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**APPROVED**  
**OCT 21 1978**

8 10/21/76

**THE WHITE HOUSE**  
**WASHINGTON**  
October 19, 1976

**ACTION**  
Last Day: October 23

MEMORANDUM FOR THE PRESIDENT  
FROM: JIM CANNON *J.C. Cannon*  
SUBJECT: H.R. 15563 - Federal Water Project  
Recreation Act Amendment

*Posted  
10/21/76*

*Archives  
10/21/76*

Attached for your consideration is H.R. 15563, sponsored by Representative Taylor.

The enrolled bill would amend the Federal Water Project Recreation Act of 1965, from which the Tennessee Valley Authority is otherwise exempt, to specifically authorize TVA to recognize and provide for recreational and other public uses at dams and reservoirs controlled by the Authority, provided that such activities are consistent with its general obligations regarding navigation, flood control and the production of electric power.

Additional information is provided in OMB's enrolled bill report at Tab A.

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

RECOMMENDATION

That you sign H.R. 15563 at Tab B.





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

OCT 15 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 15563 - Federal Water  
Project Recreation Act Amendment  
Sponsor - Rep. Taylor (D) North Carolina

Last Day for Action

October 23, 1976 - Saturday

Purpose

Grants specific authority to the Tennessee Valley Authority to provide for recreational and other public uses at dams and reservoirs.

Agency Recommendations

Office of Management and Budget	Approval
Tennessee Valley Authority	Approval
Department of the Interior	Approval
Department of the Army	No objection
Department of Agriculture	Defers to TVA

Discussion

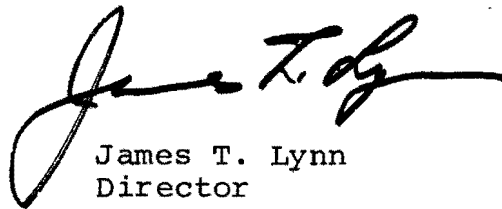
The Federal Water Project Recreation Act of 1965 requires that plans for any Federal navigation, flood control, reclamation, hydroelectric, or multiple purpose water resources project give "full consideration" to potential opportunities for outdoor recreation and for fish and wildlife enhancement. Under the Act, however, the Tennessee Valley Authority (TVA) is specifically exempted from this requirement.

H.R. 15563 would amend the Act to eliminate this exemption. It would expressly authorize TVA to recognize and provide for recreational and other public uses at dams and reservoirs controlled by

the Authority, provided that such activities are consistent with its general obligations regarding navigation, flood control, and the production of electric power.

In its attached enrolled bill letter, TVA notes that it has already made over 200,000 acres of reservoir lands available to various Federal, State and local agencies for public recreational purposes and concludes that:

"Pursuant to the regional development program called for in the TVA Act, TVA has been providing recreation and other public uses at its dams and reservoirs, as well as along upstream areas in the Tennessee Valley, for many years. While the bill would in general duplicate this inherent authority, we have no objection to the bill and believe the President should approve it."



James T. Lynn  
Director

Enclosure

**TENNESSEE VALLEY AUTHORITY**

KNOXVILLE, TENNESSEE 37902

October 12, 1976

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

Dear Mr. Frey:

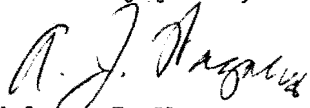
This is in reply to your request for TVA's views on enrolled bill H.R. 15563, a bill which would amend Section 6(d) of the Federal Water Project Recreation Act.

The bill applies only to TVA. It would amend the Federal Water Project Recreation Act, from which TVA is otherwise exempt, to specifically authorize TVA to recognize and provide for recreational and other public uses at its dams and reservoirs so long as they are consistent with TVA's obligations regarding the promotion of navigation, flood control, and the generation of electric power. Pursuant to the regional development program called for in the TVA Act, TVA has been providing recreation and other public uses at its dams and reservoirs, as well as along upstream areas in the Tennessee Valley, for many years. While the bill would in general duplicate this inherent authority, we have no objection to the bill and believe the President should approve it.

TVA has made more than 200,000 acres of its reservoir lands available to Federal, state, and local agencies for public recreation purposes. A large additional amount of land has been made available for group camps and clubs, commercial recreation areas, and recreational waterfront residences. In addition, TVA has long recognized that the creation of impoundments like TVA reservoirs has inevitable recreational significance, and it has taken this fact into account in its overall regional development program. TVA itself has provided basic recreation facilities in connection with its reservoir lands and dam reservations to help assure safe and sanitary access to these lakes. It has also modified the operating schedules of the principal storage reservoirs to increase the probability that lake levels will be more favorable to recreation and has experimented with special operating schedules at some projects to provide streamflows for fishing, canoeing, and floating.

We appreciate the opportunity to present our views on this legislation.

Sincerely yours,

  
Aubrey J. Wagner  
Chairman of the Board

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 19

Time: 900pm

FOR ACTION: George Humphreys  
Max Friedersdorf  
BBobbie Kilberg

cc (for information): Jack Marsh  
Ed Schmults  
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 19

Time: 300pm

SUBJECT:

H.R.15563-Federal Water Project Recreation  
Act Amendmen~~s~~s

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



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

To: J. Jackson  
10-18-76  
3:30 p.m.

OCT 15 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 15563 - Federal Water Project Recreation Act Amendment  
Sponsor - Rep. Taylor (D) North Carolina

Last Day for Action

October 23, 1976 - Saturday

Purpose

Grants specific authority to the Tennessee Valley Authority to provide for recreational and other public uses at dams and reservoirs.

Agency Recommendations

Office of Management and Budget	Approval
Tennessee Valley Authority	Approval
Department of the Interior	Approval
Department of the Army	No objection
Department of Agriculture	Defers to TVA

Discussion

The Federal Water Project Recreation Act of 1965 requires that plans for any Federal navigation, flood control, reclamation, hydroelectric, or multiple purpose water resources project give "full consideration" to potential opportunities for outdoor recreation and for fish and wildlife enhancement. Under the Act, however, the Tennessee Valley Authority (TVA) is specifically exempted from this requirement.

H.R. 15563 would amend the Act to eliminate this exemption. It would expressly authorize TVA to recognize and provide for recreational and other public uses at dams and reservoirs controlled by



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

OCT 14 1976

Dear Mr. Lynn:

This responds to your request for the views of this Department on H.R. 15563, "To amend the Act of July 9, 1965 (79 Stat. 213; 16 U.S.C. 4601-17(c)), and for other purposes."

We recommend that the President approve the enrolled bill.

H.R. 15563 would provide authority for the Tennessee Valley Authority to consider recreation uses to the extent consistent with other project purposes. All reservoirs constructed by the Corps of Engineers and the Bureau of Reclamation since 1965 have listed recreational uses as one of the project purposes, but many of the older Tennessee Valley Authority reservoirs do not have this authority and this bill would provide that authority where "consistent with the promotion of navigation, flood control, and the generation of electrical energy, as otherwise required by law."

Although this Department was not requested to report on H.R. 15563, we did report on H.R. 15021, a similar bill, which was intended to accomplish the same objective of H.R. 15563. Our Departmental report on H.R. 15021 recommended against enactment since that bill amended the Land and Water Conservation Fund Act and we indicated that it would be more appropriate to amend the Federal Water Project Recreation Act or the Tennessee Valley Authority Act to both achieve the desired objectives.



*Save Energy and You Serve America!*



This Department has reviewed the language of H.R. 15563 and we have no objection to the bill. Accordingly, we recommend that the President approve the enrolled bill.

Sincerely yours,

  
Assistant Secretary of the Interior

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



DEPARTMENT OF THE ARMY  
WASHINGTON, D.C. 20310

12 OCT 1976

Honorable James T. Lynn

Director, Office of Management and Budget

Dear Mr. Lynn:

This is in reply to your request for the views of the Department of the Army on enrolled enactment H.R. 15563, 94th Congress "To amend the Act of July 9, 1965 (79 Stat. 213; 16 U.S.C. 460 L-17(c)), and for other purposes."

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

The Act amends the Federal Water Project Recreation Act to specify that projects constructed under the authority of the Tennessee Valley Authority may include recreational and other public uses to the extent consistent with other project purposes.

Approval of the enactment will have no fiscal effect upon the Department of the Army.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles R. Ford".

Charles R. Ford  
Deputy Asst. Secretary of the Army  
(Civil Works)





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

October 13, 1976

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

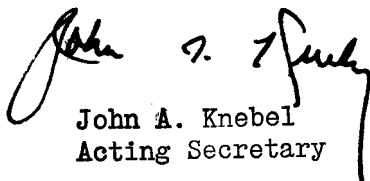
Dear Mr. Lynn:

In reply to the request of your office, the following report is submitted on the enrolled enactment H.R. 15563, "To amend the Act of July 9, 1965 (79 Stat. 213; 16 U.S.C. 460L-17(c)), and for other purposes."

The Department of Agriculture defers to the Tennessee Valley Authority for a recommendation on the merits of the enactment since its provisions would not affect our responsibilities or operations.

The Act of July 9, 1965, provides uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects. Section 6(d) of the Act provides that the Act shall not apply to the Tennessee Valley Authority. H.R. 15563 would amend section 6(d) by adding a provision which grants the Tennessee Valley Authority specific authority to provide for recreational and other public uses at dams and reservoirs.

Sincerely,

  
John A. Knebel  
Acting Secretary

THE WHITE HOUSE

ION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 18

Time: 900pm

FOR ACTION: George Humphreys  
Max Friedersdorf  
Bobbie Kilberg

cc (for information): Jack Marsh  
Ed Schmults  
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 19

Time: 300pm

SUBJECT:

H.R.15563-Federal Water Project Recreation  
Act Amendments

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

*I returned approval*

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.

James M. Cannon  
For the President

THE WHITE HOUSE

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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

*Recommend  
Approval.*  
*[Signature]*

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James M. Cannon  
For the President

THE WHITE HOUSE

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SUBJECT:

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Act Amendments

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

*m. director Kelly 10/19/76*

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.

James M. Cannon  
For the President

AMENDING THE ACT OF JULY 9, 1965 (79 STAT. 213; 16  
U.S.C. 4601-17(C)), AND FOR OTHER PURPOSES

---

SEPTEMBER 17, 1976.—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. 15563]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 15563) To amend the Act of July 9, 1965 (78 Stat. 213; 16 U.S.C. 4601-17(c)), and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

In 1965, under the terms of the Federal Water Project Recreation uses to be considered as a project purpose at certain Federal reservoirs where such authority does not now exist and where such uses can be accommodated without significantly interfering with other project purposes.

BACKGROUND AND NEED

In 1965, under the terms of the Federal Water Project Recreation Act (79 Stat. 213) the Congress formally addressed the need for recognizing recreation at Federal water projects. While that legislation enabled certain projects to consider recreation in conjunction with other project objectives, it did not apply to certain other projects which were already constructed and operating.

Needless to say, there is a tremendous amount of water-oriented outdoor recreation at Federal impoundments throughout the nation. Most of these projects recognize the validity of including this activity as a legitimate public purpose. In fact, the Bureau of Reclamation and the Corps of Army Engineers frequently find the recreational benefits to be a significant factor in justifying projects. Most projects constructed by the Tennessee Valley Authority, however, were built and came into operation before reservoir recreation was the attraction

that it is today; consequently the agency was not authorized to take this public benefit into account.

It is this deficiency that H.R. 15563 attempts to cure. The measure authorizes Federal agencies operating certain water projects that otherwise do not have such authority to consider, recognize and provide for recreation uses operating such projects insofar as this use can be accommodated without interfering with other project purposes. The enactment of this bill will permit agencies like the Tennessee Valley Authority to consider recreation needs along with power production, navigation, and floor control.

#### LEGISLATIVE PROCESSING

The Subcommittee on National Parks and Recreation conducted hearings on a related bill (H.R. 15021 by Mr. Taylor) which sought to accomplish the same objective by amending the Land and Water Conservation Fund Act. While the witnesses representing the Department of the Interior approved the objectives of that legislation, they suggested that the proposal would be more appropriate as an amendment to the Federal Water Projects Recreation Act. For that reason, the Subcommittee approved an amendment to the bill making a change in Public Law 89-72 (The Federal Water Project Recreation Act of 1965). Subsequently, a new measure (H.R. 15563) as introduced accomplishing this objective. It was this bill which the Committee on Interior and Insular Affairs considered and reported to the House.

#### COST AND INFLATIONARY IMPACT SETTLEMENT

H.R. 15563 involves no expenditures of any kind; consequently, no inflationary impact will result.

#### BUDGET ACT COMPLIANCE

Since H.R. 15563 authorizes no appropriations and involves no added costs, but merely addresses certain policy considerations. No budgetary impact will result from its enactment.

#### OVERSIGHT STATEMENT

Over the years, the Subcommittee on National Parks and Recreation has had occasion to review the recreation programs of various Federal agencies as a part of its oversight responsibilities. One of the results of this exercise has been an increasing awareness of the need to accommodate the expanding demand for recreation opportunities everywhere in the Nation—and particularly water-oriented recreation. If enacted into law, H.R. 15563 will modify existing law and permit certain Federal water projects to serve a broader public purpose than they can at the present time. Under a narrow interpretation of existing authority, some Federal agencies have concluded that their authority over the operation of water projects within their jurisdiction allows them to consider only power production, navigation and flood control.

Without conceding the accuracy of this narrow interpretation, the Committee on Interior and Insular Affairs now seeks to clarify the

situation so that recreational benefits can be considered along with other benefits in determining how a project should be operated. Since there is a substantial Federal investment in these projects, they should be operated in a manner which assures the maximum public benefit. That is all that H.R. 15563 attempts to do.

No recommendations relating to this issue were received by the Committee pursuant to Rule X, Clause 2(b) (2).

#### COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs, meeting on September 15, 1976, by voice vote, recommended the enactment of H.R. 15563.

#### DEPARTMENTAL REPORT

No departmental report was received with regard to H.R. 15563; however, the Department was heard on a related measure and indicated that it approved the general objectives which that legislation sought to accomplish, but it recommended that the bill be redrafted so as not to amend the Land and Water Conservation Fund Act. One suggestion made by witnesses for the Department was that the objective could be accomplished as an amendment to the Federal Water Project Recreation Act. Accordingly, to accommodate this recommendation the bill was redrafted and reintroduced as H.R. 15563, the bill recommended by the Committee.

#### 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 9, 1965 (79 STAT. 213; 16 U.S.C. 4601-17(c))

\* \* \* \* \*

SEC. 6. (a) The views of the Secretary of the Interior developed in accordance with section 3 of the Act of May 28, 1963 (77 Stat. 49), with respect to the outdoor recreation aspects shall be set forth in any report of any project or appropriate unit thereof within the purview of this Act. Such views shall include a report on the extent to which the proposed recreation and fish and wildlife development conforms to and is in accord with the State comprehensive plan developed pursuant to subsection 5(d) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897).

(b) The first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)), is amended to read as follows: "Provided, That such cost attributable to the development and improvement of wildlife shall not extend beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) modification of the project, and (4) mod-



ification of project operations, but shall not include the operation of wildlife facilities." The second proviso of subsection 2(d) of said Act is hereby repealed.

(c) Expenditures for lands or interests in lands hereafter acquired by project construction agencies for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interests in lands would not have been acquired but for the establishment of a migratory waterfowl refuge at the project, shall not exceed \$28,000,000: *Provided*, That the aforementioned expenditure limitation in this subsection shall not apply to the costs of mitigating damages to migratory waterfowl caused by such water resource project.

(d) This Act shall not apply to the Tennessee Valley Authority, nor to projects constructed under authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended [ ], *but all such projects are authorized to recognize and provide for recreational and other public uses at any dams and reservoirs heretofore or hereafter constructed in a manner consistent with the promotion of navigation, flood control, and the generation of electrical energy, as otherwise required by law.*

(e) Sections 2, 3, 4, and 5 of this Act shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protection projects, or to project areas or facilities authorized by law for inclusion within a national recreation area or appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

(f) As used in this Act, the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

(g) Subsection 6(a)(2) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) shall not apply to costs allocated to recreation and fish and wildlife enhancement which are borne by the United States as a nonreimbursable project cost pursuant to subsection 2(a) or subsection 3(b)(1) of this Act.

(h) All payments and repayment by non-Federal public bodies under the provisions of this Act shall be deposited in the Treasury as miscellaneous receipts, and revenue from the conveyance by deed, lease, or otherwise, of lands under subsection 3(b)(2) of this Act shall be deposited in the Land and Water Conservation Fund.

\* \* \* \* \*



H. R. 15563

# Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,  
one thousand nine hundred and seventy-six*

## An Act

To amend the Act of July 9, 1965 (79 Stat. 213; 16 U.S.C. 460l-17(c)), and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6(d) of the Act of July 9, 1965 (79 Stat. 213; 16 U.S.C. 460 L-17(c)) is amended by inserting after "Authority,": "but the Authority is authorized to recognize and provide for recreational and other public uses at any dams and reservoirs heretofore or hereafter constructed in a manner consistent with the promotion of navigation, flood control, and the generation of electrical energy, as otherwise required by law,".*

*Speaker of the House of Representatives.*

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