resources regions of the country; (2) to maintain a continuing study of the relation of regional or river basin plans or programs to the overall national requirements, including the adequacy of administrative and statutory means for coordination of water and related land resources policies of the several concerned Federal agencies; (3) to appraise the adequacy of existing and proposed policies and programs to meet such requirements; (4) to make recommendations to the President about policies and proposals; (5) to establish, with the President's approval, principles standards and procedures for Federal participation in river basin planning, and for the formulation and evaluation of Federal water and related land resources projects; and (6) to review river basin development plans prepared by Federal-State River Basin Commissions as they are authorized by section II of the Act. The first commission to be established under this Act is to be the New England River Basin Commission. The preliminary steps by the New England States and the Council have been completed and approved, and the New England Commission awaits only the go-ahead of the President and the appointment of the Federal members.

The Water Resources Council will also administer a Federal grant-in-aid program to provide funds to the States, on a matching basis, to

assist the States in developing and participating in the development of comprehensive water and related land resources plans. The Council will review river basin plans, or revisions thereof, as they are received from the river basin commissions. In their review, the Council will consider the appropriateness of the plan in achieving optimum use of the water and related land resources in the area involved, and what the broad implications and effects of the plan may be on other programs, as well as on the national economic and social goals. The Council will formulate its own recommendations and transmit them, together with the plan or revision of plan, and all views and comments about them received from Federal agencies, governors, and interstate or international commissions, to the President for review and transmittal to Congress with the President's recommendations as to authorization of Federal projects.

The Water Resources Council does not alter any of the statutory functions of the various Federal agencies operating in water resources, nor does it change Federal or State jurisdiction, responsibility, or rights in this field. It is intended primarily to provide a statutory basis for the conduct of cooperative work among the Federal agencies that has been previously carried out by various interagency commissions. The new Council, in general, has the powers given to an independent government agency.

The second part of the Planning Act provides for river basin commissions--like the New England Basin Commission of which I spoke earlier--to coordinate the efforts of all responsible agencies and interests in preparing and keeping up to date comprehensive plans for the development of water and related resources in each water resource region. These will be Federal-State in makeup, and through them the Federal, State, and local governments and non-governmental groups will be provided a medium for cooperating in planning for the development of the water resources of a river basin. New Mexico may well become a member of such a Commission which is being considered for the Pacific Southwest region, as a part of the authorization for the lower Colorado River Basin now under consideration by Congress.

In the past, the work of some of the States in water resources planning has not always been on the same level as that of the federal agencies, sometimes through lack of coordination of effort and sometimes because of financial needs. The third section of the Planning Act will help to correct the financial problems by matching grants with the States to help them carry on their share of the work that is required if comprehensive and economic development of their water resources is to be fully achieved.

OUTDOOR RECREATION LEGISLATION

Planning for the use of land and water for recreation has become a new imperative in the 1960's. Americans increasingly value their outdoor retreats and they consider planning for recreation as an essential part of good resources management. It is obvious that water-based recreation is of top priority. In 1962, the Outdoor Recreation Resources Commission recommended a Federal program to stimulate and assist the States in stepping up their work in this area. The ORRC said, that while all levels of government have responsibility and interest in meeting outdoor recreation needs, the State governments should have the dominant public responsibility and should play the pivotal role. The Land and Water Conservation Fund Act passed in 1964 was the outcome of that recommendation. The Act aims to coordinate and promote comprehensive planning between the Federal and State agencies and to provide more recreation areas for the American people to enjoy in their leisure hours.

It sets up a \$2 billion, 10 year fund to be given to the States on a matching basis so that they may develop more public recreational facilities. The cost of the program is to be met from a combination of sources, including admission and user fees, motorboat fuel taxes, and revenue from the sale of property owned by the United States. Sixty percent of the annual appropriation by the Congress to this Fund will be available to the States as grants-in-aid, while forty percent of the money will go to Federal agencies to purchase other recreational areas and to repay the Treasury for the capital costs of public recreation and fish and wildlife propagation at Federal projects.

Of the States' share of sixty percent, two-fifths will be divided equally among the States, and three-fifths will be apportioned to States according to their needs. When the States receive their portions of the money, they then allocate it to political subdivisions within the State as they see fit.

The States may use their money to prepare statewide outdoor recreation plans; to maintain recreation facilities; to acquire water and land areas where they want to establish recreation areas; and to pay for developing the recreation areas and facilities. After a State builds or develops recreation areas under this Act with the 50-50 matching of monies, it is left up to the State whether it will charge the public for their use. However, no charge may be made for the use of water areas, whether they are lakes, reservoirs, or running streams. Only the developed land areas are subject to user charges or admission fees.

Since the end of World War II, increasing attention has been given by the Corps of Engineers and the Bureau of Reclamation to the need for inclusion of recreation and fish and wildlife facilities in their

water projects. This has been accompanied by an almost continual discussion of who is to pay for these features--the Federal government or the States and local bodies.

The Congress came to grips with this controversy in the 89th Congress, last year, in the Federal Water Projects Recreation Act. The Act established standard guidelines to govern allocation of costs and responsibilities for the repayment of recreation and fish and wildlife costs when they are part of Federal multiple purpose water resources projects. The Act provides that the States will be encouraged to develop and operate recreation and fish and wildlife features at Federal water projects. The Federal government will bear all joint costs allocated to these functions and half of the separable costs of construction features specifically for these purposes. An example of a joint cost on such a project would be a share of the cost of a dam that is essential to the functions of all purposes of the project, while a separable cost might include the cost of picnic tables, a boat launching ramp, lands, roads, an extra foot on the height of a dam so as to provide storage capacity for a permanent pool, or building a new water impoundment just for the purpose of recreation or fish and wildlife. The States' part of the costs could be borne either as a cash payment to the government, provision of lands or facilities, or through an agreement to pay the money to the government over a 50-year period out of receipts collected from the users of facilities at the recreation areas.

The prerequisite for eligibility to receive Federal contribution to these projects is that the State or other non-Federal public body must declare its intention to develop and run the recreation facilities in accordance with the overall plan of the project, to bear half of the separable costs of construction, and to bear all costs of operation, maintenance, and replacement

WATER QUALITY-POLLUTION CONTROL

Another important piece of legislation enacted near the end of the last session of Congress was the Water Quality Act of 1965. In this Act, for the first time, Congress provided for the establishment of water quality standards by the States, against which the effects of various types of pollution can be measured. Establishment of such standards forms the next important first step toward eventually cleaning up the rivers of this Nation. The legislation established a new agency, the Federal Water Pollution Control Administration, effective at the beginning of 1966, to marshal the attack on water pollution.

Within the last month, the President sent to the Congress a message on water pollution and related subjects and is proposing several new actions for consideration of the Congress. The first of these calls

for an all-out attack on the problems of water pollution through what the President called a "Clean Rivers Demonstration Program" which would include four requirements: (1) The adoption for every part of a river basin of appropriate water quality standards, as they are already authorized by the Water Quality Act of 1965; (2) Comprehensive, practical long-range development plans by States and local communities to achieve water quality standards and to preserve them; (3) The creation of a permanent river basin organization, where it does not already exist, to carry out the plan, to represent the communities and the States, to work closely with the Federal government, and to revise plans as conditions require so that new threats to the quality of the river may be turned back; (4) The contribution of funds by communities for the construction of facilities and the levying of charges for their use in order to maintain, extend, and replace them when needed.

To initiate this program, the President recommended initial expenditures of \$50 million for fiscal year 1967. However, the President emphasized that the ultimate goal "to free all of America's rivers from pollution" will be much more costly. Estimates range between \$7 and \$10 billion as the Federal government's contribution.

NATIONAL WATER COMMISSION

The President is also proposing legislation to establish a National Water Commission to study and report on just the problems that are the subject of this meeting. The President said:

In no areas of resource management are the problems more complex--or more important--than those involving our Nation's water supplies...I propose the establishment of a National Water Commission to review and advise on the entire range of water resource problems--from methods to conserve and augment existing water supplies to the application of modern technology, such as desalting, to provide more usable water for our cities, our industries, and our farms.

The Commission will be composed of the very best minds in the country. It will judge the quality of our present efforts. It will recommend long-range plans for the future. It will point the way to increased and more effective water resource measures by the Federal Government, working in close cooperation with States, local communities, and private industry.

As an adjunct to these legislative proposals, the President proposes to transfer the Water Pollution Control Administration from the

Department of Health, Education and Welfare to the Department of the Interior, as a step toward a more coordinated approach by the Federal government to water problems.

Consideration of all these proposals will require the continued best efforts of the Congress. From my vantage point, as a member of the Committee on Appropriations, I shall do my part to see that adequate funds are provided for all worthwhile proposals in the field of water resources, and, of course, to see that the interests of the State of New Mexico are not lost sight of, in consideration of overall national problems.