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APPROVED
OCT 16 1975

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 14 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5952 - Amends Water Resources
Planning Act of 1965
Sponsors - Rep. Johnson (D) California,
Rep. Skubitz (R) Kansas, and Rep. Lujan (R)
New Mexico

Last Day for Action

October 20, 1975 - Monday

Purpose

Revises membership of the Water Resources Council and amends certain appropriations and other authorizations relating to the work of the Council.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

Approval

Water Resources Council Staff

Approval

Department of Agriculture

Approval

Department of Commerce

Approval (Informally)

Department of Transportation

Approval

Civil Service Commission

Approval (personnel provisions only)

Department of the Army

No objection

Department of Housing and Urban
Development

No objection

Environmental Protection Agency

No objection

Department of Health, Education,
and Welfare

No objection



Discussion

The Water Resources Planning Act of 1965 established the Cabinet-level Water Resources Council to carry out the following programs:

- (1) assessing national and regional water supplies,
- (2) coordinating the various Federal, State, Regional and River Basin Water programs,
- (3) administering a program of matching grants to assist States in improving their water resource planning capability, and
- (4) encouraging the establishment by Executive Order, of River Basin Commissions, and paying the Federal share of the cost of operating the Commissions.

H.R. 5952 amends the Act in the following respects:

- Removes the Secretary of Health, Education, and Welfare from membership on the Council and adds the Secretaries of Commerce, Housing and Urban Development, and Transportation, and the Administrator of the Environmental Protection Agency. This change reflects the changing water resource responsibilities and concerns of the departments and agencies in question since the original Act was enacted in 1965.
- Increases the compensation of experts and consultants to the Council to not to exceed the daily rate for GS 18 in lieu of the presently authorized rate of \$100 per day. This change will permit Council experts and consultants to be paid at the rate generally authorized for other agencies.
- Authorizes a total of \$10,000,000 in appropriations for Fiscal Years 1976 and 1977 for preparation of assessments, and for directing and coordinating the preparation of such regional or river basin plans as the Council determines are necessary and desirable in carrying out the policy of the Act. This authorization replaces one for the same purpose providing \$3,500,000 annually for Fiscal Years 1974 and 1975.

- Authorizes, for Fiscal Years 1977 and 1978, appropriations of \$5,000,000 annually for grants to States to assist them in developing and participating in the development of comprehensive water and related land resources plans. An appropriation authorization in the same amount for this purpose has been provided for the past 10 years.

We support the foregoing amendments to the Act with one major exception -- the last provision described above that authorizes appropriations for grants to the States for Fiscal Years 1977 and 1978. We believe that the 10-year program of assistance has achieved its purpose and that the States ought to be able to provide for their own funding for these programs in the future. This view was conveyed to the Congress by Administration witnesses testifying on the bill, but the Congress has nevertheless chosen to authorize a continuation of the program for two more years. While this is a serious defect in the bill, we believe that our objective can be accomplished through the appropriation process, that is, by not funding the authorization, and we would plan to recommend against funding in your 1977 and 1978 budgets.

James M. Frey

Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

WASHINGTON

10/15 10:00a

Jim Cavanaugh:

The Water Resources Council has advised that they would like to be able to announce this bill at a meeting in Las Vegas sometime today.

Judy

Enrolled
10/16/75

ACTION

THE WHITE HOUSE

Last Day: October 20

WASHINGTON

October 15, 1975

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *[Signature]*

SUBJECT:

H.R. 5952 - Amends Water
Resources Planning Act of 1965

Attached for your consideration is H.R. 5952, sponsored by Representatives Johnson, Skubitz and Lujan, which revises the membership of the Water Resources Council and amends certain appropriations and other authorizations relating to the work of the Council.

A discussion of the enrolled bill is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 5952 at Tab B.

To CAVANAUGH
10/14

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

OCT 14 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5952 - Amends Water Resources
Planning Act of 1965
Sponsors - Rep. Johnson (D) California,
Rep. Skubitz (R) Kansas, and Rep. Lujan (R)
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Last Day for Action

October 20, 1975 - Monday

Purpose

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Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior
Water Resources Council Staff
Department of Agriculture
Department of Commerce
Department of Transportation
Civil Service Commission

Approval
Approval
Approval
Approval (Informally)
Approval
Approval (personnel pro-
visions only)

Department of the Army
Department of Housing and Urban
Development
Environmental Protection Agency
Department of Health, Education,
and Welfare

No objection
No objection
No objection
No objection

Discussion

The Water Resources Planning Act of 1965 established the Cabinet-level Water Resources Council to carry out the following programs:

- (1) assessing national and regional water supplies,
- (2) coordinating the various Federal, State, Regional and River Basin Water programs,
- (3) administering a program of matching grants to assist States in improving their water resource planning capability, and
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H.R. 5952 amends the Act in the following respects:

- Removes the Secretary of Health, Education, and Welfare from membership on the Council and adds the Secretaries of Commerce, Housing and Urban Development, and Transportation, and the Administrator of the Environmental Protection Agency. This change reflects the changing water resource responsibilities and concerns of the departments and agencies in question since the original Act was enacted in 1965.
- Increases the compensation of experts and consultants to the Council to not to exceed the daily rate for GS 18 in lieu of the presently authorized rate of \$100 per day. This change will permit Council experts and consultants to be paid at the rate generally authorized for other agencies.
- Authorizes a total of \$10,000,000 in appropriations for Fiscal Years 1976 and 1977 for preparation of assessments, and for directing and coordinating the preparation of such regional or river basin plans as the Council determines are necessary and desirable in carrying out the policy of the Act. This authorization replaces one for the same purpose providing \$3,500,000 annually for Fiscal Years 1974 and 1975.

- Authorizes, for Fiscal Years 1977 and 1978, appropriations of \$5,000,000 annually for grants to States to assist them in developing and participating in the development of comprehensive water and related land resources plans. An appropriation authorization in the same amount for this purpose has been provided for the past 10 years.

We support the foregoing amendments to the Act with one major exception -- the last provision described above that authorizes appropriations for grants to the States for Fiscal Years 1977 and 1978. We believe that the 10-year program of assistance has achieved its purpose and that the States ought to be able to provide for their own funding for these programs in the future. This view was conveyed to the Congress by Administration witnesses testifying on the bill, but the Congress has nevertheless chosen to authorize a continuation of the program for two more years. While this is a serious defect in the bill, we believe that our objective can be accomplished through the appropriation process, that is, by not funding the authorization, and we would plan to recommend against funding in your 1977 and 1978 budgets.

(Signed) James M. Frey

Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

WASHINGTON

October 15, 1975

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.*
SUBJECT: H.R. 5952 - Amends Water Resources Planning
Act of 1965

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 605

Date: October 13/14

Time: 5:30pm

FOR ACTION: George Humphreys
Max Friedersdorf
Ken Lazarus

cc (for information): Jim Cavanaugh
Jack Marsh
Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date: October 14/15

Time: 9:30am

SUBJECT:

H.R. 5952 - Amends Water Resources Planning Act of 1965

ACTION REQUESTED:

☐ For Necessary Action☐ For Your Recommendations☐ Prepare Agenda and Brief☐ Draft Reply☐ For Your Comments☐ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

NO Comments - 10-15-75
JW Humphreys

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Date: October 13/4

Time: 5:30pm

FOR ACTION: George Humphreys
Max Friedersdorf
Ken Lazaruscc (for information): Jim Cavanaugh
Jack Marsh
Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date: October 14/5

Time: 9:30am

SUBJECT:

H.R. 5952 - Amends Water Resources Planning Act of 1965

ACTION REQUESTED:

☐ For Necessary Action☐ For Your Recommendations☐ Prepare Agenda and Brief☐ Draft Reply☐ For Your Comments☐ Draft Remarks


REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection. -- Ken Lazarus 10/15/75

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 14 1975

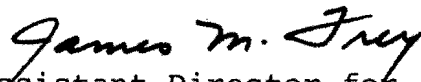
MEMORANDUM FOR MR. LINDER

Subject: Enrolled Bill H.R. 5952 - Amends Water Resources
Planning Act of 1965

The Water Resources Council and Staff are having a large joint meeting with the members of the Interstate Compact Commission on Water Resources at Las Vegas. The meeting is scheduled to breakup early Thursday, October 16.

Before leaving town last week to attend the meeting, Council representatives requested our assistance in facilitating early Presidential signature of the attached enrolled bill so that, hopefully, its approval could be announced at the Conference sometime Wednesday, October 15.

Anything you can do to help in this effort will be greatly appreciated. It will also be appreciated if you could let Jim Hyde know on extension 4700 as soon as the bill has been signed.


Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 605

Date: October 13

Time: 5:30pm

FOR ACTION: George Humphreys
Max Friedersdorf
Ken Lazans *at*

no comments
cc (for information):

Jim Cavanaugh
Jack Marsh
Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: 9:30am

SUBJECT:

H.R. 5952 - Amends Water Resources Planning Act of 1985

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

___ For Your Comments

___ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 14 1975

Dear Mr. Lynn:

This responds to your request for the views of this Department on the enrolled bill H.R. 5952, "To amend the Water Resources Planning Act (70 Stat. 244), as amended."

We recommend that the President approve the legislation.

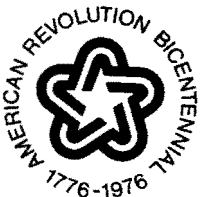
H.R. 5952 was amended from its form as introduced and now contains provisions adopted from two other bills, H.R. 4724 and H.R. 3438. Companion bills in the Senate were S. 506, S. 1299, and S. 1596. Hearings were held in the House and the Senate in July. Administrative witnesses testified at both hearings. H.R. 5952 would make five amendments to the Water Resources Planning Act (P.L. 89-80; 79 Stat. 244; at 42 U.S.C. 1962 et seq.).

Part (a) would revise the composition of the Water Resources Council by amending section 101 of the Act, 42 U.S.C. 1962(a) to delete the Secretary of Health, Education, and Welfare and to add the Secretaries of Transportation, Commerce, and Housing and Urban Development, and the Administrator of the Environmental Protection Agency.

This portion of the bill was originally the entire H.R. 5952 as first introduced and was based on an Administration proposal. It has been supported by the Department and the Water Resources Council.

Parts (b) and (c) of the bill would raise the level of compensation for consultants to the rate offered by the other Federal agencies, by deleting the \$100 maximum and substituting a rate not exceeding that for Grade GS-18 under section 5332 of title 5. These two sections were previously contained in H.R. 3438 and were proposed by the Administration. They are considered necessary and desirable by the Department and the Water Resources Council.

Part (d) of the bill would extend for an additional two years the grants-to-States program providing for Federal assistance in developing water resource planning capability on the State level. The original authorization, found at section 301(a) of the Act, 42 U.S.C. 1962 c (a), extended for ten years and authorized expenditures of \$5,000,000 per year for grants to the States.



This authorization will expire with F.Y. 1976 and this bill would extend it through F.Y. 1977 and F.Y. 1978. As contained in H.R. 4724 the proposed extension was originally of indefinite duration.

As reported earlier to the Congress in the testimony of the Water Resources Council, the Administration opposed the continuation of the grants-to-States program on the ground that it had substantially achieved its goal of developing State capacity.

Part (e) of the bill would extend for another two years the authorization for funds for preparation of assessments and plans by the Council. This authorization was originally contained in H.R. 3438 and was proposed by the Administration. It was to be of indefinite duration in H.R. 3438, but was subsequently limited to two years by the Congress with a total authorization not to exceed \$10,000,000 for the two years.

This provision is vital to the continuation of Water Resources Council programs including the National Assessment and regional and river basin programs which are currently underway. Completion of these programs would be substantially delayed, if not prevented, by allowing the authorization to lapse. This provision has had strong support of the Council and the Department.

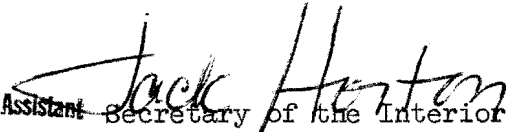
The bill, in summary, contains four provisions proposed by the Administration and supported by the Department and the Water Resources Council, and one provision which is opposed by the Administration.

The latter provision, for extension of the grant-to-States program, is less objectionable than the original proposal in that the current bill authorizes an extension of the State program for only two years, while an extension of unlimited duration had been originally proposed. The States and the Congress were decisively in favor of continuing the Title III program. The Administration still has the opportunity in the budgetary process to give effect to its opposition to the continuation of the program if it so chooses.

The other four provisions are clearly desirable, particularly the revision of the Council membership, and the continuation of appropriation authority for planning for two more years, which is essential to the satisfactory completion of national water assessments and river basin plans now in progress.

Overall the merits of the bill clearly outweigh its one objectional feature. Therefore the Department favors signing the bill.

Sincerely yours,


Assistant Secretary of the Interior

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D.C.





UNITED STATES WATER RESOURCES COUNCIL

SUITE 800 • 2120 L STREET, N.W. WASHINGTON, D.C. 20037

OCT 10 1975

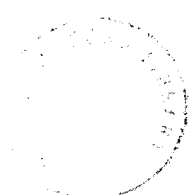
Mr. James M. Frey
Assistant Director for Legislative
Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

This is in response to your request for a report on H.R. 5952, an enrolled bill to amend the Water Resources Planning Act (79 Stat. 244), as amended.

The bill provides the following:

1. Section (a) amends Council membership as proposed by the Administration (H.R. 5952, S. 1299).
2. Sections (b) and (c) increase the compensation rates for experts and consultants as proposed by the Administration (H.R. 3438, S. 1596).
3. Section (d) extends authorization for financial assistance to States for water resource planning for fiscal years 1977 and 1978. Although the Council proposed an extension of the planning grant program, the Administration did not request continuance.
4. Section (e) provides a total authorization of \$10 million for fiscal years 1976 and 1977 for the preparation of assessments and regional or river basin plans. The Administration proposed authorization without limitation (H.R. 3438, S. 1596). However, the above authorization is adequate to cover the appropriations for F.Y. 1976 contained in the President's budget as well as the Council's proposed authorizations for F.Y. 1977.



MEMBERS: SECRETARIES OF INTERIOR; AGRICULTURE; ARMY; HEALTH, EDUCATION AND WELFARE; TRANSPORTATION; CHAIRMAN, FEDERAL POWER COMMISSION - ASSOCIATE MEMBERS: SECRETARIES OF COMMERCE; HOUSING AND URBAN DEVELOPMENT; ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY - OBSERVERS: DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET; ATTORNEY GENERAL; CHAIRMEN - COUNCIL ON ENVIRONMENTAL QUALITY, RIVER BASIN COMMISSIONS



Section (e) is vital to Council operations since without authorization legislation for comprehensive planning and the National Assessment the Senate will be unable to provide the appropriations for F. Y. 1976 (\$3,868,000) requested by the President and now pending in the Public Works Appropriations bill. The House Appropriations Committee deferred without prejudice any action on the President's requested appropriations since the House Interior and Insular Affairs Committee had not acted on the Administration's authorization legislation (H. R. 3438). The Council has given its top priority to the National Assessment program.

As Director of the U.S. Water Resources Council, I strongly support H. R. 5952.

Sincerely,

A handwritten signature in cursive script, reading "Warren D. Fairchild".

Warren D. Fairchild
Director



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

OCT 10 1975

Honorable James T. Lynn
Director, Office of Management
and Budget

Dear Mr. Lynn:

This responds to your request of October 8, 1975, for a report on Enrolled Bill H. R. 5952, entitled "An Act, To amend the Water Resources Planning Act (79 Stat. 244), as amended."

This Department recommends Presidential approval of this bill.

H. R. 5952 would (1) change and enlarge the membership of the Water Resources Council; (2) permit an increase in compensation rates for experts and consultants; (3) authorize extension of Title III financial assistance to States through Fiscal Years 1977 and 1978; and (4) authorize appropriation of \$10 million for use in Fiscal Years 1976 and 1977 for preparation of assessment and plans.

The Administration's proposed legislation is the same as items numbered (1) and (2); however, the Administration proposed no limit in item (4). While some of the originally envisioned objectives of Title III financial assistance to States--item (3) above--have been obtained, others remain to be accomplished. Legislation enacted since enactment of the Water Resources Planning Act has delayed accomplishment of these objectives.

Approval of this legislation would permit the continuation of the National Water Assessment and the preparation of regional and river basin plans now under way and partially completed. At the present time, there are six river basin investigations under way involving sixteen States. Unless this work is completed, full benefits of previous expenditures will not be realized.

Sincerely,

A handwritten signature in cursive script, reading "Earl L. Butz", is written over a horizontal line.

Earl L. Butz
Secretary of Agriculture

OCT 14 1975



**GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE**
Washington, D.C. 20230

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the views of this Department concerning H.R. 5952, an enrolled enactment

"To amend the Water Resources Planning Act
(79 Stat. 244), as amended."

H.R. 5952 amends the Water Resources Planning Act (42 U.S.C. 1962, et seq.) in the following respects:

- 1) Removes the Secretary of Health, Education, and Welfare as a member of the Water Resources Council and adds as members the Secretaries of Commerce, Housing and Urban Development, and Transportation; and the Administrator of EPA. Legislation for this purpose was included in the Department's Legislative Program for the 1st Session, 94th Congress.
- 2) Authorizes the Council and each river basin commission to employ experts and consultants at the prevailing salary for GS-18 instead of the present flat rate of \$100 per day.
- 3) Extends the authorization in section 301(a) for State planning grants through fiscal year 1978 at the present level of \$5,000,000 per year.
- 4) Extends authorization in section 401(c) for the preparation of assessments and for directing and coordinating the preparation of regional or river basin plans in the total amount of \$10,000,000 for fiscal years 1976 and 1977.

This Department recommends approval by the President of H.R. 5952.

Enactment of this legislation is not expected to involve any increase in the budgetary requirements of this Department.

Sincerely,

Karl E. Bateke

General Counsel





OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

OCT 10 1975

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

This is in response to your request for the views of this
Department on H. R. 5952, an enrolled bill

"To amend the Water Resources Planning Act
(79 Stat. 244), as amended."

Amendment (a) of the enrolled bill would remove the Secretary of Health, Education, and Welfare from the Water Resources Council and expand the present membership by adding thereto the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency.

Amendments (b) and (c) would adjust the per diem rates applicable to the Water Resources Council and to the River Basin Commissions established pursuant to section 201 of the Water Resources Planning Act.

Amendment (d) authorizes appropriations for the Council for fiscal years 1977 and 1978 to assist in the development of comprehensive water and related land resources plans. Amendment (e) authorizes appropriations for fiscal years 1976 and 1977 for the preparation of assessments, and for directing and coordinating the preparation of such regional or river basin plans as the Council determines are necessary and desirable.

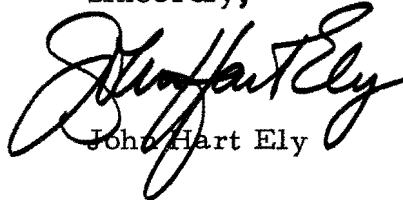
This Department strongly endorses the enrolled bill, particularly insofar as it would make the Secretary of Transportation a full



member of the Water Resources Council instead of a member for navigation purposes only. We consider the Secretary's full membership on the Council quite significant at this time, in view of this Department's growing interest in water transportation policy, much of which is related to the statutory responsibilities of the Water Resources Council.

We recommend that the President sign the enrolled bill.

Sincerely,

A handwritten signature in cursive script, reading "John Hart Ely". The signature is written in dark ink and is positioned above the printed name.

John Hart Ely



CHAIRMAN

UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D.C. 20415

October 10, 1975

Honorable James T. Lynn
Director
Office of Management and Budget

Attention: Assistant Director for
Legislative Reference

Dear Mr. Lynn:

This is in response to your request for the views and recommendations of the Civil Service Commission on H.R. 5952, an enrolled bill "To amend the Water Resources Planning Act (79 Stat. 244), as amended."

Only two provisions of enrolled bill H.R. 5952 relate to personnel matters.

Section (b) of the enrolled bill would increase the maximum pay rate the Water Resources Council may pay experts and consultants from \$100 a day to the daily equivalent of the rate for GS-18. We believe this change would be desirable.

Section (c) of the enrolled bill would increase the maximum pay rate for employees of the river basin commissions from \$100 a day to the daily equivalent of the rate for GS-18. We have no objection to this provision.

Therefore, from the standpoint of the personnel provisions of H.R. 5952, we recommend that the President sign the enrolled bill into law.

By direction of the Commission:

Sincerely yours,

A handwritten signature in cursive script, reading "Robert Hampton".
Chairman



DEPARTMENT OF THE ARMY
OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON, D.C. 20310

14 OCT 1975

Honorable James T. Lynn

Director, Office of Management and Budget

Dear Mr. Lynn:

The Secretary of Defense has delegated responsibility to the Department of the Army for reporting the views of the Department of Defense on enrolled enactment H. R. 5952, 94th Congress, "To amend the Water Resources Planning Act to revise the membership of the Water Resources Council."

The Department of the Army on behalf of the Department of Defense has no objection to the approval of the enrolled enactment.

The Water Resources Planning Act (Public Law 89-80) establishes a cabinet level U.S. Water Resources Council comprised of Department and Agency heads having substantial water resource development programs. The council is responsible for assessing national and regional water supplies; coordinating the various Federal, State, Regional and River Basin water programs; administering a program of matching grants to assist States in improving their water resource planning capability; and administering a Federal program to River Basin Commissions (also authorized by the Act) to pay the Federal share of the cost of operating the Commissions.

For these purposes the Act, as previously amended, authorizes appropriations of \$5,000,000 annually through fiscal year 1976 for State planning grants; \$6,000,000 annually for the Federal share of the cost of operating the River Basin Commissions; and \$1,500,000 annually for administering the Water Resources Council. There has been a supplemental authorization of \$3,500,000 to be used by the Council for preparation of assessments and for coordination of River Basin plans. The supplemental authorization expired in fiscal year 1975. The Council is currently operating under a continuing resolution with regard to comprehensive planning and the National Assessment.

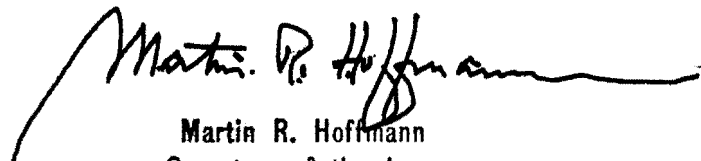
The purpose of the enrolled enactment is to further amend the Act to adjust the membership of the Water Resources Council to more nearly conform to present responsibilities within the Executive Branch. This is accomplished by removing the Secretary of Health, Education, and Welfare from membership, and by adding the Secretaries of Commerce, Housing and Urban Development, and Transportation; and the Administrator of the Environmental Protection Agency. The enrolled enactment also amends the Act by authorizing compensation of expert consultants to the Council and the River Basin Commissions at the prevailing salary for grade GS-18 instead of the flat rate of \$100 per day presently set forth in the Act. This rate is commensurate with that offered by other Federal agencies.

Most significantly, the enrolled enactment affects appropriations authority in two ways. It extends the authorization for State planning grants through fiscal year 1978 at the level of \$5,000,000 per year. Secondly, it extends the authorization for national assessments and coordination of River Basin plans in the total amount of \$10,000,000 for fiscal years 1976 and 1977.

Approval of the enrolled enactment is necessary to enable the Council to continue its comprehensive planning and assessment activities in a manner commensurate with national policies and goals.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

Sincerely,



Martin R. Hoffmann
Secretary of the Army



THE GENERAL COUNSEL OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D. C. 20410

October 10, 1975

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D. C. 20503

Attention: Miss Martha Ramsey

Dear Mr. Frey:

Subject: H. R. 5952, 94th Congress, Enrolled Enactment

This is in reply to your request for the views of this Department on the enrolled enactment of H. R. 5952, an Act "To amend the Water Resources Planning Act (79 Stat. 244), as amended."

This enrolled enactment would amend five provisions of the Water Resources Planning Act of 1965, as amended. That Act established a Cabinet level Water Resources Council in the Executive branch, authorized the President to establish river basin planning commissions and authorized financial assistance to the States for water resources planning.

Subsection (a) of the enrolled enactment would amend the Act by changing the statutory composition of the Water Resources Council. The Secretary of the Department of Health, Education and Welfare would no longer be a member of the Council, and the Secretaries of the Departments of Housing and Urban Development, Transportation, and Commerce and the Administrator of the Environmental Protection Agency would become members of the Council. HUD had previously assumed associate status on the Council in 1967.

Subsection (b) of the enrolled enactment would alter the pay scale prescribed by the Act for the compensation of consultants to the Council. Subsection (c) of the enrolled enactment would alter the pay scale for personnel, consultants, and professional service contracts for river basin commissions.

Subsection (d) of the enrolled enactment would authorize appropriations for the Council of \$5 million for each of the fiscal years 1977 and 1978. Subsection (e) of the enrolled enactment would authorize a maximum of \$10 million to be appropriated to the Council for fiscal years 1976 and 1977 for the preparation of assessments and plans.

The Department of Housing and Urban Development has no objection to the approval of this enrolled enactment.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert R. Elliott", written in a cursive style.

Robert R. Elliott



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 16 1975

OFFICE OF THE
ADMINISTRATOR

Dear Mr. Lynn:

This is in response to your request of October 8, 1975, for the Environmental Protection Agency's views and comments on H.R. 5952, an enrolled bill.

The bill would amend the Water Resources Planning Act of 1965, as amended to include as members of the Water Resources Council the Secretaries of Commerce, Housing and Urban Development, and Transportation, and the Administrator of the Environmental Protection Agency. The Secretary of Health, Education and Welfare would no longer sit as a member of the Council.

H.R. 5952 would also amend the rate of compensation for consultants found in sections 105(a)(5) and 205(a)(4) of the Act. It would extend the Title III comprehensive grant authorization for State water resources planning for fiscal years 1976 and 1977.

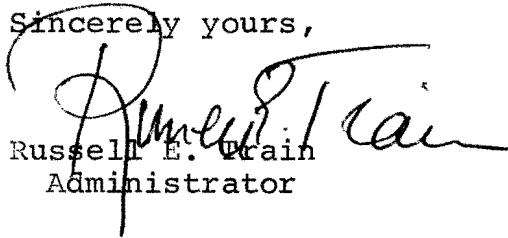
Finally, the bill raises and extends authorizations for the preparation of assessments and the preparation of regional and river basin plans to a total of \$10,000,000 for fiscal years 1976 and 1977.

In our testimony for the Senate Committee on Interior and Insular Affairs on bills similar to H.R. 5952 we deferred to the Chairman of the Water Resources Council on the extension of Title III authorizations.



We support the continuance of the activities of the Water Resources Council as it relates to river basin planning and other water resource and water quality efforts. To assure that the principal functions of the Water Resources Council are continued the enactment of H.R. 5952 is necessary. We, therefore, have no objection to H.R. 5952 and recommend it to the President for his signature.

Sincerely yours,



Russell E. Train
Administrator

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OCT 14 1975

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

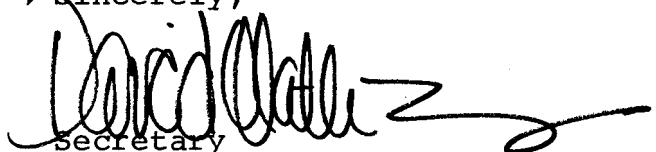
This is in response to Mr. Frey's request of August 8, 1975, for a report on H.R. 5952, an enrolled bill "To amend the Water Resources Planning Act (79 Stat. 244), as amended."

Subsection (a) of the bill would remove the Secretary of Health, Education, and Welfare from the Water Resources Council and substitute in his place the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency.

Under Reorganization Plan No. 3 of 1970, virtually all the water resources functions of the Department of Health, Education, and Welfare were transferred to the Environmental Protection Agency. Since that time the Department has been involved only peripherally in the activities of the Water Resources Council. We therefore believe that the removal of the Secretary of Health, Education, and Welfare from the Council is appropriate. We note that section 101 of the Federal Resources Planning Act of 1965 authorizes the Chairman of the Council to request the heads of other Federal agencies to participate with the Council when matters affecting their responsibilities are under consideration. This authority is sufficient to insure that the Department of Health, Education, and Welfare can be adequately represented when the Council is considering matters within our areas of interest and responsibility.

We therefore have no objection to the enactment of the enrolled bill, but defer to the agencies more directly affected as to the desirability of the bill's enactment.

Sincerely,



Secretary

AMENDING THE WATER RESOURCES PLANNING ACT
OF 1965

OCTOBER 2 (legislative day, SEPTEMBER 11), 1975.—Ordered to be printed

Mr. JACKSON, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany S. 506]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 506) to amend the Water Resources Planning Act to extend the authority for financial assistance to the States for water resources planning, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

(1) Strike out all after the enacting clause and insert in lieu thereof the following:

That the Water Resources Planning Act of 1965 (79 Stat. 244, as amended) is hereby further amended as follows:

(a) By deleting in section 101 the words "the Secretary of Health, Education, and Welfare," and inserting in lieu thereof "the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Administrator of the Environmental Protection Agency,".

(b) By deleting in section 105(a) (5) the words "to exceed \$100 per diem for individuals" and inserting in lieu thereof "in excess of the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5 of the United States Code in the case of individual experts or consultants;".

(c) By deleting in section 205(a) (4) the words "to exceed \$100 per diem" and inserting in lieu thereof "in excess of the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5, United States Code,".

(d) By deleting in section 301(a) the words "for the next fiscal year beginning after the date of the enactment of this Act and for the nine succeeding fiscal years thereafter" and inserting in lieu thereof "for fiscal years 1977 and 1978".

(c) By deleting immediately after the phrase "(c) not to exceed" in section 401(c) the words "\$3,500,000 annually for fiscal years 1974 and 1975" and inserting in lieu thereof "a total of \$10,000,000 for fiscal years 1976 and 1977".

(2) Amend the title so as to read:

A bill to amend the Water Resources Planning Act (79 Stat. 244), as amended.

PURPOSE OF THE MEASURE

The purpose of this measure, as amended and reported by the Senate Interior Committee, is to amend the Water Resources Planning Act to extend the authority for financial grants to States for water resources planning; to increase the rate of compensation for experts and consultants to the Water Resources Council and River Basin Commissions; to provide authorizations for appropriations for preparation of a national assessment and for regional and river basin plans; and, to revise the membership of the Water Resources Council.

BACKGROUND AND NEED

The Water Resources Planning Act of 1965 (Public Law 89-80) established a Water Resources Council, provided for establishment of river basin commissions and authorized financial assistance to States for comprehensive water and related land resources planning. The 1965 act was designed to encourage conservation, development and use of the Nation's water and related land resources on a comprehensive and coordinated basis.

The following discussion of background and need is limited specifically to those separate but related provisions of the bill reported by the Interior Committee and does not describe the broader historical background of the Water Resources Planning Act. The discussion is keyed to lettered paragraphs in the reported bill.

(a) Reorganization Plan No. 3 of 1970 transferred virtually all water resources and related land planning functions then existing in the Department of Health, Education, and Welfare to the Environmental Protection Agency. As a result, the Secretary of HEW is no longer actively involved in water-related programs. In addition, the Departments of Housing and Urban Development, Commerce, Transportation, and the Environmental Protection Agency, each have jurisdiction over programs affecting water and related land planning but, at present, except for the Department of Transportation, are only associate members. As associate members, the privileges and responsibilities of statutory membership are not available and associate members cannot vote because their function is merely advisory.

(b), (c) Under provisions of the Water Resources Planning Act, consultants may be employed by river basin commissions or the Water Resources Council at a rate not to exceed \$100 per diem. Other Federal agencies provide for a rate of compensation for consultants commensurate with the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5, United States Code; the equivalent daily allowance would equal \$139.48.

(d) Title III of the Water Resources Planning Act provide grants to States which are administered by the Water Resources Council. The objective of the program is to increase the capabilities of States for water resources planning. When the program was initiated, it was found that 12 States were not engaged in any form of water resources planning and that 5 were spending less than \$6,000 per year. As of fiscal year 1975, all States, Puerto Rico, Virgin Islands, and the District of Columbia, were participating in the title III program.

S.R. 405

Under the title III program, State expenditures in fiscal year 1965 for water and related land resources planning became the base above which Federal grants would provide up to 50 percent of State augmented expenditures. The Planning Act authorized a 10-year title III program which will terminate at the end of fiscal year 1976.

Review of the grant program indicates that State planning capability has been upgraded in many States. A number of States have published State water plans and have increased their capability to contribute to interstate planning activities.

The administration opposes continuation of the grant program (refer to Executive Communications, supra). The bill, as reported, provides for continuation of funding for fiscal years 1977 and 1978 at the previously prescribed annual level of \$5 million.

(e) Finally, the Water Resources Planning Act requires the Water Resources Council to carry out a continuing study and prepare an assessment biennially or at less frequent intervals, of the adequacy of supplies of water necessary to meet water requirements. A report is scheduled to be issued in calendar year 1977. The Council is also authorized to fund regional or river basin comprehensive plans.

Public Law 93-55 amended subsection (c) of section 401 of the Planning Act to provide authorizations for fiscal years 1974 and 1975 for the preparation of the national assessment and for directing and coordinating the preparation of regional or river basin plans. Prior to enactment of Public Law 93-55, the Water Resources Planning Act provided that such sums would be authorized annually.

As a result of the provisions of Public Law 93-55, there are no authorizations for fiscal year 1976 and thereafter to support the continuing national assessment for water and the regional and river basin planning program being conducted by the Council. Without fiscal year 1976 funding, both the assessment and the regional comprehensive studies would be prematurely terminated. The administration has requested \$3.9 million in fiscal year 1976 appropriations for the above-mentioned programs but, without authorization for appropriations, authority does not exist to provide the requested funds.

The administration favors authorizations to the Water Resources Council without fiscal year limitation and of such sums as necessary to carry out the provisions of the Planning Act. The provisions reported from the Interior Committee provide for a continuation of funding for fiscal years 1976 and 1977 at a total authorization for both years of \$10 million.

LEGISLATIVE HISTORY

As introduced, S. 506 was identical to S. 1720, introduced during the 93d Congress. S. 1720 received no action in the Senate Interior Committee.

Like S. 1720, the original provisions of S. 506 would have extended, without fiscal year limitation, the title III program for financial assistance to the States for water resources planning.

S. 506 was introduced on January 30, 1975, by Senator Church. The measure was cosponsored by Senators Church, McGee, Metcalf, Inouye, and Burdick. A hearing was conducted on S. 506, S. 1299, and S. 1596 on July 10, 1975. The Interior Committee held a markup session on September 10, 1975, on S. 506, as amended.

S.R. 405

Incorporated into the provisions of S. 506, as amended and reported, are provisions of S. 1299 (introduced by Senator Jackson and Senator Fannin, by request of the administration on March 21, 1975) and provisions of S. 1596 (introduced by Senator Jackson and Senator Fannin, by request of the administration on April 20, 1975). Both bills (S. 1299 and S. 1596) are pending before the Senate Interior Committee.

H.R. 5952, whose provisions are identical to S. 506 as reported, has been reported out of the House of Representatives Interior Committee and is pending before the House.

COMMITTEE RECOMMENDATION

The Senate Committee on Interior and Insular Affairs, in open business session on September 10, 1975, by unanimous vote of a quorum present recommends that the Senate adopt S. 506 as amended as described herein.

COMMITTEE AMENDMENTS

The committee amended the bill by substituting a new text for S. 506 as introduced. The substitute text is set forth at the beginning of this report. The following explanations are numbered according to the paragraphs of the substitute text:

(a) The administration recommended passage of the provision of this paragraph which is contained in S. 1299 and incorporated into the substituted text of S. 506. This provision will change the membership of the Water Resources Council by removing from the Council of Members the Secretary of Health, Education, and Welfare and adding the Secretaries of Commerce, Transportation, Housing and Urban Development, and the Administrator of the Environmental Protection Agency. (The Department of Transportation Act of 1966 (Public Law 89-670, sec. 7) provides that the Secretary of Transportation shall be a member of the U.S. Water Resources Council. The amendment to the Water Resources Planning Act to include the Secretary of Transportation on the Council is desirable for completeness).

(b) and (c) The administration recommends passage of provisions of these paragraphs which are contained in S. 1596 as paragraphs (1) and (2). These provisions will provide for a rate of compensation for consultants commensurate with that offered by other Federal agencies.

(d) This provision would extend the provisions of title III of the Water Resources Planning Act for fiscal years 1977 and 1978. As originally introduced, S. 506 called for extension of the title III program without fiscal year limitation. The Subcommittee on Energy Research and Water Resources will conduct additional public hearings on the Water Resources Planning Act of 1964. The purpose will be to examine the success of the act in meeting its objectives and possibly recommending amendments to the act. As a result of this prospective inquiry, the title III grant authority has been limited to two additional fiscal years during which time the Act will be examined.

The administration does not favor extension of the title III program. According to the administration, the title III grants were in-

tended to provide seed money for building up State water resources staffs so that States could participate in water planning. In 1975, \$15 million in State moneys went unmatched by Federal funds because most States provided funding for water resources staffs in excess of available Federal grants. As a result, the title III program is said to have achieved a major goal for which it was created.

From testimony provided at the July 10 hearing, and communications received by the Subcommittee on Energy Research and Water Resources, the title III program has been recommended for extension. According to information received, judged by 1965 standards, State capabilities have been improved as a result of the title III program. In terms of current demands, however, the degrees of planning self-sufficiency envisioned for the States by the Planning Act is argued not to have been achieved. In addition, new responsibilities placed upon the States as a part of new Federal legislation enacted since passage of the Planning Act have lessened State capabilities in a relative sense. Finally, of the \$45 million authorized over the first 9 years of the title III program, only \$26.95 million has been appropriated, and, in terms of the objectives set forth in the Planning Act, testimony received indicated that limitations on appropriations have limited the program.

(e) As originally introduced in S. 1596, paragraph 3, the administration requested authorizations without fiscal year limitation of such sums as necessary to carry out the provisions of the Water Resources Planning Act. Public Law 93-55 amended the Water Resources Planning Act to provide authorizations for preparation of the national assessment and regional comprehensive river basin plans for fiscal years 1974 and 1975. Prior to Public Law 93-55, the Planning Act provided for such sums as would be authorized annually. Consequently, it has been the policy of the Interior Committee to authorize funds annually or biannually, rather than without fiscal year limitation. As provided in paragraph (e) of the substituted text, authorizations are provided for fiscal years 1976 and 1977. In a hearing before the House of Representatives Subcommittee on Water and Power Resources, the Director of the Water Resources Council testified that \$10 million for fiscal years 1976 and 1977 would be adequate to complete the national assessment and continue the comprehensive river basin plans.

COST AND BUDGETARY CONSIDERATIONS

In accordance with section 252(a) of the Legislative Reorganization Act of 1970, the committee provides the following estimates of cost:

1. *Administrative costs.*—Enactment of S. 506 will not require any significant administrative action not already provided for at existing budgetary levels since the bill requires continued implementation of the title III grants program and the national assessment and comprehensive river basin plans.

2. *Impact on Federal revenues.*—If enacted, S. 506 requires \$5 million annually for fiscal years 1977 and 1978 for carrying out provisions of title III as amended and also requires in fiscal years 1977 and 1978 a total of \$10 million to continue planning functions called for in the act.

EXECUTIVE COMMUNICATIONS

The legislative report received by the committee from the Office of Management and Budget setting forth Executive agency recommendations relating to S. 506 is set forth below:

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., July 11, 1975.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of June 24, 1975, for the views of the Office of Management and Budget on S. 506, a bill to amend the Water Resources Planning Act to extend the authority for financial assistance to the States for water resources planning.

The Water Resources Council, in its report to your Committee, recommended against enactment of S. 506 on the basis that Title III of the Water Resources Act, which the bill seeks to extend indefinitely, has essentially achieved its major goal of increasing State participation in water resources planning.

The Office of Management and Budget agrees with the views of the Council and, accordingly, would also be opposed to the enactment of S. 506.

Sincerely,

JAMES M. FREY,
Assistant Director for Legislative Reference.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the standing rules of the Senate, changes in existing law made by the bill S. 506, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

1. Paragraph (a) of S. 506 would amend section 101 of the Water Resources Planning Act (79 Stat. 244), as amended, as follows:

SEC. 101. There is hereby established a Water Resources Council (hereinafter referred to as the "Council") which shall be composed of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, [the Secretary of Health, Education, and Welfare,] *the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the Chairman of the Federal Power Commission.* The Chairman of the Council shall request the heads of other Federal agencies to participate with the Council when matters affecting their responsibilities are considered by the Council. The Chairman of the Council shall be designated by the President.

2. Paragraph (b) of S. 506 would amend section 105(a) (5) of the Water Resources Planning Act (79 Stat. 246), as amended, as follows:

SEC. 105. (a) For the purpose of carrying out the provisions of this Act, the Council may: (1) hold such hearings, sit and act at such times

and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable; (2) acquire, furnish, and equip such office space as is necessary; (3) use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States; (4) employ and fix the compensation of such personnel as it deems advisable, in accordance with the civil service laws and Classification Act of 1949, as amended; (5) procure services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not [to exceed \$100 per diem] *in excess of daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5, United States Code*, for individuals; (6) purchase, hire, operate, and maintain passenger motor vehicles; and (7) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform its functions under this Act.

3. Paragraph (c) of S. 506 would amend section 205(a) (4) of the Water Resources Planning Act (79 Stat. 249), as amended, as follows:

SEC. 205. (a) For the purpose of carrying out the provisions of this title, each river basin commission may—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereof as it may deem advisable;

(2) acquire, furnish, and equip such office space as is necessary;

(3) use the United States mails in the same manner and upon the same conditions as departments and agencies of the United States;

(4) employ and compensate such personnel as it deems advisable, including consultants, at rates not [to exceed \$100 per diem,] *in excess of daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5, United States Code*, and retain and compensate such professional or technical service firms as it deems advisable on a contract basis: * * *

4. Paragraph (d) of S. 506 would amend section 301 (a) of the Water Resources Planning Act (79 Stat. 251), as amended, as follows:

SEC. 301. (a) In recognition of the need for increased participation by the States in water and related land resources planning to be effective, there are hereby authorized to be appropriated to the Council [for the next fiscal year beginning after the date of enactment of this Act, and for the nine succeeding fiscal years thereafter], *for fiscal years 1977 and 1978 \$5,000,000 in each such year for grants to States to assist them in developing and participating in the development of comprehensive water and related land resources plans.*

5. Paragraph (e) of S. 506 would amend section 401(c) of the Water Resources Planning Act (79 Stat. 253), as amended (42 U.S.C. 1962, 1962d (c)), as follows:

(c) not to exceed [\$3,500,000 annually for fiscal years 1974 and 1975] *a total of \$10,000,000 for fiscal years 1976 and 1977 for preparation of assessments, and for directing and coordinating the preparation of such regional or river basin plans as the Council determines are necessary and desirable in carrying out the policy of this chapter: Provided, That not more than \$2,500,000 shall be available under this*

subsection for the preparation of assessments: *Provided further*, That the Council may transfer funds authorized by this subsection to river basin commissions and to Federal and State agencies upon such terms and conditions as it determines are necessary and desirable to carry out the above functions in an economical, efficient, and timely manner, and that such commissions and agencies are hereby authorized to receive and expend such funds pursuant to this subsection.



AMENDING THE WATER RESOURCES PLANNING ACT TO REVISE THE MEMBERSHIP OF THE WATER RE- SOURCEES COUNCIL

SEPTEMBER 24, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H.R. 5952]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 5952) to amend the Water Resources Planning Act to revise the membership of the Water Resources Council, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, beginning on line 3, strike out all after the enacting clause and insert in lieu thereof the following:

That the Water Resources Planning Act of 1965 (79 Stat. 244, as amended) is hereby further amended as follows:

(a) By deleting in section 101 the words "the Secretary of Health, Education, and Welfare," and inserting in lieu thereof "the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Administrator of the Environmental Protection Agency."

(b) By deleting in section 105(a)(5) the words "to exceed \$100 per diem for individuals" and inserting in lieu thereof "in excess of the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5 of the United States Code in the case of individual experts or consultants,".

(c) By deleting in section 205(a)(4) the words "to exceed \$100 per diem" and inserting in lieu thereof "in excess of the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5, United States Code,".

(d) By deleting in section 301(a) the words "for the next fiscal year beginning after the date of the enactment of this Act, and for the nine succeeding fiscal years thereafter" and inserting in lieu thereof "for fiscal years 1977 and 1978".

(e) By deleting immediately after the phrase "(c) not to exceed" in section 401(c) the words "\$3,500,000 annually for fiscal years 1974 and 1975" and inserting in lieu thereof "a total of \$10,000,000 for fiscal years 1976 and 1977".

Amend the title so as to read:

To amend the Water Resources Planning Act (79 Stat. 244), as amended.

PURPOSE

The purpose of H.R. 5952, introduced by Mr. Johnson of California (for himself and Mr. Skubitz and Mr. Lujan), is to amend the Water Resources Planning Act as described hereafter. Related legislation considered by the Committee in connection with this legislation included H.R. 3438 introduced by Mr. Johnson of California (for himself and Mr. Skubitz) and H.R. 4724 introduced by Mr. Thone.

BACKGROUND

The Water Resources Planning Act (Public Law 89-80) establishes a cabinet level U.S. Water Resources Council comprised of Department and Agency heads having substantial water resource development programs. The council is responsible for

- (1) Assessing national and regional water supplies,
- (2) Coordinating the various Federal, State, Regional and River Basin water programs,
- (3) Administering a program of matching grants to assist States in improving their water resource planning capability, and
- (4) Administering a Federal grant program to River Basin Commissions (also authorized to be established by the Act) to pay the Federal share of the cost of operating the Commissions.

For these purposes the Act, as previously amended, authorizes appropriations of \$5,000,000 annually through fiscal year 1976 for planning grants; \$6,000,000 annually for the Federal share of the cost of operating the River Basin Commissions; and \$1,500,000 annually for administering the Water Resources Council. In recent years there has been a supplemental authorization in the amount of \$3,500,000 to be used by the Council for preparation of assessments and for coordination of River Basin plans. The supplemental authorization expired in Fiscal Year 1975.

The pending bill affects appropriations authority in two ways:

- (1) It extends the authorization for State planning grants through fiscal year 1978 at the level of \$5,000,000 per year, and
- (2) It extends the authorization for national assessments and coordination of River Basin plans in the total amount of \$10,000,000 for Fiscal Years 1976 and 1977.

H.R. 5952 also amends the Water Resources Planning Act to adjust the membership to more nearly conform to present responsibilities within the Executive Branch. This is accomplished by dropping the Secretary of Health, Education, and Welfare from full voting membership, and by adding the Secretaries of Commerce, Housing and Urban Development, and Transportation; and the Administrator of the Environmental Protection Agency.

The legislation also amends the Water Resources Planning Act to authorize compensation of expert consultants to the Council and the River Basin Commissions at the prevailing salary for GS-18 instead of the flat rate of \$100 per day presently set forth in the Act.

Costs

The maximum cost of H.R. 5952 is estimated by the Committee as \$20,000,000; this being the amount authorized to be appropriated.

H.R. 504

Generally, this contemplates a continuation of the existing level of funding for this program with a modest increase in the authorization of appropriations for the Water Resources Council.

INFLATIONARY IMPACT

The Committee on Interior and Insular Affairs does not regard H.R. 5952 as being an inflationary factor since it merely provides for the continuation of programs at essentially the same level that they have been conducted in recent years.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, on the basis of a unanimous voice vote, recommends that H.R. 5952 as amended be enacted.

EXECUTIVE COMMUNICATIONS

Executive Communications from the U.S. Water Resources Council dated February 11th and March 6, 1975, and a report on a related matter from the U.S. Water Resources Council on a related bill under date of July 23, 1975, are set forth in full below.

U.S. WATER RESOURCES COUNCIL,
Washington, D.C., February 11, 1975.

HON. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed is a bill to amend Water Resources Planning Act of 1965 (Public Law 89-80), to increase the rate of compensation for experts and consultants and to provide continuing authorization for appropriations without limitation.

The current provisions of the Water Resources Planning Act allow the Council and each river basin commission to employ experts and consultants at rates not to exceed \$100 per diem. The bill would raise this amount by providing a rate of compensation not in excess of the daily equivalent of the highest rate of basic pay under Section 5332 of Title 5 of the United States Code (GS-18—approximately \$138.00 per day). The proposed rate is commensurate with that offered by other Federal agencies.

The current Act does not contain authorization for preparation of regional or river basin plans for FY 1976 and the current ceiling of authorization for administration and coordination for Council activities has been reached in the FY 1976 budget. The bill would authorize to be appropriated to the Council without fiscal year limitation such sums as necessary to carry out the provisions of this Act. The proposal for no specific program ceilings is to provide for executive flexibility in establishing program levels through the budget and appropriation process.

The Office of Management and Budget advises that enactment of this legislation is consistent with the President's programs and objectives.

Sincerely,

JACK O. HORTON,
(For Rogers C. B. Morton, Chairman).

Enclosure.

H.R. 504

A BILL To amend the Water Resources Planning Act to increase the rate of compensation for experts and consultants and to provide continuing authorization for appropriations without limitation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Water Resources Planning Act (79 Stat. 244, 42 USC 1962 *et seq.*), is hereby amended as follows:

1. By deleting in section 105(a)(5) (42 USC 1962a-4(5)) the words "to exceed \$100 per diem for individuals" and inserting in lieu thereof "in excess of the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5 of the United States Code in the case of individual experts or consultants;"

2. By deleting in section 205(a)(4) (42 USC 1962b-4(4)) the words "to exceed \$100 per diem" and inserting in lieu thereof "in excess of the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5 of the United States Code,".

3. By deleting the present section 401 (42 USC 1962d) and substituting therefor the following:

"Sec. 401. There are authorized to be appropriated without fiscal year limitation such sums as necessary to carry out the provisions of this Act. The Council may transfer funds authorized by this section to river basin commissions and to Federal and State agencies upon such terms and conditions as it determines are necessary and desirable to carry out the purposes of this Act in an economical, efficient, and timely manner, and that such commissions and agencies are hereby authorized to receive and expend such funds pursuant to this section."

BACKGROUND INFORMATION

The Water Resources Council (WRC) was established by the Water Resources Planning Act of 1965 (P.L. 89-80) for the purposes of preparing periodic national assessments of the adequacy of the Nation's water and related land resources; directing and coordinating comprehensive regional and river basin planning; recommending to the President needed changes in Federal policies and programs; establishing, with the approval of the President, principles, standards, and procedures for Federal water and related land resources planning; coordinating such planning activities, performing responsibilities with regard to the creation, operation, and termination of Federal-State river basin commissions; and providing financial assistance to the States so as to increase their participation in water and related land resources planning.

The proposed bill would amend the Water Resources Planning Act to revise the membership of the Water Resources Council.

The Council of Members has unanimously approved full membership in the Water Resources Council for the Secretary of Commerce, the Secretary of Housing and Urban Development, and the Administrator of the Environmental Protection Agency and has recommended that appropriate action be taken to make them full members. The

Secretaries and the Administrator have indicated that they would favor full membership and participation in the Council. At present, the Secretary of Commerce, the Secretary of Housing and Urban Development and the Administrator of the Environmental Protection Agency are non-statutory "associate" members of the Council. This status does not give them the privileges and responsibilities of statutory membership; the Secretaries cannot vote and their roles are essentially advisory.

The Department of Commerce has responsibility for providing extensive basic economic data and projections (OBERS) in cooperation with the Department of Agriculture, for certain marine resources affairs, for fostering industrial expansion and economic development which requires substantial use of water and related land resources, for providing the national networks of geodetic control surveys, and for river flow forecasting and flood warning.

The Department of Housing and Urban Development has contributed much to the Council by providing a link between planning for river basins and planning for the concentrated urban population centers. The National Flood Insurance Program, established by the Housing and Urban Development Act of 1968, as amended, will require extensive coordination with all flood damage prevention programs for which the other Council members have major responsibilities.

The Environmental Protection Agency has major responsibilities with respect to water quality and other aspects of water resources use. These responsibilities are an integral part of coordinated and comprehensive water resources planning. Without participation of EPA, major components of water resources activities represented in the Council prior to the creation of the Agency cannot be adequately considered in the Council's coordinated activities.

The Department of Transportation Act of 1966 expanded WRC membership to include the Secretary of Transportation on matters pertaining to navigation features of water resource projects. The Water Resources Planning Act of 1965 does not have language including the Secretary of Transportation and therefore this amending language is necessary for purposes of completeness.

In addition, the Secretary of Health, Education, and Welfare has requested to be removed from full membership status on the Council. The Council of Members unanimously approved the request.

Removal of the Secretary of HEW is appropriate because of Reorganization Plan No. 3 of 1970 which transferred virtually all water resources and related land planning functions then existing in HEW to the new Environmental Protection Agency.

U.S. WATER RESOURCES COUNCIL,
Washington, D.C., March 6, 1975.

HON. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed is a bill to amend Water Resources Planning Act of 1965 (Public Law 89-80), to revise membership of

the United States Water Resources Council. An explanation of this amendment is contained in the accompanying background statement.

The Office of Management and Budget advises that it has no objection to the enactment of this legislation.

Sincerely,

JACK O. HORTON,
(For Rogers C. B. Morton, Chairman).

Enclosures.

A BILL To amend the Water Resources Planning Act to revise the membership of the Water Resources Council

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Water Resources Planning Act (79 Stat. 244, 42 USC 1962 et seq.), is hereby amended as follows:

By deleting in section 101 (42 USC 1962a) the words "the Secretary of Health, Education, and Welfare," and inserting in lieu thereof "the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Administrator of the Environmental Protection Agency,".

U.S. WATER RESOURCES COUNCIL,
Washington, D.C., July 23, 1975.

HON. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for a report on a bill (H.R. 4724) "To amend the Water Resources Planning Act to extend the authority for financial assistance to the States for water resources planning." H.R. 4724 would extend Title III of the Water Resources Planning Act of 1965 indefinitely.

The Title III program was created to encourage the States to develop a capability to participate in water planning as an equal partner. The grants provided seed money which assisted States in building up the requisite staffs.

Since the program's inception in 1965, State participation in water and related land planning has increased significantly as measured by size of staffs and expenditures. In 1975, \$15 million in State monies went unmatched as most States have funds in excess of Federal grants available. Title III has thus, we believe, essentially achieved a major goal for which it was created. Accordingly, the U.S. Water Resources Council recommends against enactment of H.R. 4724.

The Office of Management and Budget advises there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

WARREN D. FAIRCHILD,
Director.

CHANGES IN EXISTING LAW

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as re-

H.R. 504

ported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF JULY 22, 1965 (79 STAT. 244)

SEC. 101. There is hereby established a Water Resources Council (hereinafter referred to as the "Council") which shall be composed of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, [the Secretary of Health, Education, and Welfare,] *the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the Chairman of the Federal Power Commission.* The Chairman of the Council shall request the heads of other Federal agencies to participate with the Council when matters affecting their responsibilities are considered by the Council. The Chairman of the Council shall be designated by the President.

* * * * *

SEC. 105. (a) For the purpose of carrying out the provisions of this Act, the Council may: (1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable; (2) acquire, furnish, and equip such office space as is necessary; (3) use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States; (4) employ and fix the compensation of such personnel as it deems advisable, in accordance with the civil service laws and Classification Act of 1949, as amended; (5) procure services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not [to exceed \$100 per diem for individuals] *in excess of the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5 of the United States Code in the case of individual experts or consultants;* (6) purchase, hire, operate, and maintain passenger motor vehicles; and (7) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform its functions under this Act.

* * * * *

SEC. 205. (a) For the purpose of carrying out the provisions of this title, each river basin commission may—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable;

(2) acquire, furnish, and equip such office space as is necessary;

(3) use the United States mails in the same manner and upon the same conditions as departments and agencies of the United States;

(4) employ and compensate such personnel as it deems advisable, including consultants, at rates not [to exceed \$100 per diem] *in excess of the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5, United States Code, and retain and compensate such professional or technical service firms as it deems advisable on a contract basis;*

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(5) arrange for the services of personnel from any State or the United States, or any subdivision or agency thereof, or any inter-governmental agency;

(6) make arrangements, including contracts, with any participating government, except the United States or the District of Columbia, for inclusion in a suitable retirement and employee benefit system of such of its personnel as may not be eligible for or continuing in another governmental retirement or employee benefit system, or otherwise provide for such coverage of its personnel;

(7) purchase, hire, operate, and maintain passenger motor vehicles; and

(8) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform its functions under this Act.

* * * * *

SEC. 301. (a) In recognition of the need for increased participation by the States in water and related land resources planning to be effective, there are hereby authorized to be appropriated to the Council [for the next fiscal year beginning after the date of enactment of this Act, and for the nine succeeding fiscal years thereafter] *for fiscal years 1977 and 1978*, \$5,000,000 in each such year for grants to States to assist them in developing and participating in the development of comprehensive water and related land resources plans.

* * * * *

SEC. 401. There are authorized to be appropriated to the Water Resources Council:

(a) Not to exceed \$6,000,000 annually for the Federal share of the expenses of administration and operation of river basin commissions, including salaries and expenses of the chairmen, but not including funds authorized by subsection (c) below: *Provided*, That not more than \$750,000 annually shall be available under this subsection for any single river basin commission;

(b) Not to exceed \$1,500,000 annually for the expenses of the Water Resources Council in administering this Act, not including funds authorized by subsection (c) below;

(c) Not to exceed [\$3,500,000 annually for fiscal years 1974 and 1975] *a total of \$10,000,000 for fiscal years 1976 and 1977* for preparation of assessments, and for directing and coordinating the preparation of such regional or river basin plans as the Council determines are necessary and desirable in carrying out the policy of this Act: *Provided*, That not more than \$2,500,000 shall be available under this subsection for the preparation of assessments: *Provided further*, That the Council may transfer funds authorized by this subsection to river basin commissions and to Federal and State agencies upon such terms and conditions as it determines are necessary and desirable to carry out the above functions in an economical, efficient, and timely manner, and that such commissions and agencies are hereby authorized to receive and expend such funds pursuant to this subsection.

* * * * *

Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*

An Act

To amend the Water Resources Planning Act (79 Stat. 244), as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Water Resources Planning Act of 1965 (79 Stat. 244, as amended) is hereby further amended as follows:

(a) By deleting in section 101 the words "the Secretary of Health, Education, and Welfare," and inserting in lieu thereof "the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Administrator of the Environmental Protection Agency,".

(b) By deleting in section 105(a) (5) the words "to exceed \$100 per diem for individuals" and inserting in lieu thereof "in excess of the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5 of the United States Code in the case of individual experts or consultants,".

(c) By deleting in section 205(a) (4) the words "to exceed \$100 per diem" and inserting in lieu thereof "in excess of the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5, United States Code,".

(d) By deleting in section 301(a) the words "for the next fiscal year beginning after the date of the enactment of this Act, and for the nine succeeding fiscal years thereafter" and inserting in lieu thereof "for fiscal years 1977 and 1978,".

(e) By deleting immediately after the phrase "(c) not to exceed" in section 401(c) the words "\$3,500,000 annually for fiscal years 1974 and 1975" and inserting in lieu thereof "a total of \$10,000,000 for fiscal years 1976 and 1977".

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

October 8, 1975

Dear Mr. Director:

The following bills were received at the White House on October 8th:

S. 824

S. 1327

S. 1549 ✓

H.R. 5952 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.