

**The original documents are located in Box 35, folder “12/23/75 S1922 Touchet Division Walla Walla Project Oregon & Washington” of the White House Records Office:
Legislation Case Files at the Gerald R. Ford Presidential Library.**

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

Exact duplicates within this folder were not digitized.

APPROVED
DEC 23 1975

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: December 30

December 22, 1975

*Posted in
Colorado 12/23*

*To Archives
12/84*

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *[Signature]*

SUBJECT:

S. 1922 - Touchet Division, Walla Walla
Project, Oregon-Washington

Attached for your consideration is S. 1922, sponsored by Senators Jackson and Magnuson, which removes the statutory requirement that the Fish and Wildlife Service of the Department of the Interior must obtain appropriations to finance the construction of the fish and wildlife enhancement facilities of the Touchet Division, Walla Walla Project, Oregon-Washington.

A discussion of the provisions 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 S. 1922 at Tab B.



A



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

DEC 22 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 1922 - Touchet Division, Walla
Walla Project, Oregon-Washington
Sponsors - Sen. Jackson (D) Washington and
Sen. Magnuson (D) Washington

Last Day for Action

December 30, 1975 - Tuesday

Purpose

Removes statutory requirement that the Fish and Wildlife Service of the Department of the Interior must obtain appropriations to finance the construction of the fish and wildlife enhancement facilities of the Touchet Division, Walla Walla Project, Oregon-Washington.

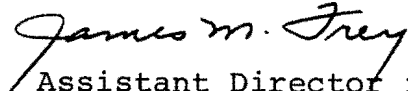
Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval

Discussion

Under existing law, Interior's Fish and Wildlife Service is required to obtain appropriations for funding the construction of fish and wildlife enhancement facilities of the Touchet Division. The amount involved, \$22,774,000, is larger than the entire construction budget of the Service for several years, and no appropriations for this purpose have been obtained.

S. 1922 would remove the existing requirement for separate funding and permit the construction of these facilities to be funded along with the cost of all other project facilities. This would put project funding on the same basis as the funding of other reclamation projects and enable construction of the Touchet Division to go forward without further delay due to a special requirement which was originally enacted on an experimental basis.


Assistant Director for
Legislative Reference

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

DEC 1 1975

Dear Mr. Lynn:

This is in response to your request for the views of this Department concerning an enrolled bill, S. 1922, "To amend the Act of July 7, 1970 (84 Stat. 409) to authorize appropriations to the Secretary of the Interior without reference to the agencies involved."

We recommend that the President sign the bill.

The legislation would amend section 6 of Public Law 91-307, July 7, 1970, which authorized the Touchet Division, Walla Walla Project, a multiple purpose water development, and required that funds be appropriated to the Fish and Wildlife Service (FWS) for transfer to the Bureau of Reclamation to cover the joint and separable costs allocated to the enhancement of anadromous fish.

Under existing legislation for the project, the Bureau of Reclamation would budget all project funds except for fish and wildlife elements. Fish and wildlife elements would appear in the FWS budget to be subsequently transferred to Reclamation. This fragmentation is undesirable.

The Fish and Wildlife Service has not previously funded or undertaken a construction project of this type or magnitude as a project of its own, or through its own budget. This unique legal requirement was passed with the original legislation in 1970, without Departmental concurrence, and it is difficult to implement. The fish and wildlife portions of the construction costs for this project would equal the entire construction budget for the Service for several years. Moreover, the appropriations process under the current legislative scheme would require the approval of two different committees for the single project and would require duplicate appropriations proceedings.

The amendment would allow for the customary appropriations process, in that the Bureau, as the construction agency, would seek appropriation of all funds necessary to construct, operate, and maintain the

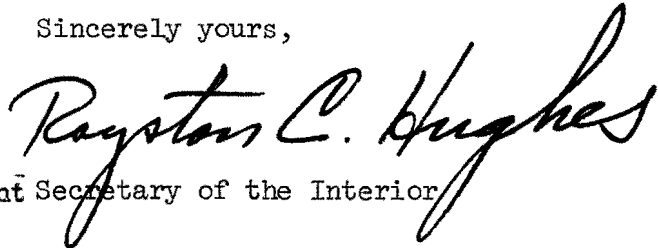


facilities of the authorized Touchet Division. Arrangements for transferring funds to the FWS for the operation and maintenance of fish facilities could be handled internally.

The funds for the project have already been authorized by legislation. The bill would facilitate the implementation of the project, and we consider the amendment desirable.

The Department has previously reported favorably to the Congress on S. 1922, and on its companion bill, H.R. 8749. The enrolled bill makes no changes in the initial proposals.

Sincerely yours,

A handwritten signature in cursive script, reading "Rayston C. Hughes". The signature is written in dark ink and is positioned above the typed name.

Assistant Secretary of the Interior

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

To: J. Cannon
12-22-75
5:45 PM



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

DEC 22 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 1922 - Touchet Division, Walla
Walla Project, Oregon-Washington
Sponsors - Sen. Jackson (D) Washington and
Sen. Magnuson (D) Washington

Last Day for Action

December 30, 1975 - Tuesday

Purpose

Removes statutory requirement that the Fish and Wildlife Service of the Department of the Interior must obtain appropriations to finance the construction of the fish and wildlife enhancement facilities of the Touchet Division, Walla Walla Project, Oregon-Washington.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval

Discussion

Under existing law, Interior's Fish and Wildlife Service is required to obtain appropriations for funding the construction of fish and wildlife enhancement facilities of the Touchet Division. The amount involved, \$22,774,000, is larger than the entire construction budget of the Service for several years, and no appropriations for this purpose have been obtained.

Calendar No. 407

94TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 94-417

AMENDING THE ACT OF JULY 7, 1970 (84 STAT. 409) TO AUTHORIZE APPROPRIATIONS TO THE SECRETARY OF THE INTERIOR WITHOUT REFERENCE TO THE AGENCIES INVOLVED

OCTOBER 8 (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. 1922]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 1922) to amend the Act of July 7, 1970 (84 Stat. 409) to authorize appropriations to the Secretary of the Interior without reference to the agencies involved, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of the measure is to delete from Sec. 6 of the Act of July 7, 1970 (84 Stat. 409) the requirement that costs of the Touchet division, Walla Walla project, Oregon-Washington, associated with fish and wildlife enhancement be appropriated to the United States Fish and Wildlife Service for subsequent transfer to the Department of the Interior's Bureau of Reclamation.

BACKGROUND AND NEED

The Act of July 7, 1970 (P.L. 91-307) authorized the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Washington-Oregon. The authorized project is multi-purpose in scope and will provide irrigation, flood control, municipal and industrial water, recreation, and fish and wildlife benefits.

Principle features of the project include Dayton Dam on the Touchet River a few miles upstream from the Town of Dayton, Washington, and facilities for fish enhancement consisting of a trap below the dam and a hopper and tramway to carry upstream migrating anadromous fish over the dam. Fish enhancement facilities will restore

a substantial run of anadromous fish with a resultant harvest of mature salmon available to fishermen in the lower Columbia and Pacific waters. Irrigation water will be served initially to 9,960 acres with reservoir capacity for service to an additional 7,000 acres.

At the time of approval by the 91st Congress, project costs were estimated to be \$22,774,000 with a benefit to cost ratio of 1.72 to 1 over a 100-year period of analysis. A House amendment to the original Senate bill included language directing that funds allocable to the enhancement of anadromous fisheries would be appropriated to the United States Fish and Wildlife Service for transfer to the Bureau of Reclamation.

Subsequently, the high degree of cooperation and coordination of budgeting processes between the Bureau of Reclamation and the Fish and Wildlife Service which was contemplated by the House language never materialized. The Fish and Wildlife Service does not assign high priority to the project in relation to its own program, and five years have elapsed since authorization with no progress on the project.

PROPOSED LEGISLATION

If enacted, S. 1922 will amend the Act of July 7, 1970 (84 Stat. 409) to eliminate the requirement that funds allocable to anadromous fishery enhancement associated with the project be initially appropriated to the United States Fish and Wildlife Service for transfer to the Bureau of Reclamation. In effect, adoption of the amendment will provide for the "usual" budgeting and funding procedures associated with reclamation projects.

COSTS

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

Although S. 1922 contains language authorizing the appropriation of \$22,744,000, it should be stressed that this is the same amount previously authorized by the Act of July 7, 1970 (84 Stat. 409) and is therefore not to be considered a new authorization.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs in open markup session on October 3, 1975, with a quorum present, unanimously recommended that S. 1922 be enacted.

EXECUTIVE COMMUNICATIONS

On June 26, 1975, the Senate Committee on Interior and Insular Affairs solicited the comments of the Department of the Interior and the Office of Management and Budget regarding S. 1922. As of the date of this report, no comments had been received by the Committee from either the Department of the Interior or the Office of Management and Budget. However, public hearings were held before the Water and Power Subcommittee of the House Interior and Insular

Affairs Committee on September 22, 1975, at which time Administration spokesman testified in favor of passage of H.R. 8749, the House companion measure to S. 1922.

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. 1922, 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):

Act of July 7, 1970 (84 Stat. 409), sec. 6.

[SEC. 6. (a) There are hereby authorized to be appropriated to the United States Fish and Wildlife Service, for transfer to the Bureau of Reclamation, such sums as may be required to cover separable and joint construction costs of the Touchet division, Walla Walla project, allocable to the enhancement of anadromous fish as determined by cost allocation studies comparable to those set forth in House Document Numbered 155, Eighty-ninth Congress, second session.

(b) There are authorized to be appropriated to the Bureau of Reclamation for construction of the works involved in the Touchet division \$22,774,000 (January 1969 prices), less the amounts authorized by subsection (a) of this section.

(c) The total sums authorized to be appropriated by subsection (a) and subsection (b) of this section shall be plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes, and, in addition thereto, such sums as may be required to operate and maintain such division: *Provided*, That funds appropriated pursuant to the authority contained in subsection (b) of this section shall be expended only if the amount thereof is increased in any given fiscal year by a proportionate amount appropriated pursuant to subsection (a) of this section.]

"Sec. 6. There are authorized to be appropriated for construction of the works involved in the Touchet Division the sum of \$22,774,000 (January 1969 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes, and, in addition thereto, such sums as may be required to operate and maintain such division."

○

AMENDING THE ACT OF JULY 7, 1970 (84 STAT. 409) AUTHORIZING
APPROPRIATIONS TO THE SECRETARY OF THE INTERIOR WITHOUT
REFERENCE TO THE AGENCIES INVOLVED

DECEMBER 8, 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 S. 1922]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 1922) to amend the act of July 7, 1970 (84 Stat. 409) to authorize appropriations to the Secretary of the Interior without reference to the agencies involved, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of S. 1922¹ is to amend the act by which the Touchet Division, Walla Walla Project, Washington, was authorized, to eliminate a requirement that a portion of the appropriations for construction of the project be obtained by the U.S. Fish and Wildlife Service and thus place responsibility for seeking all appropriations in the Bureau of Reclamation.

BACKGROUND

The Touchet Division as authorized by the act of July 7, 1970, includes a dam and reservoir on the Touchet River near Dayton, Wash., to regulate the flows of that stream for multiple purposes. At the time the Touchet Division legislation was being considered by the Congress the costs of the project were allocated primarily to irrigation and fish and wildlife enhancement. Minor amounts were allocated to flood

¹ A companion bill, H.R. 8749, introduced by Mr. Foley, was also considered by the committee.

control, municipal and industrial supply, recreation and highway betterment.

The cost allocated to fish and wildlife enhancement was approximately one-half of the total cost of the project. As this circumstance was then unprecedented in reclamation project experience, the Congress required in the authorizing legislation that a portion of the funds for construction of the project be provided by the Fish and Wildlife Service for transfer to the Bureau of Reclamation. A further requirement was included in the Touchet Division legislation, that funds available to the Bureau of Reclamation could not be expended in any given year unless a proportionate sum was provided by the Fish and Wildlife Service.

NEED

The requirement for participatory financing of the Touchet Division is seriously impeding implementation of the authorizing legislation. The sums required to be furnished by the Fish and Wildlife Service represent more than the normal ongoing construction budget of that Agency. Accordingly, it has not been practicable for the Fish and Wildlife Service to secure the needed funds in its annual budgets with which to meet its commitments pursuant to the Act of July 7, 1970.

Unless legislation is enacted to eliminate the requirement for participatory financing it is quite unlikely that the Touchet Division authorization can go forward to construction.

JUSTIFICATION

The provisions of law which will be amended by enactment of S. 1922 have not been applied to any other water resource development authorized either prior to or subsequent to the Touchet Division legislation. These provisions were applied to the Touchet Division on an experimental basis and experience has shown that they are both unworkable and unnecessary.

S. 1922 authorizes no appropriations beyond those already authorized by law and does nothing more than put the Touchet Division, Walla Walla project, on the same appropriations basis as all other contemporary water resource development projects.

COST, INFLATIONARY IMPACT, AND BUDGET ACT COMPLIANCE

The effect of this legislation being solely to change the manner of seeking appropriations, there are no costs associated with this enactment, nor will enactment, in the opinion of the Committee, have any inflationary impact.

RECOMMENDATION

On the basis of a voice vote, the committee unanimously approved S. 1922 and recommended its enactment without amendment.

DEPARTMENTAL REPORT

The favorable report of the Department of the Interior on the companion bill, H.R. 8749, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 19, 1975.

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

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department concerning a bill, H.R. 8749, to amend the act of July 7, 1970 (84 Stat. 409) to authorize appropriations to the Secretary of the Interior without reference to the agencies involved. We recommend in favor of the bill's enactment.

The legislation would amend section 6 of Public Law 91-307, July 7, 1970, which authorized the Touchet Division, Walla Walla Project, a multiple purpose water development, and required that funds be appropriated to the Fish and Wildlife Service (FWS) for transfer to the Bureau of Reclamation to cover the joint and separable costs allocated to the enhancement of anadromous fish.

Under existing legislation for the project, the Bureau of Reclamation would budget all project funds except for fish and wildlife elements. Fish and wildlife elements would appear in the FWS budget to be subsequently transferred to Reclamation. This fragmentation is undesirable.

The Fish and Wildlife Service has not previously funded or undertaken a construction project of this type or magnitude as a project of its own, or through its own budget. This unique legal requirement was passed with the original legislation in 1970, without Departmental concurrence, and it is difficult to implement. The fish and wildlife portions of the construction costs for this project would equal the entire construction budget for the Service for several years. Moreover, the appropriations process under the current legislative scheme would require the approval of two different committees for the single project and would require duplicate appropriations proceedings.

The amendment would allow for the customary appropriations process, in that the Bureau, as the construction agency, would seek appropriation of all funds necessary to construct, operate, and maintain the facilities of the authorized Touchet Division. Arrangements for transferring funds to the FWS for the operation and maintenance of fish facilities could be handled internally.

The funds for the project have already been authorized by legislation. The bill would facilitate the implementation of the project, and we consider the amendment desirable.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

JOHN KYL,
Assistant Secretary of the Interior.

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 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) :

ACT OF JULY 7, 1970 (84 STAT.) 409

* * * * *

[SEC. 6. (a) There are hereby authorized to be appropriated to the United States Fish and Wildlife Service, for transfer to the Bureau of Reclamation, such sums as may be required to cover separable and joint construction costs of the Touchet Division, Walla Walla project, allocable to the enhancement of anadromous fish as determined by cost allocation studies comparable to those set forth in House Document Numbered 155, Eighty-ninth Congress, second session.

(b) There are authorized to be appropriated to the Bureau of Reclamation for construction of the works involved in the Touchet Division \$22,774,000 (January 1969 prices), less the amounts authorized by subsection (a) of this section.

(c) The total sums authorized to be appropriated by subsection (a) and subsection (b) of this section shall be plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes, and, in addition thereto, such sums as may be required to operate and maintain such division: Provided, That funds appropriated pursuant to the authority contained in subsection (b) of this section shall be expended only if the amount thereof is increased in any given fiscal year by a proportionate amount appropriated pursuant to subsection (a) of this section.]

Sec. 6. There are authorized to be appropriated for construction of the works involved in the Touchet Division the sum of \$22,774,000 (January 1969 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes, and, in addition thereto, such sums as may be required to operate and maintain such division.

* * * * *



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 Act of July 7, 1970 (84 Stat. 409) to authorize appropriations to the Secretary of the Interior without reference to the agencies involved.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act entitled "An Act to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet Division, Walla Walla project, Oregon-Washington, and for other purposes", approved July 7, 1970 (84 Stat. 409), is amended to read as follows:

"SEC. 6. There are authorized to be appropriated for construction of the works involved in the Touchet Division the sum of \$22,774,000 (January 1969 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes, and, in addition thereto, such sums as may be required to operate and maintain such division."

Speaker of the House of Representatives.

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

December 18, 1975

Dear Mr. Director:

The following bills were received at the White House on December 18th:

✓ S. 622 ✓
✓ S. 848
S. 1922

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.