Remarks of Honorable James P. Johnson
- U.S. Representative, Fourth District, Colorado -
before the
31st Annual Session of the Colorado River Water Users' Association
November 18, 1974

(Greetings to the officials and guests.)

I want to begin by expressing my appreciation for being invited to address this group of water experts. I do not come here as an expert in water engineering or law, but as one who represents, in the United States Congress, a portion of this Colorado River Basin, in which we have shared a vital common interest for so many years.

To refresh your memories, I represent that part of the Colorado River Basin where it all begins. I expect that my predecessor in office, former Congressman Wayne Aspinall, has addressed this group often enough in the past so that there is no need for me to review just how lucky you all are that we "headwater" people happened to be blessed with such generous natures.

My own background is one of having been raised in the west Texas country of Lubbock and Muleshoe. I'm sure all of you know that that's where we had to irrigate our rivers to keep them from blowing away. However, I studied my water law at the University of Colorado Law School and learned my water law trade in the Colorado-Big Thompson Project area -- specifically, Fort Collins, Colorado.

I chose as my topic for this address the subject of the "political feasibility of water reclamation projects." For years, we have been in the habit of thinking in terms of the three basic feasibility tests: physical, financial and economic. The principal questions asked were:

1) Will the dam hold water and will the ditches get it to the land to be served?

2) Will the users be able and willing to pay their share? and

3) Will the benefits equal or exceed the cost?
While much of what I will say is known to most of you, I believe it bears repeating so that all of us who make use of the Colorado River will be mindful of our common problems in the political arena.

As we think about water resource development, we must ask the question: "Can it pass the tests at the Executive level of government?" This means not just meeting the requirements of the agency having jurisdiction, such as the Bureau of Reclamation and the Corps of Engineers. This has always been required. But now we must reckon with and crank into our planning and cost estimates the requirements of the Environmental Protection Agency, OSHA and, I'm sure you were waiting for this, the Office of Management and Budget.

In recent years, OMB has played an increasingly significant and -- to many of us -- frustrating role in determining the status of authorized and/or funded water resource projects.

It took no crystal ball to perceive that a certain hostility toward reclamation programs resided in that Executive agency, and it had a ready device at hand called "impoundment" which it was using with little hesitation.

I say "was using" because, for a number of reasons, the Congress reacted to this increasingly disturbing exercise of authority on the part of OMB by inserting in the Congressional Budget and Impoundment Control Act of 1974 a special title dealing with this growing problem.

This is not to say that the Executive has been stripped of its controls over expenditures, but the Act did more clearly define the conditions under which the authority could be used and -- most importantly -- eliminated the unilateral nature of the impoundment process by bringing the Congress into the picture.

The word "impoundment" has now been replaced by two others -- "recession" and "deferral," and I expect that we will all become as familiar with the latter as we were with this former. As for the legislation...
In the case of a recission, or cancellation of budget authority, the President's recommendation will not take effect unless, within 45 days, the Congress takes positive action on a recission bill granting all or part of what the President asked.

In the instance where a deferral of budget authority is requested by the President, it will become effective unless either the House or the Senate should pass a resolution disapproving the proposed deferral.

As you know, the President has made his first proposals under the recission and deferral procedures, and they will directly affect some of our western reclamation projects.

You will do well to watch with interest to see if any pattern is set as these proposals are considered in the Congress in the weeks immediately ahead.

I would like to make some kind of educated guess as to the outcome of this first test of our new joint budget responsibility but, to use a gross understatement, this has not been an ordinary year. The twin pressures of inflation and recession will exert almost opposite influences on the Members of Congress, and there is just no way of telling at this time how the "lame-duck" Session or the new Congress will respond.

Before leaving the category of the Executive Branch influence on political feasibility, I cannot resist taking a quick look at a couple of governmental subdivisions -- the National Water Commission and the Water Resources Council. Here, again, we have political units that have an influence on water-use generally. I need not remind you of the 1973 report of the National Water Commission and the "Principles and Standards" report issued by the Water Resources Council.

Under the heading of "My, how things have changed!" let me give you
increasingly popular in the United States in recent years to fault the western reclamation program for many of the imagined evils of agricultural production. There is no factual basis for this criticism."

These were the words of Governor Love about two years ago, and he was addressing himself not to the question of food surplus but to the fallacy of blaming any significant part of it on reclamation.

Now let me quote from the statement of Secretary of State Kissinger at the World Food Conference in Rome just two weeks ago:

"The world has come to depend on a few exporting countries, and particularly the United States, to maintain the necessary reserves. But reserves no longer exist, despite the fact that the United States has removed virtually all of its restrictions on production and our farmers have made an all-out effort to maximize output."

Now the National Water Commission was not the only one to miss the boat on the exploding world demand for food, but the lesson to be learned is that governmental agencies should refrain from making such hard and fast decisions that are based on erroneous assumptions in the first place.

I suppose that when that day comes, the millennium will be just around the corner.

The second question of political feasibility is: Can it pass the test at the Legislative level? Again, I submit an understatement: Public works projects are no longer viewed by the Congress in the same light that they used to be.

Such things as reclamation projects, flood control, river channel corrections, and harbor improvements are perceived as increasingly expendable by those who place a higher priority on what they call "people-oriented" programs. Getting such Members of Congress to see that public works benefit the public is becoming more difficult. All too often, the outcome..."
of previously authorized projects.

But these are not the only hurdles in the Legislative Branch. Those twin spectres of inflation and recession are going to plague us at every turn.

You and I know that the timely completion of construction can save hundreds of thousands of dollars. You and I know that we need these completed projects if the reclamation West is to play a role in feeding this Nation and the world. You and I know -- as we have already heard from Commissioner Stamm -- that water is one of the keys to how rapidly and how broadly we develop energy resources.

But the question is -- how much of the Nation and its representation in Congress understand this as we do?

Our joint task, then, is the same as it has been for years. We must continue to tell the reclamation story and to maintain the priority position it deserves. While doing this, we must face the reality of today's economics and be ready to share in reasonable reductions that must be asked of all our federal spending programs.

The question of passing the Judicial Branch test needs no lengthy review from me. The filing of lawsuits has become a familiar occurrence wherever water resource development is proposed -- or even already underway. I expect that you are learning to live with it.

Finally, political feasibility is not confined to the Federal Government and its multitude of agencies. It also becomes a factor on an intra-river basin and even an intra-State basis.

As the twin needs of food and energy grow in tandem importance, we become aware of the competition between the two when it comes to water requirements. I am aware, for example, that the conversion of old agricultural water rights to energy uses is being questioned; that energy developers
While you continue your appropriate contacts with those same elected officials, it seems to me that professional water interest groups would be well advised to establish communication with the people of their areas, generally, so that opinions can be formed on the basis of facts that are not always available from other sources.

Education through the news media and the schools is just as good a tool for you as for any other group or individual.

The foregoing may not cover all aspects of what we call political feasibility, but it should be enough to refresh your memories as to the difficulties that lie in wait for anyone who seeks to put water to man's beneficial use.

A valid question at this point would be: "Fine, Congressman, what do we do about it?"

I expect you already know that I don't have a set of answers, and neither, I suspect, does anyone else. What's more, if we did develop a viable response to the problems I just reviewed, a whole range of new political challenges could be waiting for us just when we thought the old ones were licked.

My message to you is really quite simple and not all that new: Political obstacles have always been with us; they are more abundant now than ever before; and are quite likely to get more complex. That means we have the continuing responsibility to be aware of the political problems; to study them; and to deal with them with as much unanimity and skill as we can muster throughout the Colorado River Basin — and that should be considerable.

We cannot match numbers with the non-reclamation states, but it has been demonstrated very effectively in the past that benefits to the West can
basic needs of mankind begin to play their proper role of influence in the decisions we make as a Nation.

The Member of the House or the Senate from Wisconsin, New York, Michigan, or West Virginia, may be thoroughly dedicated to the protection of our environment, but they are intelligent people who either now or someday will realize that man is very much a part of the environment.

Just one final thought, since the recent national elections, I have been asked frequently for my reactions and predictions.

I have already denied any clairvoyance and suggest that the new Congress may already have been over-analyzed.

As I think about the governmental work that lies ahead, I can't help but think of the "good news/bad news" story.

A passenger airliner was flying over the Atlantic when it encountered a sudden, violent and prolonged turbulence. When the plane finally reached stable conditions, the pilot came on the intercom and announced, "Ladies and gentlemen, I have some good news and some bad news. First, the bad news. We are lost, the compass is not working, and I have no idea where we're heading. Wow, the good news. We have a 200 mile per hour tailwind."

Sometimes it will seem like we don't know where we're going and are getting there fast, but I pray that the citizens of this Nation will keep their perspective; will remember that there never has been an age of political miracles; and will be willing to make the sacrifices that self-government has always demanded.

Thank you.