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THE WHITE HOUSE
WASHINGTON

March 9, 1976

MEMORANDUM FOR: MAX FRIEDERSDORF
FROM: VERN LOEN *VL*
SUBJECT: Enrolled bill memo S.151-Reclamation
Authorization Act of 1975

In deciding whether to recommend the President sign or veto this legislation, I would recommend you take into consideration the following factors:

Legislative history - S.151 was passed by voice vote in the Senate on August 1, 1975. H.R.10537, which expanded the number of projects in the bill, passed the House on January 1, 1976, by a vote of 284-110 with 40 absentees. The Senate then accepted the House bill by voice vote on February 25. An analysis of the House vote is attached. Given the partisanship of an election year, I consider it likely that we would lose 31 of the 110 nay votes and might gain as many as 36 switches from the yea votes for a net gain of 5. Of those not voting, 13 looked like targets to sustain. That would give us a total of 128 votes.

Rhodes was among those voting to pass the bill. When consulted about sustaining a veto, he said he probably would vote to sustain, but would be very quiet about it. Michel was among the absentees.

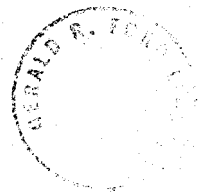
The Senate would act first and, if the 17 reclamation state Senators stick together, we start off with a base of 34 votes against us. John Kyl feels it is unlikely that the Senate would sustain. That would build momentum and partisanship for the House vote and charges of another "anti-jobs veto," even though none of the jobs would be created this year. If the bill were signed, Kyl says we would not have to worry about another package being rushed in behind this one; however, it is likely that they would try to fund these projects in FY77.

Signing the bill would be taken by the reclamation community, which is somewhat monolithic, as a friendly gesture and might blunt criticism of the President for his "no new starts" budget policy.



Largest of the four projects, Polecat Bench, is an irrigation project strongly backed by Senator Hansen, costing \$46 million. The Pollock-Herreid irrigation project, costing \$26 million, is strongly pushed by Rep. Jim Abdnor and is located in his best Republican counties. Rep. Mark Andrews says the Dickinson Dam safety project in North Dakota could well burst due to faulty construction. The McKay Dam safety project in Oregon is located in Al Ullman's district, but would benefit Senators Hatfield and Packwood as well.

It's an extremely close call, boiling down to whether we want to help our friends with an authorization bill in a Presidential election year and fight the appropriation later if the stipulations are not met, or do we stand on past established procedures. I come down on the side of our friends since there is a good likelihood that a veto would be overridden anyway.



can create a viable railroad system that can effectively compete with other modes of transportation. Such action will demonstrate to the American people that the legislative and executive branches can cooperate in the development of necessary legislation.

Mr. STAGGERS. Mr. Speaker, I have no further requests for time.

Mr. SKUBITZ. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 527).

The question was taken.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3 of rule XXVII and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 3, rule XXVII, the Chair will now put the question on each motion, on which further proceedings were postponed, in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 10537, de novo; and H.R. 3710 and House Concurrent Resolution 527, on which the yeas and nays are ordered.

AUTHORIZING AND MODIFYING VARIOUS FEDERAL RECLAMATION PROJECTS AND PROGRAMS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 10537.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 10537.

The question was taken.

Mr. HECHLER of West Virginia. 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 284, nays 110, not voting 40, as follows:

[Roll No. 5]

YEAS—284

Abdnor
Abzug
Adams
Addabbo
Alexander
Allen
Anderson
Anderson, Calif.
Anderson, Ill.
Andrews
N. Dal.

Annunzio
Aspin
AuCoin
Badillo
Baldus
Barrett
Baucus
Bedell
Bennett
Berglund
Bevill

Biester
Bingham
Boggs
Bolling
Bonker
Brademas
Breaux
Brock
Broomfield

Brown, Calif.
Brown, Mich.
Buchanan
Burger
Burke, Calif.
Burke, Mass.
Burton, Mo.
Burton, John
Burton, Phillip
Byron
Carney
Carr
Carter
Casey
Chappell
Chisolin
Clausen
Don H.
Cley
Cohen
Collins, Ill.
Collins, Tex.
Conlan
Cornell
Cortez
Daniels, N.J.
Danielson
Davis
De la Garza
Delaney
Dellums
Dent
Derrick
Dickinson
Dingell
Downey, N.Y.
Drinan
Duncan, Oreg.
Duncan, Tenn.
du Pont
Early
Edwards, Ala.
Edwards, Calif.
Ellberg
Emery
Esch
Evans, Colo.
Evins, Tenn.
Fary
Fascell
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fraser
Fuqua
Gaydos
Gislamo
Gibbons
Gilman
Ginn
Gonzales
Green
Guyer
Haley
Hall
Hamilton
Hammer
Hansford
Hansen
Harrington
Harris
Harsha
Hawkins
Hays, Ohio
Heffner
Heistowski
Henderson
Hicks
Hightower

Holland
Horton
Howard
Howe
Hubbard
Hungate
Ichord
Jacobs
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Ketchum
Koch
Krebs
Krueger
LaFace
Landrum
Leggett
Lent
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
McCluskey
McCollister
McCormack
McDade
McEwen
McFall
McHugh
McKay
McKinney
Macdonald
Madden
Mahon
Mathis
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinaky
Mikva
Milford
Miller, Calif.
Mills
Minetta
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nix
Nowak
Oberstar
Obey
O'Hara
O'Neill
Passman
Patten, N.J.
Patterson, Calif.
Pepper
Perkins
Fettis
Peyser

NAYS—110

Ambro
Archer
Armstrong
Ashbrook
Bafalis
Bauman
Beard, Tenn.
Blanchard
Blount
Brook
Brown, Ohio
Brown, Fla.
Buckley, Tex.
Butler
Cederberg
Clancy
Clawson, Del.

Cleveland
Conable
Conce
Conyers
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Derwinski
Devine
Dodd
Downing, Va.
Edgar
Eisenborn
Eshleman
Evans, Ind.
Fenwick
Findley

Pickle
Pike
Plesler
Price
Pritchard
Rallsback
Randall
Rangel
Reas
Reuss
Rhodes
Richmond
Riegle
Rosen
Rosenhoover
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney
Rosenthal
Rostenkowski
Roush
Roybal
Runnels
Ryan
St Germain
Santini
Sarasin
Sarbanes
Schroeder
Sebelius
Seiberling
Shipley
Shriver
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Spellman
Staggers
Stanton
J. William
Stephens
Stokes
Stratton
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thompson
Thone
Thornton
Traister
Tsongas
Ullman
Van Deelen
Vander Veen
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
White
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wolf
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Tex.
Zablocki
Zelofetti

Hutchinson
Hyde
Eyre
Jerman
Jeffords
Jennette
Kasten
Kelly
Keys
Kindness
Lagomarsino
Latta
Levitas
Long, Md.
McClary
McClary
Maguire
Mann
Martin
Miller, Ohio

Minish
Moates
Moore
Moorhead, Calif.
Mottl
Myers, Pa.
Noian
O'Brien
Ottinger
Poage
Preyer
Quis
Quillen
Regula
Rinaldo
Robinson
Rose
Rousslot

NOT VOTING—40

Andrews, N.C.
Ashley
Beard, R.I.
Bell
Blaggi
Boland
Bowen
Cochran
Corman
Crane
Diggs
Eckhardt
English
Hastings

Hebert
Heckler, Mass.
Helen
Hinshaw
Holtzman
Kemp
Lehman
Lott
Lujan
McDonald
Meyner
Michel
Montgomery
Rosen, Tex.

Russo
Satterfield
Schneebeli
Schulze
Sharp
Shuster
Spence
Stark
Steelman
Steiger, Wis.
Stuckey
Treen
Venik
Whalen
Whitehurst
Wirth
Wylder
Wyllie
Young, Fla.

Partison, N.Y.

Zuppe
Scheuer
Solari
Stanton
James V.
Steed
Steiger, Ariz.
Udall
Vander Jagt
Whitten
Wiggins
Wright

The Clerk announced the following pairs:

Mrs. Holtzman with Mr. Andrews of North Carolina.
Mr. Blaggi with Mr. Bell.
Mr. James V. Stanton with Mrs. Heckler of Massachusetts.
Mr. Hebert with Mr. Lujan.
Mrs. Meyner with Mr. Cochran.
Mr. Diggs with Mr. Michel.
Mr. Bolland with Mr. Wiggins.
Mr. Beard of Rhode Island with Mr. Ruppe.
Mr. Steed with Mr. Lott.
Mr. Udall with Mr. Crane.
Mr. Whitten with Mr. Heinz.
Mr. Patman with Mr. Kemp.
Mr. Montgomery with Mr. Vander Jagt.
Mr. Wright with Mr. Steiger of Arizona.
Mr. Ashley with Mr. Corman.
Mr. Bowen with Mr. Scheuer.
Mr. Eckhardt with Mr. Partison of New York.
Mr. Lehman with Mr. Solari.
Mr. McDonald of Georgia with Mr. English.

Messrs. FINDLEY, HARKIN, KINDNESS, HILLIS, FITZIAN, EDGAR, COUGHLIN, LEVITAS, FREY, BAFALIS, Mrs. KEYS, Messrs. CONTE, NOLAN, and JENNETTE changed their votes from "yea" to "nay."

So (two-thirds having voted in favor thereof), the rules were suspended, and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the bill (S. 151) to authorize the Secretary of the Interior to construct, operate, and maintain the Polecat Bench area of the Shoshone extensions unit Pick-Sloan Missouri Basin program Wyoming, and for other purposes, and ask for its immediate consideration.

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

There was no objection. The Clerk read the Senate bill, as follows:

The Clerk read the Senate bill, as follows:

March 11, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I have today approved S. 151, "The Reclamation Authorization Act of 1975."

S. 151 authorizes four separate projects to be undertaken by the Bureau of Reclamation: Polecat Bench, Wyoming; Dickinson Dam, North Dakota; McKay Dam and Reservoir, Oregon; and Pollock-Herreid unit, South Dakota.

The bill reauthorizes the Polecat Bench project to provide water for irrigation of 19,200 acres of land, a municipal and industrial water supply, and water for conservation and recreation purposes.

The Pollock-Herreid project, South Dakota, is based on a plan to divert water by pumping from the existing Lake Oahe on the Missouri River. The principal purposes of the project are to supply on-farm sprinkler irrigation for 15,000 acres of land and to supply municipal and industrial water to two communities.

The Dickinson Dam project, North Dakota, consists of certain modifications to be made to the Dickinson Dam to make additional municipal and industrial water available to the city of Dickinson, North Dakota, and to increase the existing spillway capacity to provide additional safety allowances in light of increased estimates of possible maximum flows.

The McKay Dam project, Oregon, is similar to the Dickinson Dam project in that it provides for increasing the capacity of the spillway of the dam for safety purposes. S. 151 also reauthorizes the project for additional purposes, including flood control, fish and wildlife, and recreation, as well as the existing irrigation function.

Although I have signed S. 151, it should be noted that I have several reservations about the bill and my implementation of its provisions will be subject to the following constraints:

First, the Polecat Bench project previously failed the test of cost-effectiveness, a test which is applied to other water resource projects generally. This project needs to be re-examined in light of new economic factors to see if it is economically justified. Similarly, the Executive Branch has not completed its study of the Pollock-Herreid unit and submitted a report on its feasibility to the Congress. Until such reports are prepared, there is no adequate basis for appraising the merits of these projects. Accordingly, I will not seek funds for either project until a cost-effectiveness study has been completed and the project is demonstrated to be economically justified.

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Second, the bill requires work on the latter two projects -- McKay Dam and Dickinson Dam -- solely at Federal expense. Safety is normally an integral design and operation feature of a federally constructed dam, to be paid for by project beneficiaries.

I do not endorse any policy which requires the Federal Government to pay the entire cost of work to improve dam safety in all situations involving modifications to federally built dams. The general question of Federal policy on the safety of dams will be considered when a congressionally directed report on that subject now underway by the Department of the Army is completed, and when new cost-sharing recommendations for water projects are made later this year.

Therefore, I will not seek any funds for these two projects until the study has been completed and the Executive Branch has made its recommendations on cost-sharing for water projects.

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