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WATER RESOURCES PLANNING ACT OF 1961

GOVERNMENT
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JOINT HEARINGS
OF THE
COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
AND THE
COMMITTEE ON PUBLIC WORKS
UNITED STATES SENATE
EIGHTY-SEVENTH CONGRESS
FIRST SESSION
ON
S. 2246, S. 1629, and S. 1778
BILLS PERTAINING TO THE WATER RESOURCES
PLANNING ACT OF 1961

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JULY 26 and AUGUST 16, 1961

AND HEARING
OF THE
COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
ON
S. 1629
A BILL TO PROVIDE FINANCIAL ASSISTANCE TO STATES
FOR WATER RESOURCES PLANNING

JULY 10, 1961

Printed for the use of the Committees on Interior and Insular Affairs
and Public Works

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CONTENTS

	Page
S. 2246-----	1
S. 1629-----	153
Report of agencies on S. 1629:	
Agriculture-----	155
Interior-----	156
S. 1778-----	25
Report of agencies on S. 1778-----	155
Agriculture-----	29
Budget-----	27
Interior-----	28

STATEMENTS

Adams, H. Mat, acting commissioner, New Jersey Department of Conservation and Economic Development-----	201 49
American National Cattlemen's Association-----	46
Bartlett, Hon. E. L., a U.S. Senator from the State of Alaska-----	61
Biemiller, Andrew J., director, department of legislation, AFL-CIO-----	103
Brown, J. D., legislative director, American Public Power Association-----	
Cothren, V. W., forester, Southern Pine Association, on behalf of the National Lumber Manufacturers Association-----	72
Curran, Charles D., P.E., for the National Society of Professional Engineers-----	143
Dickenson, Phillip T., technical assistant to Senator Engle-----	192
Freeman, Hon. Orville L., Secretary of Agriculture-----	19
Goldberg, B. Abbott, deputy director, contracts, California Department of Water Resources-----	193
Gruening, Hon. Ernest, a U.S. Senator from the State of Alaska-----	58
Hart, Hon. Philip A., a U.S. Senator from the State of Michigan-----	45
Hickey, Hon. J. J., a U.S. Senator from the State of Wyoming-----	186
Hillenbrand, Bernard F., executive director, National Association of County Officials-----	146
Hull, William J., chairman, legislative committee of the Ohio Valley Improvement Association, Inc-----	90
Interstate Conference on Water Problems-----	149
Kansas Water Resources Board-----	169
Kuechel, Hon. Thomas H., a U.S. Senator from the State of California-----	191
Lack, Gen. Norman B., for the State of Delaware-----	203
Longmire, Richard C., chairman, water resources committee, National Association of Soil Conservation District Officials-----	65
McDonald, Angus, assistant director, legislative services division, National Farmers Union-----	125
McFadzean, William G., director of civic affairs, Archer-Daniels-Midland Co., Minneapolis, Minn., and Daniel W. Cannon, conservation committee executive, National Association of Manufacturers-----	108
McGee, Hon. Gale W., a U.S. Senator from the State of Wyoming-----	55, 187
Miller, Dr. Albert R., chief of research and special studies, Maryland State Planning Department-----	213
Moss, Hon. Frank E., a U.S. Senator from the State of Utah-----	189
Ribicoff, Hon. Abraham, Secretary of Health, Education, and Welfare; accompanied by Gordon McCallum, Chief of the Water Supply and Pollution Control Division, Public Health Service; Boisfeuillet Jones, Special Assistant for Health and Medical Affairs; and Jerome N. Sonosky, Assistant for Legislation-----	40



	Page
Robinson, Charles A., staff engineer and counsel, National Rural Electric Cooperative Association.....	97, 204
Rosenblom, Mrs. Haskell, member of the board of directors of the League of Women Voters of the United States.....	121, 214
Schaub, Hon. William F., Assistant Secretary of the Army, accompanied by Gen. Walter K. Wilson, Chief of Corps of Engineers, and Maj. Gen. William F. Cassidy, Director of Civil Works, Corps of Engineers.....	38
Shortle, Robert L., division manager, Mississippi Valley Association.....	51
Smith, Dr. Spencer M., Jr., secretary, Citizens Committee for Natural Resources.....	200
Stahr, Elvis J., Jr., Secretary of the Army, presented by William F. Schaub, Assistant Secretary of the Army.....	38
States:	
Alabama.....	159
Arizona.....	159
Arkansas.....	160
California.....	161
Colorado.....	161
Connecticut.....	163
Delaware.....	164
Florida.....	164
Hawaii.....	165
Idaho.....	165
Illinois.....	166
Indiana.....	166
Iowa.....	167
Kansas.....	168
Maryland.....	170
Massachusetts.....	170
Minnesota.....	171
Montana.....	171
Nebraska.....	172
Nevada.....	173
New Jersey.....	173
New Mexico.....	174
North Carolina.....	176
North Dakota.....	177
Ohio.....	178
Oklahoma.....	179
Oregon.....	179
Pennsylvania.....	180
Rhode Island.....	180
South Dakota.....	180
Virginia.....	181
Utah.....	182
Washington.....	182
Wyoming.....	183
Taylor, John, and Matt Triggs, assistant legislative directors, American Farm Bureau Federation.....	78
Thompson, Sam, first vice chairman, executive committee of the Interstate Conference on Water Problems, Council of State Governments.....	217
Udall, Hon. Stewart L., Secretary of the Interior.....	12
Wylie, Robert C., and Richard W. Smith, on behalf of the Chamber of Commerce of the United States (<i>see also</i> letter of Richard W. Smith at page 136 and answer of Attorney General on page 137).....	127

CORRESPONDENCE

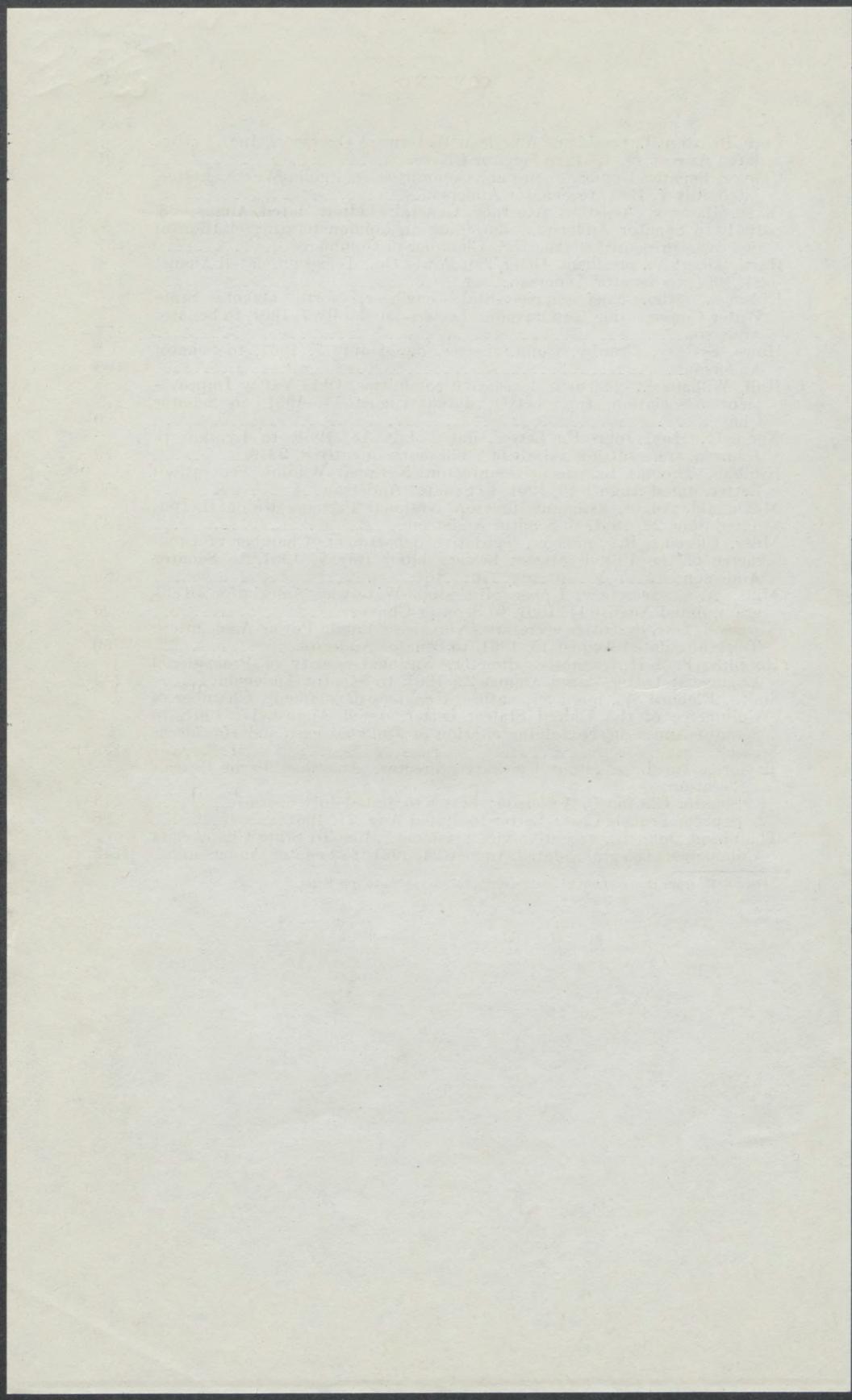
Anderson, Senator Clinton P.: Letter, dated August 18, 1961, to Ramsey Clark, Assistant Attorney General, requesting an opinion of cases cited by U.S. Chamber of Commerce.....	137
Baskerville, Henry M., chairman of the board, Upper Mississippi Towing Corp.: Telegram dated August 11, 1961, to Senator Chavez.....	90
Bradley, D. K., chairman, conservation committee, American Whitewater Affiliation: Letter dated August 27, 1961, to Senator Anderson.....	148
Bromley, W. S., executive secretary, American Pulpwood Association: Letter, dated August 24, 1961, to Senator Anderson.....	148

CONTENTS

V

	Page
Carr, Braxton B., president, American Waterways Operators, Inc.: Letter, dated August 11, 1961, to Senator Chavez.....	91
Chavez, Senator Dennis, chairman, Committee on Public Works: Letter, dated July 7, 1961, to Senator Anderson.....	199
Clark, Ramsey, Assistant Attorney General: Letter, dated August 28, 1961, to Senator Anderson, containing an opinion refuting citation of two cases presented by the U.S. Chamber of Commerce.....	137
Hartl, Albert V., president, Otter Tail Power Co.: Telegram, dated August 24, 1961, to Senator Anderson.....	142
Hoisveen, Milo, chief engineer-State engineer, North Dakota State Water Conservation Commission: Letter, dated July 7, 1961, to Senator Anderson.....	177
Howe, Sydney, Granby, Conn.: Letter, dated July 7, 1961, to Senator Anderson.....	199
Hull, William J., chairman, legislative committee, Ohio Valley Improvement Association, Inc.: Letter, dated August 11, 1961, to Senator Chavez.....	90
Kennedy, Hon. John F.: Letter, dated July 13, 1961, to Lyndon B. Johnson, transmitting a draft of a bill (subsequently S. 2249).....	10
Kimball, Thomas L., executive director, National Wildlife Federation: Letter, dated August 15, 1961, to Senator Anderson.....	50
McDonald, Angus, assistant director, National Farmers Union: Letter, dated June 22, 1961, to Senator Anderson.....	185
Miles, Clarence R., manager, legislative department, Chamber of Commerce of the United States: Letter, dated July 7, 1961, to Senator Anderson.....	186
Mills, A. C., secretary, Upper Mississippi Waterway Association: Telegram, dated August 11, 1961, to Senator Chavez.....	90
Norwood, Gus, executive secretary, Northwest Public Power Association: Telegram, dated August 15, 1961, to Senator Anderson.....	50
Robbins, Paul H., executive director, National Society of Professional Engineers: Letter, dated August 23, 1961, to Senator Anderson.....	143
Smith, Richard W., manager, natural resources department, Chamber of Commerce of the United States: Letter, dated August 17, 1961, to Senator Anderson, containing citation of <i>Fallbrook</i> case and <i>Hawthorne</i> case ¹	136
Taylor, John I., assistant legislative director, American Farm Bureau Federation:	
Senator Clinton P. Anderson: Letter to, dated July 6, 1961.....	213
Senator Francis Case: Letter to, dated Aug. 21, 1961.....	96
Thompson, John R., executive vice president, Missouri State Chamber of Commerce: Telegram, dated August 24, 1961, to Senator Anderson....	142

¹ See letter from Department of Justice on p. 137, in regard to this letter.



WATER RESOURCES PLANNING ACT OF 1961

WEDNESDAY, JULY 26, 1961

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
AND COMMITTEE ON PUBLIC WORKS,
Washington, D.C.

The committee met, pursuant to call, at 10 a.m., in room 3110, Senate Office Building, Senator Clinton P. Anderson, presiding.

Present: Senators Anderson, Kerr, Dworshak, Randolph, Allott, Long of Hawaii, Gruening, Moss, Metcalf, Burdick, and Hickey.

Also present: Stewart French, chief counsel; Benton J. Stong, professional staff member; Jerry T. Verkler, clerk, Interior and Insular Affairs Committee; and John Mutz, professional staff member, Public Works Committee.

Senator ANDERSON. The Interior Committee is very much honored today to be joined by members of the Public Works Committee, including four members of our own Interior Committee who also serve under the Public Works banner—Senators Gruening, Moss, Long of Hawaii, and Metcalf.

Incidentally, I think I should welcome back to the committee the Senator from Oklahoma, who started off with me on this committee in 1949.

This is a joint hearing of the Senate Interior and Insular Affairs Committee, and the Senate Public Works Committee, on S. 2246 and S. 1629, measures concerned with water resource planning.

(The bills referred to follow:)

[S. 2246, 87th Cong., 1st sess.]

A BILL To provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, through the establishment of a Water Resources Council and river basin commissions, and by providing financial assistance to the States in order to increase State participation in such planning

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Water Resources Planning Act of 1961".

STATEMENT OF POLICY

SEC. 2. In order to meet the rapidly expanding demands for water throughout the Nation, it is hereby declared to be the policy of the Congress that the conservation, development, and utilization of the water and related land resources of the United States shall be planned and conducted on a comprehensive and coordinated basis with the cooperation of all affected Federal agencies, States, local governments, and others concerned.

TITLE I—WATER RESOURCES COUNCIL

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, and the Secretary of Health, Education, and Welfare, the Chairman of the Council shall request the heads of other 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. 102. The Council shall maintain a continuing study of the adequacy of supplies of good quality water in each water resource region in the United States to meet the requirements of the region and the national interest therein, appraise the adequacy of existing policies and programs to meet such requirements, and make recommendations to the President with respect thereto.

SEC. 103. The Council shall establish, with the approval of the President, principles, standards, and procedures for the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water resources projects.

SEC. 104. Upon receipt of a plan or revision thereof from any river basin commission under the provisions of section 204(a) (3) of this Act, the Council shall—

- (1) determine the efficacy of such plan or revision in achieving optimum use of the water and related land resources in the area involved;
- (2) determine the effect of the plan on the achievement of other programs for the development of agricultural, energy, industrial, recreational, fish and wildlife, and other resources of the entire Nation;
- (3) determine the contributions which such plan or revision will make in obtaining the Nation's economic and social goals;
- (4) make such modifications in such plan or revision as are desirable in the national interest; and
- (5) transmit such plan or revision, including such modifications and the views, comments, and recommendations with respect to such plan or revision submitted by any Federal agency, Governor, interstate commission, or United States section of an international commission, to the President for his review and transmittal to the Congress.

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 such personnel as it deems advisable, including a Staff Director, with compensation at the rate of \$19,500 per annum; (5) place one position, in addition to the Staff Director, above the level of grade GS-15, subject to the standards and procedures of section 505 of the Classification Act of 1949, as amended, but in addition to the number of positions authorized to be placed in such grades by such section; (6) 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; (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.

(b) Any member of the Council is authorized to administer oaths when it is determined by the Council that testimony shall be taken or evidence received under oath.

(c) To the extent permitted by law, all appropriate records and papers of the Council may be made available for public inspection during ordinary office hours.

(d) Upon request of the Council, the head of any Federal department or agency is authorized (1) to furnish to the Council such information as may be necessary for carrying out its functions and as may be available to or procurable by such department or agency, and (2) to detail to temporary duty with such Council on a reimbursable basis such personnel within his administrative jurisdiction as it may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

(e) The Council shall be responsible for (1) the appointment and supervision of personnel, (2) the assignment of duties and responsibilities among such personnel, and (3) the use and expenditures of funds.

TITLE II—RIVER BASIN COMMISSIONS

CREATION OF COMMISSIONS

SEC. 201. (a) The President is authorized, upon the request of the Governor of one or more of the affected States as described in section 202(c) of this Act or the Council, to create a river basin water resources commission for any region, major river basin, or group of related river basins in the United States.

(b) Each such commission for a region, river basin, or group of river basins shall—

(1) Serve as the principal agency for the coordination of Federal, State, and local plans for the development of water and related land resources in its region, river basin, or group of river basins;

(2) prepare and keep up to date a comprehensive, integrated, joint plan for Federal, State, and local development of water and related land resources;

(3) recommend long-range schedules of priorities for the collection and analysis of basic data and for investigation, planning, and construction of projects; and

(4) foster and undertake studies of water and related land resources problems in its region, river basin, or group of river basins.

MEMBERSHIP OF COMMISSIONS

SEC. 202. Each river basin commission shall be composed of members appointed by the President as follows:

(a) A chairman who shall not, during the period of his service on the commission, hold any other position as an officer or employee of the United States, but a retired commissioned officer of one of the services mentioned in the Career Compensation Act of 1949 may be appointed chairman without prejudice to his retired status and may receive the compensation payable under section 206(c) of this Act in addition to his retired pay, provided that the combined rate shall not exceed the applicable maximum rate or rates set forth in such section for the chairman;

(b) One member from each Federal department or agency determined by the President to have a substantial interest in the work to be undertaken by the commission, such member to serve as the representative of such department or agency;

(c) One or more members from each State which lies wholly or partially within the region, river basin, or group of river basins for which the commission is established, and which has a substantial interest in the planning and construction of water and related land resources developments therein, and the appointment of each such member shall be made upon the nomination of the Governor of his State, or in the event of the failure of the Governor to nominate a person satisfactory to the President within sixty days after a request by the President to make a nomination, by the President on his own nomination, and unless otherwise determined by the President, the term of each such member shall run for the same period as that of the Governor making the nomination, but in event for longer than four years unless reappointed by the President upon renomination by the Governor of the State;

(d) When deemed appropriate by the President, one member from any interstate commission created by an interstate compact to which the consent of Congress has been given, and whose jurisdiction extends to the waters of the region, river basin, or group of river basins for which the river basin commission is created, and the appointment of any such member shall be made upon the nomination of the interstate commission of a person satisfactory to the President; and

(e) When deemed appropriate by the President, one member from the United States section of any international commission created by a treaty to which the consent of the Senate has been given and whose jurisdiction extends to the waters of the region, river basin, or group of river basins for which the river basin commission is established.

ORGANIZATION OF COMMISSIONS

SEC. 203. (a) Each river basin commission shall organize for the performance of its functions within thirty days after its initial members have been appointed subject to the availability of funds for carrying on its work. At such time or

times as he deems appropriate, the President may terminate a commission, and all property, assets, and records of the commission shall thereafter be turned over to such agency or agencies of the United States as the President may designate.

(b) Each commission shall elect a vice chairman from among its members.

(c) Vacancies in a commission shall not affect its powers but shall be filled in the same manner in which the original appointments were made.

DUTIES OF THE COMMISSIONS

SEC. 204. (a) Each river basin commission shall—

(1) engage in such activities and make such studies and investigations as are necessary and desirable in carrying out the policy set forth in section 2 of this Act and in accomplishing the purposes set forth in section 201 (b) of this Act;

(2) submit to the Council a report on its work at least once each year, and such report shall be transmitted through the President to the Congress. After the President has transmitted the report to the Congress, the commission shall send a copy of the report to the head of each Federal department or agency, the Governor of each State, and each interstate commission from which a member of the commission has been appointed, and to the head of the United States section of any international commission if the report deals with a boundary water or a river crossing a boundary, or any tributary flowing into such boundary water or river, over which the international commission has jurisdiction or for which it has responsibility;

(3) submit to the Council a comprehensive, integrated, joint plan, and any major necessary revisions thereof, for water and related land resources development in the region, river basin, or group of river basins for which such commission was established. Before the commission transmits such a plan or major revision to the Council, it shall transmit a copy thereof to the head of each Federal department or agency, the Governor of each State, and each interstate commission, from which a member of the commission has been appointed, and to the head of the United States section of any international commission if the plan or revision deals with a boundary water or a river crossing a boundary, or any tributary flowing into such boundary water or river, over which the international commission has jurisdiction or for which it has responsibility. Each such department and agency head, Governor, interstate commission, and United States section of an international commission shall have ninety days from the date of the receipt of the proposed plan or revision to report its views, comments, and recommendations to the commission. The commission may modify the plan or revision after considering the reports so submitted. The views, comments, and recommendations submitted by each Federal department or agency head, Governor, interstate commission, and United States section of an international commission shall be transmitted to the Council with the plan or revision.

(b) Each member of a river basin commission, other than the chairman, shall from time to time report on the work of the commission to the head of the Federal department or agency, the Governor of the State, the interstate commission, or the United States section of the international commission from which he was appointed, and shall present to such river basin commission for its consideration any comments or suggestions received as a result of such report.

POWERS AND ADMINISTRATIVE PROVISIONS OF THE COMMISSIONS

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 other departments and agencies of the United States; (4) employ such personnel as it deems advisable; (5) place one position above the level of grade GS-15, subject to the standards and procedures of section 505 of the Classification Act of 1949, as amended, but in addition to the number of positions authorized to be placed in such grades by such section; (6) 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; (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.

(b) The chairman of a river basin commission, or any member of such commission designated by the chairman thereof for the purpose, is authorized to administer oaths when it is determined by the commission that testimony shall be taken or evidence received under oath.

(c) To the extent permitted by law, all appropriate records and papers of each river basin commission may be made available for public inspection during ordinary office hours.

(d) Upon request of the chairman of any river basin commission, or any member or employee of such commission designated by the chairman thereof for the purpose, the head of any Federal department or agency is authorized (1) to furnish to such commission such information as may be necessary for carrying out its functions and as may be available to or procurable by such department or agency, and (2) to detail to temporary duty with such commission on a reimbursable basis such personnel within his administrative jurisdiction as it may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

(e) The chairman of each river basin commission shall be responsible for (1) the appointment and supervision of personnel employed by such commission, (2) the assignment of duties and responsibilities among such personnel, and (3) the use and expenditures of funds available to such commission. In carrying out the provisions of this subsection, the chairman shall be governed by the general policies of such commission with respect to the work to be accomplished by it and the timing thereof.

COMPENSATION OF COMMISSION MEMBERS

SEC. 206. (a) Members of a river basin commission appointed pursuant to section 202 (b) and (e) of this Act, shall receive no additional compensation by virtue of their membership on the commission, but shall continue to receive, from appropriations made for the agency from which they are appointed, the salary of their regular position when engaged in the performance of the duties vested in the commission.

(b) Members of a commission, appointed pursuant to section 202 (c) and (d) of this Act, shall each receive compensation at a rate of not more than \$75 per day when engaged in the performance of the commission's duties, but the aggregate compensation received by any such member shall not exceed \$7,500 per annum.

(c) The per annum compensation of the chairman of each river basin commission when employed on a full-time annual basis shall not exceed the maximum scheduled rate for grade GS-18 of the Classification Act of 1949, as amended; or if he is engaged in the performance of the commission's duties on an intermittent basis his compensation shall be not more than \$100 per day and shall not exceed \$12,000 per annum.

TITLE III—FINANCIAL ASSISTANCE TO THE STATES FOR COMPREHENSIVE PLANNING GRANT AUTHORIZATION

SEC. 301. In recognition of the need for increased participation by the States if the planning and other activities authorized by this Act are 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, \$5,000,000 in each such year for grants to States to assist them in developing comprehensive water resources plans and in participating in the development of the comprehensive water resources plans authorized in title II of this Act.

ALLOTMENTS

SEC. 302. (a) From the sums appropriated pursuant to section 301 for any fiscal year the Council shall from time to time make allotments to the States, in accordance with its regulations on the basis of (1) the population, (2) the land area, (3) the need for comprehensive water resources planning programs, and (4) the financial need of the respective States. For the purposes of this section the population of the States shall be determined on the basis of the latest estimates available from the Department of Commerce and the land area

of the States shall be determined on the basis of the official records of the United States Geological Survey.

(b) From each State's allotment under this section for any fiscal year the Council shall pay to such State an amount equal to its Federal share (as determined under section 305) of the cost of carrying out its State program approved under section 303, including the cost of training personnel for carrying out such program and the cost of administering such program.

STATE PROGRAMS

SEC. 303. The Council shall approve any program for comprehensive water resources planning which is submitted by a State, if such program—

(1) provides for comprehensive water resources planning in such State to meet the needs for water and water related activities taking into account prospective demands for all purposes served through or affected by water resources development, with adequate provision for coordination with all Federal and State agencies having responsibilities in such fields;

(2) designates a State agency (hereinafter referred to as the "State agency") to administer the program;

(3) provides that the State agency will make such reports in such form and containing such information as the Council from time to time reasonably requires to carry out its functions under this title;

(4) sets forth the procedure to be followed in carrying out the State program and in administering such program; and

(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the program.

The Council shall not disapprove any program without first giving reasonable notice and opportunity for hearing to the State agency administering such program.

REVIEW

SEC. 304. Whenever the Council after reasonable notice and opportunity for hearing to a State agency finds that—

(a) the program submitted by such State and approved under section 303 has been so changed that it no longer complies with a requirement of such section; or

(b) in the administration of the program there is a failure to comply substantially with such a requirement, the Council shall notify such agency that no further payments will be made to the State under this title until it is satisfied that there will no longer be any such failure. Until the Council is so satisfied, it shall make no further payments to such State under this title.

FEDERAL SHARE

SEC. 305. (a) The Federal share for any State shall be 100 per centum of the cost of carrying out its approved program less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the entire United States, except that (1) the Federal share shall in no case be more than $66\frac{2}{3}$ per centum or less than $33\frac{1}{3}$ per centum, and (2) the Federal share for Puerto Rico and the Virgin Islands shall be $66\frac{2}{3}$ per centum: *Provided*, That in no event shall the Federal share exceed a State's allotment under section 302.

(b) The Federal shares shall be promulgated by the Council on the basis of the average of the per capita incomes of the States and of the entire United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. The first such promulgation shall be conclusive for the first fiscal year for which payments are made under the provisions of this title and the succeeding fiscal year, and a promulgation shall thereafter be made for each succeeding two years and shall be conclusive for such years.

PAYMENTS

SEC. 306. The method of computing and paying amounts pursuant to this title shall be as follows:

(1) The Council shall, prior to the beginning of each calendar quarter or other period prescribed by it, estimate the amount to be paid to each State under the provisions of this title for such period, such estimate to be based

on such records of the State and information furnished by it, and such other investigation, as the Council may find necessary.

(2) The Council shall pay to the State, from the allotment available therefor, the amount so estimated by it for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which it finds that its estimate of the amount to be paid such State for any prior period under this title was greater or less than the amount which should have been paid to such State for such prior period under this title. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Council may determine.

DEFINITION

SEC. 307. For the purpose of this title the term "State" means a State, the District of Columbia, Puerto Rico, or the Virgin Islands.

TITLE IV—MISCELLANEOUS

AUTHORIZATION OF APPROPRIATIONS

SEC. 401. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of titles I and II and the administration of title III.

RULES AND REGULATIONS

SEC. 402. The Council is authorized to make such rules and regulations as it may deem necessary or appropriate for carrying out the provisions of this Act.

DELEGATION OF FUNCTIONS

SEC. 403. The Council is authorized to delegate to any member or employee of the Council, its administrative functions under section 105 and the detailed administration of the grant program under title III.

UTILIZATION OF PERSONNEL

SEC. 404. The Council may, with the consent of the head of any other department or agency of the United States, utilize such officers and employees of such agency as are necessary to carry out the provisions of this Act.

EFFECT ON EXISTING LAWS

SEC. 405. Nothing in this Act shall be construed as superseding, modifying, or repealing existing laws applicable to the various Federal agencies which are authorized to develop or participate in the development of water and related land resources, or to exercise licensing or regulatory functions with respect thereto, nor to affect the jurisdiction, powers or prerogatives of the International Joint Commission, United States and Canada, or of the International Boundary and Water Commission, United States and Mexico.

[S. 1629, 87th Cong., 1st sess.]

A BILL To provide financial assistance to the States for comprehensive water resources planning

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Water Resources Planning Act of 1961."

DEFINITIONS

SEC. 2. When used in this Act—

- (1) the term "Secretary" means the Secretary of the Interior; and
- (2) the term "State" means a State, the District of Columbia, Puerto Rico, or the Virgin Islands.

STATEMENT OF POLICY

SEC. 3. It is hereby declared to be the policy of the Congress, to recognize, preserve, and protect the primary responsibilities and rights of the States in the planning for the conservation, development, and utilization of their water and related land resources. In recognition of the need for increased participation by the States in water resources planning, the Secretary is hereby authorized to assist the States in improving the effectiveness of their comprehensive water resources planning activities in accordance with the provisions of this Act.

APPROPRIATIONS AUTHORIZED

SEC. 4. There is hereby authorized to be appropriated for the next fiscal year beginning after the date of enactment of this Act, and for the nine succeeding fiscal years thereafter, \$5,000,000 in each such year for grants to the States to assist them in developing comprehensive water resources plans in accordance with the provisions of this Act.

ALLOTMENTS

SEC. 5. (a) From the sums appropriated pursuant to section 4 for any fiscal year the Secretary shall from time to time make allotments to the States, in accordance with regulations on the basis of (1) the population, (2) the land area, (3) the need for comprehensive water resources planning programs, and (4) the financial need of the respective States. For the purposes of this section the population of the States shall be determined on the basis of the latest estimates available from the Department of Commerce and the land area of the States shall be determined on the basis of the official records of the United States Geological Survey.

(b) From each State's allotment under this section for any fiscal year the Secretary shall pay to such State an amount equal to its Federal share (as determined under section 8) of the cost of carrying out its State program approved under section 6, including the cost of training personnel for carrying out such program and the cost of administering such program.

STATE PROGRAMS

SEC. 6. The Secretary shall approve any program for comprehensive water resources planning which is submitted by a State, if such plan—

(1) provides for comprehensive water resources planning in such State to meet the needs of agriculture, industry, and the general public, for water and water related activities taking into account prospective demands for all purposes served through or affected by water resources development, with adequate provision for coordination with all Federal and State agencies having responsibilities in such fields;

(2) designates a State agency (hereinafter referred to as the "State agency") to administer the program;

(3) provides that the State agency will make such reports in such form and containing such information as the Secretary from time to time reasonably requires to carry out his functions under this Act;

(4) sets forth the procedure to be followed in carrying out the State program and in administering such program; and

(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the purpose and efficient administration of the program.

The Secretary shall not disapprove any program without first giving reasonable notice and opportunity for hearing to the State agency administering such program.

REVIEW

SEC. 7. Whenever the Secretary, after reasonable notice and opportunity for hearing to a State agency finds that—

(a) the plan submitted by such State and approved under section 6 has been so changed that it no longer complies with a requirement of such section; or

(b) in the administration of the plan there is a failure to comply substantially with such a requirement, the Secretary shall notify such agency that no further payments will be made to the State under this Act until he is satisfied that there will no longer be any such failure. Until he is so satis-

fied, the Secretary shall make no further payments to such State under this Act.

FEDERAL SHARES

SEC. 8. (a) The Federal share for any State shall be 100 per centum of the cost of carrying out its approved program less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the entire United States, except that (1) the Federal share shall in no case be more than $66\frac{2}{3}$ per centum or less than $33\frac{1}{3}$ per centum, (2) the Federal share for Puerto Rico and the Virgin Islands shall be $66\frac{2}{3}$ per centum, and (3) the Federal share for any State shall not exceed that State's allotment under section 5.

(b) The Federal shares shall be promulgated by the Secretary on the basis of the average of the per capita incomes of the States and of the entire United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. The first such promulgation shall be conclusive for the first fiscal year for which payments are made under the provisions of this Act and the succeeding fiscal year, and a promulgation shall thereafter be made for each succeeding two years and shall be conclusive for such years.

PAYMENTS

SEC. 9. The method of computing and paying amounts pursuant to this Act shall be as follows:

(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State under the provisions of this Act for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation, as the Secretary may find necessary.

(2) The Secretary shall pay to the State, from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State for any prior period under this Act was greater or less than the amount which should have been paid to such State for such prior period under this Act. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Secretary may determine.

ADMINISTRATION

SEC. 10. (a) The Secretary may prescribe such regulations as are necessary to carry out the provisions of this Act.

(b) The Secretary may, with the consent of the head of any other agency of the United States, utilize such officers and employees of such agency as are necessary to carry out the provisions of this Act.

(c) There are authorized to be appropriated such amounts as may be necessary for the administration of this Act.

Senator ANDERSON. The Senate Select Committee on Water Resources, ably led by the Senator from Oklahoma, Mr. Kerr, issued a report in January strongly recommending that the Nation develop plans for its major river basins within the next 10 years.

Its second recommendation was that the Federal Government give at least \$5 million per year to the States to assist them in two ways: First, in financing their participation in river basin planning with the Federal Government, and, secondly, in planning other aspects of water resources development and conservation within their own State.

Both Senator Kerr and I earlier introduced bills, S. 1778 and S. 1629, to take care of the assistance to the States. We anticipated that the administration would submit a proposal for developing the major river basin plans.

On July 10 the Interior and Insular Affairs Committee held hearings on S. 1629. There was nearly unanimous support of the State

assistance proposal. That support included communications from about 30 of the States. The State letters will appear in the printed record of our hearing, which will be printed with these joint hearings.

Representatives of the executive agencies were not asked to testify at the July 10 hearing when we learned that the President expected, within the week, to submit an omnibus water resources planning bill which would include provision for major river basin planning as well as assistance to the States.

The President did send a letter to the Congress on July 13, transmitting the draft of his "Water Resources Planning Act of 1961," which I introduced on July 14 to bring it officially before the Senate. It became S. 2246, which is the subject of our joint hearing today.

Without objection, the President's letter will be included in the record of this hearing.

(The President's letter referred to follows:)

THE WHITE HOUSE, July 13, 1961.

Hon. LYNDON B. JOHNSON,
President of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: I am transmitting herewith a draft of legislation designated as the "Water Resources Planning Act of 1961." This draft supersedes the proposal transmitted with the letter of January 16, 1961, from the former Director of the Bureau of the Budget and now pending before the Committee on Interior and Insular Affairs.

In my message to the Congress on natural resources, I stated that:

"Our Nation has been blessed with a bountiful supply of water; but it is not a blessing we can regard with complacency. We now use over 300 billion gallons of water a day, much of it wastefully. By 1980 we will need 600 billion gallons a day.

"Our supply of water is not always consistent with our needs of time and place. Floods one day in one section may be countered in other days or in other sections by the severe water shortages which are now afflicting many Eastern urban areas and are particularly critical in the West. Our available water supply must be used to give maximum benefits for all purposes—hydroelectric power, irrigation and reclamation, navigation, recreation, health, home and industry * * *"

Maximum beneficial use of water rests upon comprehensive and coordinated planning by both Federal agencies and States. This draft legislation will encourage and make possible such planning.

Legislation already introduced in the Senate and the House manifests congressional recognition of the need for comprehensive planning for water and related land resources. The draft legislation adopts principles and procedures included in a number of these pending bills. Implementing the recommendations on comprehensive planning and grants to States for such planning made by the Senate Select Committee on National Water Resources, the proposed legislation brings together in a single bill authorizations for complementary planning activities by Federal agencies and State governments.

The regional or river basin commissions authorized by the bill will prepare and keep up to date comprehensive, integrated, joint plans for Federal, State, and local development of water and related land resources. Existing laws will not be modified or superseded. The preparation of detailed plans and specifications for individual projects, and the construction and operation of works of improvement will continue to be the responsibility of appropriate Federal agencies, States, or local groups.

Another important feature of the bill is the establishment of an interdepartmental group in the executive branch for coordinating river basin plans and for maintaining a continuing study of water supply, requirements, and management. The Water Resources Council will be composed of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, and the Secretary of Health, Education, and Welfare. Other departments and agencies with interest in the water resources field, will participate in the work of the Council on an ad hoc basis. The draft legislation provides that the Chairman of the Council shall be designated by the President. I propose to designate the Secretary of the Interior as the first Chairman of the Council.

The first major task of the Water Resources Council will be to establish, subject to my approval, standards for formulating and evaluating water resources projects. These standards will replace those currently in effect.

Finally, the proposed legislation would authorize financial assistance to the States enabling them to play a more effective role in planning for the development and conservation of water and related land resources. This is an essential element in promoting sound, comprehensive water resources planning.

We have a national obligation to manage our basic water supply so it will be available when and where needed and in acceptable quality and quantity—and we have no time to lose. The planning authorized by this legislation will provide a vital tool for achieving effective water resources management.

Also enclosed is a section-by-section analysis of the bill. A similar letter is being sent to the President of the Senate.

Sincerely,

(Signed) JOHN F. KENNEDY.

Senator ANDERSON. The President's Water Resources Planning Act contains three principal proposals:

1. It establishes a Water Resources Council composed of the Secretaries of Interior, Army, Agriculture, and Health, Education, and Welfare, to guide river basin planning and to keep us abreast of the water needs of the Nation.

2. It authorizes the President to establish a river basin planning commission for each major river basin, or group of related river basins, upon request of the Governors or the Council.

3. It provides for assistance to the States in water resources planning.

Appearing today are three of the four members of the Federal Council proposed by the President, Secretaries Udall, Freeman, and Ribicoff, and the Assistant Secretary of the Army, Mr. Schaub—a very distinguished panel of witnesses.

But before the witnesses appear, I want to give an opportunity to the ranking member of the Public Works Committee, who served as chairman of the Senate Select Committee on Water Resources, to say anything he wishes. Senator Bob Kerr probably has more firsthand knowledge of water resources in the Nation than any other Member of Congress.

As chairman of the Select Committee on Water Resources, he conducted 25 hearings in 21 States and the District of Columbia on water problems. Witnesses were heard from every State in the Union. He listened to hundreds of witnesses and compiled hundreds of pages of records in a demonstration of thoroughness and devotion to duty seldom equaled by other chairmen. While other members of the committee attended hearings in their own and a few other States, the chairman attended them all but two.

The hearings, the studies and the report of the Senate Select Committee on Water Resources are historic documents for which the Senator from Oklahoma is going to be praised for many generations.

I recognize the able Senator from Oklahoma, Mr. Kerr.

Senator KERR. Thank you, Mr. Chairman.

I appreciate the very kind words you said but I am just as aware as you are that the Senate committee's effort was because of men on it from both parties of the caliber of the chairman of the Interior and Insular Affairs Committee here who put their brains and efforts into the work wholeheartedly and vigorously and successfully.

Senator ANDERSON. Thank you.

The first witness this morning is Secretary of Interior Stewart Udall.

Mr. Secretary, we are always happy to welcome you to this room. I am particularly happy to welcome you to a joint hearing of the Public Works Committee and Interior Committee for your statement on this bill.

STATEMENT OF HON. STEWART L. UDALL, SECRETARY OF THE
INTERIOR

Secretary UDALL. Thank you very much, Mr. Chairman, and I should like at the outset to commend the two committees for agreeing to this type of joint hearing.

I think this approach the administration has devised toward broad, comprehensive planning is a sound one and since it does come across committee lines I think this is a most appropriate procedure.

Let me say, also, that the type of harmony exhibited here today by this joint meeting is certainly present among those of us in the Cabinet who will have the responsibilities of this Water Resources Council. We have a spirit of harmony, and I think we see this as a fine opportunity to make a real record.

The legislation involved in this hearing today, I think one might say, as the chairman said, is the culmination really of the work of the Kerr committee and I think that the main recommendations, the heart of this legislation, represents the recommendations of the Kerr committee. It is a most happy circumstance that the Senator from Oklahoma and the Senator from New Mexico and these other distinguished Senators can sit here on this hearing today.

My statement is relatively brief and it says what I want to say this morning, Mr. Chairman, so I will read it.

Today the United States is clearly in arrears in water management. New signs of the growing water crisis continually appear. Without major improvement in management, we could well come face to face with water bankruptcy.

I might say in an aside, Mr. Chairman, that the urgency with respect to this legislation is certainly pointed up by the very serious drought that exists in many parts of the country today.

It is getting more grave and I am sure the Secretary of Agriculture will, if you want to elicit it from him, give you some of the very serious impacts that this drought is having, and again here we have the situation where proper water planning and management, comprehensive management, can do a great deal to help us combat droughts of this kind.

Senator KERR. Mr. Chairman.

Senator ANDERSON. Senator Kerr.

Senator KERR. Would the Secretary provide the committee in the form of a map showing the areas currently adversely affected by the drought?

Secretary UDALL. I think the committee should have it. We would be very happy to do that.

(The material requested follows:).

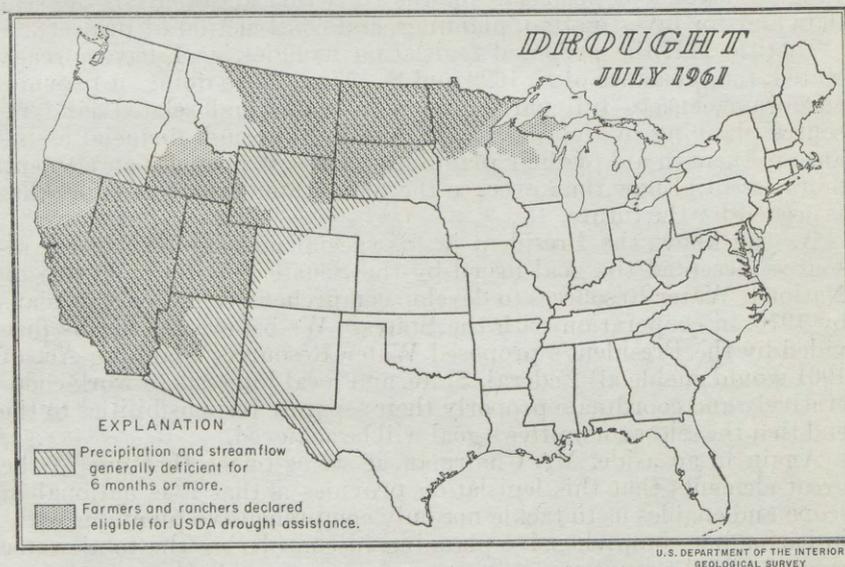
DROUGHT, JULY 1961

Moderate to severe drought conditions prevail over a vast area of the United States extending from northern Michigan to southern California. Pastures are brown, livestock water is scarce, and forest fire danger is high. The hordes of grasshoppers which often accompany drought are present and adding to the

destruction. Although showery weather in July, particularly in the North Central States, has eased the situation in some spots, the drought certainly has not ended. The generalized map on the facing page delineates the drought areas in two ways: by hydrologic conditions and by the need for emergency drought assistance.

The diagonal shading shows that area where rainfall and streamflow have generally been appreciably below normal for 6 months or more. Severest conditions prevail in the southern California-Nevada-Utah region and in the northern Great Plains including northern Minnesota, the Dakotas, northern Wyoming, and most of Montana. In the southern California-Nevada-Utah region, the drought stems from a shortage of precipitation last winter. With little snow on the mountains, streamflow is much below the median, ground-water levels are low, and many reservoirs are dry or nearly so. In some sections, the San Joaquin River Basin, for example, this is the third consecutive year of far below normal water supplies. Although some sections of the northern Great Plains received drought-relieving rains in July, moisture continues to be extremely deficient for the area as a whole. Over much of the area, as a result of the shortage of rainfall, streamflows are among lowest ever recorded, ground-water levels are at or near record lows, and soil moisture is badly in need of replenishment.

The dotted shading shows those areas that the Department of Agriculture has designated eligible for emergency loans from the Farmers Home Administration or eligible for emergency assistance under the agricultural conservation program. The Farmers Home Administration loans can be used to finance normal farming and livestock operations, including the purchase of feed, costs of insect control, and making necessary improvements in irrigation and livestock water systems. Assistance under the agricultural conservation program includes sharing the cost of emergency measures to conserve and supplement irrigation water on cropland, supplement livestock water in range areas, and tillage measures to protect cropland from wind erosion. In addition, farmers and ranchers are permitted to graze and cut hay off land retired from production under the conservation reserve program and to buy Government-owned feed grains at current support prices.



For these fundamental reasons, the administration believes the time has come for this Nation to improve markedly, as well as speed up, planning of future water resource development. We believe, that by so doing, action can and will be taken promptly and surely to bring about necessary water resource development.

On July 13, the President transmitted to the Congress a legislative proposal designated as the Water Resources Planning Act of 1961, which has been introduced by the chairman of the Interior Committee as S. 2246 and is before you this morning. The committee's focus upon the President's proposed Water Resources Planning Act is particularly appropriate, we feel, because it includes as its title III the substance of S. 1629, a bill introduced by the chairman and others which would provide financial assistance to the States for comprehensive water resources planning. A similar measure, S. 1778, was introduced by Senator Kerr and Senator Case.

Briefly, the President's proposal does three things:

In title I, it would establish a Cabinet-level Water Resources Council to be the central focus within the executive branch of a comprehensive framework for water resources planning within river basins throughout the United States and as a source of overall guidance and standards for planning, consistent with established law.

In title II, the President's proposal would authorize the creation by the President, at the request of the Governor of one or more of the affected States or of the Council, of a river basin water resources commission for any region, major river basin, or group of related river basins in the United States.

These commissions, which would be composed of representatives of the States and Federal agencies concerned, would be charged with the responsibility of preparing and keeping up to date comprehensive, integrated, joint plans for Federal, State, and local development of water and related land resources. They would also recommend long-range schedules of priorities for the collection and analysis of basic data and for investigation, planning, and construction of projects.

In title III, the proposed legislation includes, as I have already stated, the substance of S. 1629 and S. 1778. In so doing, it provides encouragement to full participation in water and related land resource planning by the States. It does this through financial assistance to them in aid of their planning. Thus, it provides an element, more essential now than ever, to the total water resources effort that is needed for the future.

As you know, the President in his special message on natural resources accepted the goal urged by the Senate Select Committee on National Water Resources to develop comprehensive river basin plans by 1970, in cooperation with the States. We believe the means provided by the President's proposed Water Resources Planning Act of 1961 would enable all Federal, State, and local interests to work cooperatively and coordinate properly their separate responsibilities to the end that the select committee's goal will be achieved.

Again in an aside, Mr. Chairman, it seems to me that one of the great elements that this legislation provides is that it is national in scope and enables us to tackle not only comprehensive planning within basins but comprehensive planning in considering the total water resources in the country.

The system of reports of comprehensive plans and planning for water resource development through the United States that would be provided by this legislation would enable the Congress, within the Federal sphere of responsibility, to decide upon the many individual project developments that will be needed on the basis of full information as to the overall needs for water resources development of the

basin, its necessary timing, and the particular contribution that each project would make to the needs of the basin. States and local interests, within their respective spheres of responsibility, would be able to do likewise.

Within the Federal Government, river basin commission reports would be transmitted to the Water Resources Council for consideration, and modification as desirable in the national interest, and for transmission to the President for his review and transmittal to the Congress.

The views, comments, and recommendations of Governors, interstate commissions and others, as usual, would be included with the transmittal. Nothing in this proposed law is intended as superseding, modifying, or repealing existing laws applicable to the various Federal agencies authorized to develop or participate in the development of water and related land resources. And, of course, this is equally true with respect to applicable State laws.

There are a few more important topics we could be discussing in relation to water. Much of my own appreciation of the vital need for greatly increased concern with water resource conservation and development throughout the whole of the United States—East as well as West—springs from the recent reports and recommendations of the Senate Select Committee on National Water Resources, under the chairmanship of Senator Kerr and vice chairmanship of Senator Kuchel.

Mr. Chairman, you and several other members of this committee who served on the select committee know firsthand of the intensive and extensive study and deliberations which resulted in the committee's appraisal of urgency and its recommendations.

In view of the prospective growth in demand for water and in the problems associated with meeting demands,

the select committee said in its report,

there is urgent need in every region to adopt an orderly procedure for development of water resources. Our prosperity and our very survival are at stake.

The President, and all of us associated in the executive branch with water resources conservation and development, fully share this sense of urgency.

We believe that the President's proposed Water Resources Planning Act of 1961, together with existing Federal laws conferring responsibility and authority for water resource conservation and development upon the various departments and agencies, will meet this need for urgent effort. Moreover, it will provide the "orderly procedure" as suggested by the Kerr committee and the new means for fostering cooperation with the States, that the select committee called for and that are essential to performance of the great task which looms before us. We urge your early and favorable consideration of this proposed legislation.

There are just two other points that I would like to make at this time. The first is this: Consistent with the established policy of this committee of the Congress, and of the report of the select committee, the river basin planning contemplated by the proposed legislation would require that any river basin plan should take account of domestic, agricultural, energy, industrial, recreational, fish and wildlife, and other water resource conservation and development needs. I am

confident that no argument need be made to this committee that, at this stage in the development of our Nation, full multiple-purpose plans are an essential requirement.

As my last point, Mr. Chairman, I want to call the committee's attention to this fact:

The goal of completing a comprehensive plan by each river basin commission is a very large task involving not only voluminous technical data and complicated analyses but also very complex interrelations of the many interests affected.

In order to assure performance of this large task within the 10-year target period, it will be necessary that the planning and coordinating organizations be well knit and coherent. We know from repeated experience that in order to have effective performance in planning work, it is necessary to have clearly defined responsibility.

To be specific, this means that for each planning group there must be a designated chairman with clear responsibility for accomplishment of the assigned planning tasks. As we understand this responsibility, it is to assure that the necessary staff work is done and that the appropriate meetings are held and that a river basin plan or program is formulated through the joint participation of all of the designated members.

What I am attempting to clarify, Mr. Chairman, is that the function of the chairman of each river basin commission is to see to it that the work gets done. The chairman is not in any sense taking over or usurping the functions and responsibilities of the participating Federal and State entities. But he will be expected to provide the necessary and impartial leadership. And strong leadership is what is vital to achievement of the tasks we have before us.

I think in terms of the legislation it is that it is intended as a vehicle for leadership and that the Congress, the executive, and the States and local agencies can work together so we can reach the goals set out before the Kerr committee.

Thank you very much, Mr. Chairman.

Senator ANDERSON. Senator Kerr.

Senator KERR. No questions.

Senator ANDERSON. Senator Dworshak.

Senator DWORSHAK. No questions.

Senator ANDERSON. Senator Randolph.

Senator RANDOLPH. I would just like to say I read the report on the Select Committee on National Water Resources when it was provided to the Members of the Senate in January and I was impressed with the work which had been done and the many facets of the problem which, frankly, I was not familiar with until I looked into what the committee had accomplished.

The approach which has been made by the knowledgeable Senator from Oklahoma who chaired that committee, with his colleagues, I think developed facts which in this joint hearing on specific legislation we will find of immeasurable value so as a person who is in the process of learning, I am grateful for that which has been done and I compliment the Secretary on the spirit of cooperative effort which he expresses as this program is envisaged.

Senator ANDERSON. Thank you, Senator Randolph.

We are very happy you are here this morning on this.

Senator Long.

Senator LONG. No questions.

Senator ANDERSON. Senator Gruening.

Senator GRUENING. No questions.

Senator ANDERSON. Senator Moss.

Senator MOSS. I have no questions but I would like to express my full support of the idea of the President in its water resource planning.

I had the pleasure of serving under the chairmanship of Senator Kerr on the Select Committee on National Water Resources and serving with the chairman of the Interior Committee on that select committee and I am rather cognizant of the problems we have, so it is a great gratification to have this bill now before us and to know we will be moving forward in this field.

Senator ANDERSON. Senator Metcalf.

Senator METCALF. No questions.

Senator ANDERSON. Senator Burdick.

Senator BURDICK. No questions.

Senator ANDERSON. I will just ask a question of you.

For many years many of the Senators and many people in the States have been upset by the adverse effect of the so-called Budget Circular, A-47.

Will the Water Resources Council be able to do anything about this so it will have more realistic and constructive standards for the water resources program?

Secretary UDALL. Mr. Chairman, my conception of the legislation is that this function, or an important part of it, will be lodged in the Water Resources Council. Naturally, we will still have to work with the Budget. I don't think Budget is going to get completely out of the picture so far as that is concerned but the major responsibilities in formulating criteria and standards will be fixed in the Water Resources Council and I consider this, as one who served in Congress and who criticized the previous circular probably as much as anyone did, to be a step forward, I think it is significant that the President, in his message and his conception of the legislation, favors it and I hope we can improve our performance in this particular area.

Senator ANDERSON. Good. I do think A-47 led to a lot of complications and misunderstanding that were unnecessary.

I would hope that some overall planning agency like this might help straighten that out.

Can you explain how the proposed water resources—

Senator KERR. Mr. Chairman, would you permit me to interrupt you?

I want to thank the chairman for referring to A-47 and saying what he did, and the Secretary for his response.

I think that the Congress has enacted legislation which has been signed by both the preceding President and then President Kennedy which have materially amended A-47.

This great committee in whose chambers we meet here today has passed authorizing legislation for projects in the Bureau of Reclamation that have demonstrated congressional independence of A-47 and have left it in a state of profound shock.

Legislation sponsored by the Public Works Committee, which affected the Corps of Engineers, the Department of the Interior, the Bureau of Reclamation, the Fish and Wildlife Service, Health, Ed-

ucation, and Welfare, and the Department of Agriculture, has likewise significantly amended A-47.

Now, Mr. Chairman, there may be those who for sentimental reasons or by reason of devotion to history would want to have a part in maintaining the identity and existence and form of A-47, and with them I would find no fault, but I would hope that before this and maybe one more legislative session have gone their way and taken their proud position in the history of legislative accomplishment, that it would only be to those who love memory of other things and other days that A-47 would continue to have any significance.

Secretary UDALL. Senator, I have a deep appreciation of the thought and the thrust behind the remarks, and it would seem to me this offers a vehicle for Congress to act and authorize it so that we can orchestrate this thing within the executive and, working very closely with you people, I think nothing would please us more than to have some sort of coroner's inquest. We might even burn A-47 and come out with an entirely new document.

I think this would certainly be a ceremonial occasion and I know the Senator would want to participate.

Senator ANDERSON. I know we all would enjoy the funeral oration.

Now, I just wondered how this Water Resources Council will differ from some of these interagency committees that have been tried from time to time. As the Secretary well knows, the Interagency Committee was set up one time that was called Firebrick and now it is called Ice Water, and these things tend to get frozen when they get referred to sometimes as interagency committees.

That is not the purpose at all of this group, is it?

Secretary UDALL. No, indeed; and I have testified earlier, and Secretary Freeman is here and he will bear with us on this, that we have a great deal of harmony and we look forward to our functioning with a great deal of zest in accomplishing this important work.

These predecessors of this Water Resources Council have been merely ad hoc agencies set up within the executive without a defined function really. This gives legislative and statutory authority to it and it defines duties I am sure we can function with a great deal of efficiency, and I hope with a great deal of harmony, in working out the functions of this new Council.

Senator ANDERSON. The bill will provide financial assistance to the States in the water resource planning. According to the language of section 301—

In participating in the development of the comprehensive water resources plans authorized by this Act—

that means participation of the States in the work of the proposed River Basin Commission.

The question is this: Is it your understanding that the grants to the States could be used for water resource planning and activities other than the work of a river basin commission?

For example, could it be used by a State to plan the best use of that State's share of the waters or rivers under an interstate compact?

Secretary UDALL. I think this is exactly what is contemplated. In other words, we want to encourage the States to do the highest and best type of planning, and I think this is one of the significant features of the bill.

Senator ANDERSON. I agree with you.

I just wanted to get for the legislative record a statement that this is not just confined to one particular thing.

Well, thank you very much, Mr. Secretary. We appreciate your being here and if there is anything further that you desire to submit to the committee, I am sure we would be glad to have it.

Secretary UDALL. Fine.

Senator ANDERSON. I understand that the Secretary of Agriculture has been kind enough to come early this morning.

We welcome you here. Secretary Freeman, we are happy you are here.

We know you have a little business over in the Senate itself, but we welcome you to this committee and we are particularly happy that you are here to make a statement to us.

STATEMENT OF HON. ORVILLE L. FREEMAN, SECRETARY OF AGRICULTURE

Secretary FREEMAN. Thank you very much.

Mr. Chairman, Senator Kerr, and members of the Interior and Public Works Committees, I appreciate this opportunity to add my voice to that of my colleague, the Secretary of the Interior.

Conservation of natural resources is a basic assurance for a better nation with a higher standard of living and a greater enjoyment of life. It is an integral part of the planning that is basic to an expanding economy, to lasting progress, and to a continuing improvement of the way of life we cherish. Forwardlooking citizens are becoming increasingly aware of the interrelated problems in the broad fields of conservation and the need for thoughtful planning in connection with their solution. This particularly applies to the problems affecting the Nation's water resources.

Until relatively recently in most of the populous parts of our country water has generally been sufficiently plentiful to have been taken for granted, like the air that we breathe.

Today, however, we are beginning to recognize its value. We understand full well how essential it is to agriculture, commerce, industry, and recreation. It is definitely worthy of our best efforts to promote its conservation and to plan for its wise utilization. Today, we know that positive action is necessary to maintain both its quantity and its quality.

The study of the growing crisis in water by the Select Committee on National Water Resources has drawn a clear and alarming picture of the Nation's water needs. The facts are not in dispute. They forcefully say that it is time for National, State, and local agencies to act.

The problem of water pollution is becoming critical. Increasing concentration of population makes treatment of sewage more important, greater use of water by industry intensifies the problem of pollution by industrial waste; floods and soil erosion muddy our waters as they carry away valuable topsoil; and we are only beginning to contemplate the problem of possible contamination of water by radioactive elements in the program of atomic energy development.

I wish to emphasize that the Department of Agriculture fully and emphatically supports the proposal which the President has transmitted to the Congress. It strikes at the major need for organiza-

tion and direction in an area which has become a classic example of how conflicting and fragmented viewpoints splinter responsibility and prevent action.

It is not strange that responsibility for development of water resource policy is fragmented. In the utilization of water, honest opinions as to the public's welfare often have resulted in demands which are conflicting.

I would like to cite as an example the situation in my own State of Minnesota. Responsibility for policies affecting the use and conservation of water is divided among nine State agencies, seven local governmental subdivisions, three interstate agencies, and seven Federal agencies.

I am sure that what is true in Minnesota also is true in every other State. The same fragmentation is present at the Federal level.

Such fragmentation and overlapping of jurisdiction has blocked the development of a rational, overall approach to the balanced and wise use of the Nation's water resources.

It has frustrated State governments in their efforts to develop rational long-range water resource policy. In Minnesota we created a water resources board in 1955 to meet this problem and gave it responsibility for coordination of water use planning. It particularly was assigned to act in an advisory capacity in areas of conflict.

It has been a useful instrument, and it has contributed to the public realization that water resources require coordinated planning if future needs are to be met. Specifically, the board has been instrumental in fostering the watershed concept as a basis for a statewide approach to water resource planning, and it has assisted in the development of a topographical atlas of Minnesota which breaks the surface area into its natural watersheds.

But even this approach is limited. It cannot go beyond State borders although watersheds and river basins are the areas of action as defined by nature. State borders often split a watershed area just as they may divide a river basin. Thus, the action of one State may be rendered ineffective because of a political boundary line.

The President's proposal will help meet the needs for overall planning as well as the problems created by political boundaries. The Water Resources Council and the series of projected regional river basin commissions will bring into focus the over all water resource needs in relation to the total available supply, and will provide the machinery to develop long-range plans for the balanced consumption of water resources among various users.

The proposal will be of particular importance to the States as a vehicle which adds greater flexibility to their powers of action, while the provision of financial assistance will make it possible for much wider participation in the river basin commission approach.

The Department of Agriculture is eager that such a coordinated approach to water resource planning and development be made. The Department has a major interest and concern in the conservation, development and utilization of water—and related land resources—since it has responsibility for programs which affect almost 70 percent of the total area of the United States. It is responsible for almost 80 percent of the area in the contiguous 48 States.

If I may take a few moments at this time, I would like to describe in more detail the importance of water resources to Agriculture and

some of the operations of the agencies within the Department which can be meshed in the coordinated attack on the approaching crisis in water.

We provide seasonal water supply forecasts from snow surveys in the Western States which are vital to the yearly plans of water users in an area of rapidly growing population and relative scarcity of water.

The national forests are a major source of water for municipalities, for industrial users, for hydroelectric developments, for irrigation and other uses. National forests are located on the headwaters of many of our major river systems. Inevitably, the national forests and the manner in which they are managed and developed will play an indispensable role in providing the quantity and quality of water available for the Nation's needs.

Since the predominant share of the Nation's land area is in private hands, the way farmers, ranchers, and woodland owners deal with this vast land area will also determine in large measure the quantity and quality of water which is available. The cooperative programs which are carried out by the Department with State and local governmental subdivisions will be decisive factors in much long-range water resource planning.

Over half the annual damage caused by floodwaters and sediment occurs in the upstream watershed areas where the action of farmers and local communities—with the assistance of the Department—is essential to flood prevention. There are currently almost 3,000 soil and water conservation districts in the United States which embrace over four-fifths of the total land area. These are locally formed, locally governed, districts which plan and carry out soil and water conservation measures with individual farmers for the protection of more than three-fourths of our land and water resources.

The Department enters into individual agreements with each district setting down basic soil and water conservation programs. The Department provides personnel and technical assistance to plan and carry out each district's program.

The Department provides technical assistance, cost sharing, and credit for farmers on reclamation projects and ranchers who use the public rangelands and to water users in private irrigation developments which contain a major part of the irrigated lands of the Nation.

Under the provisions of the Watershed Protection and Flood Prevention Act, the Department is supporting programs in nearly every State for the management and development of small upstream watersheds which provide a multiple-purpose approach to soil and water conservation needs. There are at present some 300 watersheds in operation or under development, and local organizations have submitted applications for assistance in developing over 1,500 others.

This program is particularly designed to fill the gap between the individual farm approach carried out by soil conservation districts and the major downstream programs for flood control, hydroelectric power, and navigation.

These are some of the areas where the operation of the Department affecting croplands, rangelands, forest lands, and watershed land touch directly upon water and land resource management.

They are the programs in Agriculture which must be meshed with the programs carried out by the Departments of Interior, Army, and

Health, Education, and Welfare if we are to have a balanced policy on water resources.

I believe the proposal submitted by the President will provide the most useful means by which all agencies of the Federal, State, and local governments concerned with land and water resources can cooperate most effectively together. I particularly would like to emphasize the importance of such cooperation on the basis of river basins. Nature has defined the river basin as the region in which we must operate.

Approaching the long-range planning needs on this basis will open the way to achieving as nearly as possible the balance of nature concept in the modern use of water and land resources.

Thank you.

Senator ANDERSON. Thank you, Mr. Secretary.

That is a fine statement, indeed. Before we start the questioning, may I announce that Secretary Ribicoff has been able to rearrange his schedule and will be here at 1:30 and the afternoon session will start at 1:30 so that Senator Kerr can be inconvenienced in the conference he has scheduled.

I also want to state that Senator Hickey is at an executive meeting of the Rules Committee. He wanted very much to be here today and I want the record to show he had planned to be here and will be here as soon as the meeting of the executive committee of the Rules Committee is over.

Senator Kerr.

Senator KERR. Mr. Secretary, I appreciate your very fine and intelligent statement.

The bill provides that upon the request of any Governor within a river basin area that the Council will begin and carry out a river basin survey.

Do you believe that that should be studied with the thought in mind which evidently was in the mind of the ranking Republican on our Public Works Committee, Senator Case from South Dakota, when he made the statement on the floor yesterday including this language:

The bill would make it possible for the Governor of any single State in a water basin to make a request to the President for the creation of the river basin commission and the President would be empowered upon the request of the Governor to appoint a commission within all of the States which are involved in the river basin.

It seems to me this is just a broad scope of the bill. For instance, now the Colorado River Basin, and I would seek the assistance of the other members of the two committees who are more familiar with that area than I, but as I understand it, they include the States of California, Arizona, Nevada, New Mexico, Colorado, Utah, and Wyoming.

Is that all of the States in the Colorado River Basin?

Senator Moss. Yes.

Senator KERR. Now, as I understand it, by acts of the States they have divided it into areas designated as the upper basin and the lower basin.

Senator ANDERSON. And also the States of the upper division and lower division and they are a little different.

Senator KERR. Now, what are the States of the upper basin? That would be Wyoming, Utah, Colorado, and New Mexico. Now, you say they are divided otherwise.

Senator ANDERSON. There is also the division of the States of the upper and lower division.

Senator KERR. Now, what are the States in the so-called upper division?

Senator ANDERSON. I would not attempt to answer myself. I would say they are the same except I think these are the States of the upper division and I think Arizona comes into the upper basin because of the contribution of water it has made from one little navigable river.

Senator MOSS. That is true, part of Arizona is in the upper basin and a little corner of Utah is in the lower basin.

Senator KERR. This, as far as I am concerned, is the dividing point. The question I have in mind is this, Mr. Secretary:

Under this legislation, if enacted, would the Governor of California be in position to request the President to create a river basin commission and then under the bill would it be the duty of the President to do so, let us say, for the Colorado River Basin?

Secretary FREEMAN. As I read it, Senator, it would be.

Senator KERR. In the Delaware River Basin, what are the States? As I understand it, they are Maryland, Pennsylvania, Delaware, New York, and New Jersey. Maryland is not in. It is four States.

Now, if this were enacted, would the Governor of any single one of these States be entitled to make such a request and then would that implement the provisions of this act if enacted in its present form whereby the President would set up a river basin commission for the Delaware River Basin?

Secretary FREEMAN. I believe it would, sir.

Senator KERR. Now, in view of the fact that I know that one of the things the great Senator from New Mexico had in mind in submitting this legislation is to give the States their rightful posture in the matter of cooperating in the development of these river basin plans when the State was affected, would it seem that thought should be given to an amendment which would require the request of more than one of the Governors in a river basin to implement the provisions of the bill?

Secretary FREEMAN. This would be conjecture on my part, Senator, but I cannot conceive of Governors, as a practical matter, resisting the establishment of such a planning group. In the event that for one reason or another one might, it would appear to me that it would be proper that the planning group should come into existence in any event because other States and the national welfare are involved.

Senator KERR. But for the effort to be successful, all of the States in the river basin would have to cooperate; wouldn't they?

Secretary FREEMAN. Yes, sir.

Senator KERR. And my initiation, you will recall, Mr. Chairman, as a member of the Interior and Insular Affairs Committee was the historic battle between two of the States which are in the lower Colorado River Basin in connection with the legislation about our central Arizona project.

The thought had come to me that consideration should be given by the two committees to the situation that would exist where an effort would be launched to bring about a study of a river basin and realizing, (1), the necessity for widespread cooperation in order that the

effort might be successful and, (2), to fix it so that the States would not feel that their position had not been given full consideration.

It just might be wise to consider an amendment as to how the creation of an interagency commission for a river basin might be implemented. I would just like to have your comment.

Secretary FREEMAN. Well, I would certainly agree with the Senator that the cooperation of every State or every Governor would be very important indeed but I would also feel that serious thought should be given as to whether one State and one Governor in a river basin involving many States and the welfare of these United States should be in a position to block planning and public information and some sense of direction.

Senator KERR. I think the observation is very timely and pertinent and appropriate. I wonder if the reverse is not also worthy of consideration. Certainly one State in many should not be permitted to block a program for the welfare of the area.

Is it not also possible that more than one State should be required to participate in an effort to bring about a program affecting all of the States?

Secretary FREEMAN. If the Senator is suggesting that maybe it ought to be more than one Governor in a river basin, it might well be a matter of judgment as to where you would balance off the possible obstruction of one State against the advantages to come from more than one State joining together and this would be a value judgment.

If I were to act on it, I think I would support the bill as it stands, feeling that there is nothing to be lost through the medium of cooperation and study and the preparation of planning programs and as such I would be more concerned with possible obstruction than I would be with possibly minimizing the cooperation which might come from requiring a broader concurrence before you could even start to plan.

I think it is a matter of judgment and the Senator might well be right that it is implicit in his question that—

Senator KERR. It seems to me, Mr. Chairman, that thought should be given to this possibility, and I like to refer to the fact that I was once Governor, and, therefore, had an opportunity to learn something about the psychology of at least one Governor, and I am very much aware of the possibility that the cooperation of the Governor might be more easily obtained in launching the program than in being made a part of one with reference to which he had no opportunity to participate in its origin or birth.

Secretary FREEMAN. I would certainly agree, Senator, and it has been my privilege to serve in that capacity, too.

Senator KERR. I was aware of that fact.

Secretary FREEMAN. Even a minimum of commonsense in administration by the Council would almost dictate that Governors would be contacted ahead of time, if a request was propounded by one, and every effort made to get their concurrence before such a planning program would be launched. As a practical matter, this being such a very vital concern to the Nation and it being, as I say, a planning rather than action program. I would hope that all Governors would cooperate, and I frankly cannot think of any, and I know most of them in office now, who would not cooperate in such a planning program.

Senator KERR. Thank you, Mr. Secretary, very much.

Senator ANDERSON. I want to say to the Secretary that one time I occupied the position he occupied and the gentleman that just spoke was a Governor of the State of Oklahoma. I can never forget the things he persuaded me to do for the benefit of his State. He had more good ideas for fine things for Oklahoma than you ever saw, and we worked out most of them.

May I point out, Mr. Secretary, that the language reads, "The President is authorized to do these things upon the request of the Governor." I am not trying to commit the President, and I know you would not either, but wouldn't you think normally the President in the exercise of this function would consult the other Governors before he set up a committee and thus be sure it was the desire of all the States?

Secretary FREEMAN. I know he would and I know if he found a Governor like the former Governor of Oklahoma, before they got through they would find something on which all of the States could agree on.

Senator ANDERSON. I am going to ask permission at this time to put into the record a copy of S. 1778 and the Agency reports thereon. This bill was introduced by Senator Kerr and Senator Case of South Dakota. Similar reports on S. 1629, my own State aid bill, will be found in the Interior Committee hearing on the measures which will be printed with the record of this joint hearing we are holding today.

(The bill and its reports follow:)

[S. 1778, 87th Cong., 1st sess.]

A BILL To promote State planning with respect to public works necessary for the conservation, development, and utilization of water resources

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Public Works Planning Act of 1961".

DEFINITIONS

SEC. 2. When used in this Act—

- (1) the term "Board" means the Water Resources Planning Board established under the provisions of section 5 of this Act; and
- (2) the term "State" means a State, the District of Columbia, Puerto Rico, or the Virgin Islands.

STATEMENT OF POLICY

SEC. 3. It is hereby declared to be the policy of the Congress, to recognize, preserve, and protect the primary responsibilities and rights of the States in the planning for the conservation, development, and utilization of their water and related land resources. In recognition of the need for increased participation by the States in water resources planning, the Board is hereby authorized to assist the States in improving the effectiveness of their comprehensive water resources planning activities in accordance with the provisions of this Act.

APPROPRIATIONS AUTHORIZED

SEC. 4. There is hereby authorized to be appropriated for the fiscal year beginning after the date of enactment of this Act, and for the nine succeeding fiscal years thereafter, \$5,000,000 in each such year for grants to the States to assist them in developing comprehensive water resources plans in accordance with the provisions of this Act.

WATER RESOURCES PLANNING BOARD

SEC. 5. (a) There is established a Water Resources Planning Board which shall consist of such representatives of such Federal departments and agencies as the President determines in order to carry out the provisions of this Act. One such representative shall be designated by the President to act as chairman of the Board.

(b) Members of the Board shall serve without compensation in addition to that received for their services in the department or agency which they represent, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Board.

ALLOTMENTS

SEC. 6. (a) From the sum appropriated pursuant to section 4 for any fiscal year the Board shall from time to time make allotments to the States, in accordance with regulations on the basis of (1) the population, (2) the land area, (3) the need for comprehensive water resources planning programs, and (4) the financial need of the respective States. For the purposes of this section the population of the States shall be determined on the basis of the latest estimates available from the Department of Commerce and the land area of the States shall be determined on the basis of the official records of the United States Geological Survey.

(b) From each State's allotment under this section for any fiscal year the Board shall pay to such State an amount equal to its Federal share (as determined under section 9) of the cost of carrying out its State program approved under section 7, including the cost of training personnel for carrying out such program and the cost of administering such program.

STATE PLANS

SEC. 7. (a) The Board shall approve any program for comprehensive water resources planning which is submitted by a State, if such program—

(1) provides for comprehensive water resources planning in such State to meet the needs of agriculture, industry, and the general public, for water and water related activities taking into account prospective demands for all purposes served through or affected by water resources development, with adequate provision for cooperation and coordination with all Federal and State agencies having responsibilities in such fields;

(2) designates a State agency (hereinafter referred to as the "State agency") to administer the program;

(3) provides that the State agency will make such reports in such form and containing such information as the Board from time to time reasonably requires to carry out its functions under this Act;

(4) sets forth the procedure to be followed in carrying out the State program and in administering such program; and

(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the program.

The Board shall not disapprove any program without first giving reasonable notice and opportunity for hearing to the State agency administering such program.

(b) The Secretary of the Army, the Secretary of Agriculture, and the Secretary of the Interior are each authorized, at the request of any State agency, to provide technical assistance in the preparation of such State's program to be submitted under the provisions of this section.

REVIEW

SEC. 8. Whenever the Board, after reasonable notice and opportunity for hearing to a State agency finds that—

(a) the program submitted by such State and approved under section 7 has been so changed that it no longer complies with a requirement of such section; or

(b) in the administration of the program there is a failure to comply substantially with such a requirement, the Board shall notify such agency that no further payments will be made to the State under this Act until it is satisfied that there will no longer be any such failure. Until it is so sat-

ified, the Board shall make no further payments to such State under this Act.

FEDERAL SHARES

SEC. 9. (a) The Federal share for any State shall be 100 per centum of the cost of carrying out its approved program less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the entire United States, except that (1) the Federal share shall in no case be more than 66 $\frac{2}{3}$ per centum or less than 33 $\frac{1}{3}$ per centum, (2) the Federal share for Puerto Rico and the Virgin Islands shall be 66 $\frac{2}{3}$ per centum, and (3) the Federal share for any State shall not exceed that State's allotment under section 6.

(b) The Federal shares shall be promulgated by the Board on the basis of the average of the per capita incomes of the States and of the entire United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. The first such promulgation shall be conclusive for the first fiscal year for which payments are made under the provisions of this Act and the succeeding fiscal year, and a promulgation shall thereafter be made for each succeeding two years and shall be conclusive for such years.

PAYMENTS

SEC. 10. The method of computing and paying amounts pursuant to this Act shall be as follows:

(1) The Board shall, prior to the beginning of each calendar quarter or other period prescribed by it, estimate the amount to be paid to each State under the provisions of this Act for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation as the Board may find necessary.

(2) The Board shall pay to the State, from the allotment available therefor, the amount so estimated by it for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which it finds that its estimate of the amount to be paid such State for any prior period under this Act was greater or less than the amount which should have been paid to such State for such prior period under this Act. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Board may determine.

ADMINISTRATION

SEC. 11. (a) The Board may prescribe such regulations as are necessary to carry out the provisions of this Act.

(b) The Board may, with the consent of the head of any department or other agency of the United States, utilize such officers and employees of such department or agency as are necessary to carry out the provisions of this Act.

(c) There are authorized to be appropriated such amounts as may be necessary for the administration of this Act.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., July 14, 1961.

HON. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of May 5, 1961, requesting the views of the Bureau of the Budget with respect to S. 1778, to promote State planning with respect to public works necessary for the conservation, development, and utilization of water resources. The bill would authorize grants to the States to assist them in developing comprehensive water resources plans.

The President is transmitting to the Congress draft legislation to provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, through the establishment of a Water Resources Council and river basin commissions, and by providing financial assistance to the States in order to increase State participation in such planning. The provisions of title III of the draft legislation are similar to those of S. 1778. In addition, the proposed legislation brings together in a single

authorization the complementary planning activities of the Federal agencies and the States.

This Nation must take aggressive action to meet the growing demands on its water resources. The development and management of these vital resources is a vast undertaking which can be expected to grow even larger in the future. This will require concerted and coordinated action by the many Federal, State, and local agencies involved in water resources development. As future programs for development are planned, every effort must be made to reconcile possible conflicts among alternative uses of water and to insure that every project—Federal, State, or local—will further the most efficient use of water and the attainment of maximum benefits.

The legislation proposed by the President will provide the basis for the necessary coordinated and integrated water resources planning—essential to sound water resources development—to meet the growing demands for water. Accordingly, while the Bureau of the Budget supports the objectives of S. 1778, it recommends enactment of the more comprehensive proposal which the President is transmitting to the Congress.

Sincerely yours,

(Signed) DAVID E. BELL, *Director*.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 18, 1961.

HON. DENNIS CHAVEZ,
*Chairman, Committee on Public Works,
U.S. Senate, Washington, D.C.*

DEAR SENATOR CHAVEZ: This responds to your request for the views of this Department on S. 1778, a bill to promote State planning with respect to public works necessary for the conservation, development, and utilization of water resources.

We wholeheartedly endorse the purposes of this bill, so that the States can participate fully in the comprehensive planning required to forestall approaching water crisis. We urge, however, that the grant program be enacted as a part of general legislation establishing an integrated system for multiple-purpose water resources planning, as recommended by the President in proposed legislation submitted to the Congress.

The President's proposal is designated as the Water Resources Planning Act of 1961. It is designed to achieve the goal urged by the Senate Select Committee on National Water Resources and accepted by the President in his natural resources message to the Congress to develop comprehensive river basin plans by 1970 in cooperation with the individual States.

Title I of the President's bill establishes a Cabinet-level Water Resources Council to coordinate comprehensive water resources planning. The council would be composed of the Secretaries of the Interior, Agriculture, the Army, and Health, Education, and Welfare, with the President empowered to designate the chairman.

Title II of the measure authorizes the President to establish river basin commissions for major river basins, for multiple basins or for various regions in the United States for which there is a demonstrated interest in comprehensive planning. These commissions, composed of representatives of interested Federal agencies, of affected States and of interstate and international commissions, would have the responsibility for the formulation of multiple-purpose plans for the conservation, development, and utilization of water and related land resources. The commissions would secure the comments of affected States and Federal agencies and report to the Council, which in turn would transmit these comprehensive plans and modifications of plans to the President for his review and submission to the Congress.

Title III of the President's proposal establishes the program envisaged by S. 1778 for Federal financial assistance to the States to enable them to discharge their responsibilities in water resources planning. As contemplated by S. 1778, title III authorizes annual appropriations of \$5 million for a period of 10 years to be allotted to the individual States on a basis of (1) population, (2) land area, (3) the need for comprehensive water resources planning programs, and (4) financial need. The Federal payment to a State is a percentage of the determined cost of the State's necessary program. This grant-in-aid program for State

planning would be administered by the Water Resources Council, which would have authority to review State plans and discontinue Federal payments under certain circumstances.

It will take no less than the combined efforts of all interested groups, intelligently organized, to satisfy the inexorable expansion of demands upon our available water and related land resources. This is the challenge which we must meet.

Accordingly, in the light of the above, the Department of the Interior recommends the enactment of the President's proposal in lieu of S. 1778.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, July 21, 1961.

HON. DENNIS CHAVEZ,
*Chairman, Committee on Public Works,
U.S. Senate.*

DEAR SENATOR CHAVEZ: This is in reply to your request of May 5, 1961, for the views of this Department on S. 1778, a bill to promote State planning with respect to public works necessary for the conservation, development, and utilization of water resources.

The bill would establish a Water Resources Planning Board consisting of such representatives of such Federal departments and agencies as the President determines and would authorize the Board to grant \$5 million of Federal funds each year for 10 years on a matching basis to the States to assist them in developing comprehensive water resources plans. It would direct the Board to make allotments to the States in accordance with regulations based on population, land area, need for comprehensive water resources planning programs, and financial need. It would require the Board to approve programs for comprehensive water resources planning submitted by the States that meet specified qualifications, and to discontinue payments under them at such time as they may fail to meet these qualifications. Further, the Secretaries of the Army, the Interior, and Agriculture would each be authorized, at the request of a State, to provide technical assistance in the preparation of such State's program for submission.

This Department is in accord with the bill's objective which is to increase the participation by the States in comprehensive water resources planning. However, it feels that the purposes of the bill can be most effectively carried out in the framework of the proposed bill being recommended by the administration.

Accordingly, the Department of Agriculture recommends enactment of the President's more comprehensive proposal contained in S. 2246 in lieu of S. 1778.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

Senator ANDERSON. Senator Dworshak, any questions?

Senator DWORSHAK. Mr. Secretary, I note with interest the emphasis you place upon the multiple-use concept of water resource development. You refer to the individual participation of farmers in the national soil conservation program and then point out the need of cooperation and coordination between this particular program and the major downstream programs for flood control, hydroelectric power and navigation. Near the end of your statement you say you believe that the proposal submitted by the President will provide the most useful means by which all agencies of the Federal, State and local governments concerned with land and water resources can cooperate most effectively together.

Now, I think that is a very forthright comment and it leads me to ask you whether you think there is any conflict between the views here expressed by you and the concept of wilderness preservation, which is embraced in a bill recently considered by this committee.

Now, is it possible to visualize a conflict between determining whether the need for segregation of lands for recreational use will be inimical to the full utilization of water resources for the basic economic development which is essential to our country?

Secretary FREEMAN. Yes, Senator, there is, and I think there always will be some differences of opinion in connection with this, when there should be one use and when there should be multiple use, and it is really a question of degree. I testified before this committee in support of the wilderness bill. We have a number of wilderness areas, and in certain places and in certain situations I strongly advocate that we protect and seek to further them.

In others, why the multiple-use principle, I think, is commonsense and I am very proud of the way that principle is applied by the Forest Reserve. I recently spent a day and a half on the Grand Mesa National Forest in Colorado where I personally observed what I thought was as fine a program of multiple use as could be had. So it is really a question of degree and there will continue to be differences of opinion I am sure.

Senator DWORSHAK. Would that develop into a possible conflict which might have vitally affected this overall water resource development?

Secretary FREEMAN. I do not think so. Again, it is extremely difficult to generalize about, but in general the wilderness areas to which you specifically direct your question would be included in the wilderness system and one of the factors in determining their expansion or their continuation would be this very question of the water and how it is used, but generally speaking the abuses of this water in the wilderness area are not such that it would call for action, I think, that would lead to the elimination of those areas. There might be exceptions to that.

Senator DWORSHAK. Of course, they safeguard and preserve watersheds but at the same time you can certainly envisage the possibility that recreational uses of these locked up areas may provide very serious problems and difficulties for these water resource boards and commissions because when we consider watershed management, soil moisture conservation, building reservoirs for storage of water, then certainly there could be a very decisive conflict.

Secretary FREEMAN. There could be. You are absolutely right, sir.

Senator DWORSHAK. You still believe we should give primary consideration to the multiple-use concept as providing the greatest coordination and utilization of our valuable water resources?

Secretary FREEMAN. I would certainly concur in that, if there was not read into my answer that we would leave this room and start eliminating wilderness areas.

I could not concur in that either. It is a matter of judgment. These difficult questions are not black and white and each one, I think, would have to be evaluated on its merits.

I think the Senator knows in the Department of Agriculture and the Forestry Service we are strongly in support of the multiple-use principle and yet we would strongly defend in many instances the wilderness areas for a particular area for reasons that we believe are sound.

This kind of planning could conceivably bring into focus factors that haven't been considered before that might result in some changes of judgment.

They might result in putting through a wilderness area in one place and opening one in another and that would be the value of this kind of study.

Senator DWORSHAK. There is the likelihood that the Nation could survive without isolated wilderness areas while on the other hand it could not survive without full utilization of vital water resources?

Secretary FREEMAN. Yes, sir.

Senator ANDERSON. Senator Randolph.

Senator RANDOLPH. Mr. Secretary, we are very conscious in West Virginia of the devastation of a recent flood, not only from the standpoint of some 1,500 persons directly involved with the awesome, awful avalanche and floodwaters that moved down in a matter of minutes from our hillsides.

Is there any feeling that you have that a program such as is anticipated by enactment of this legislation would lend itself to investigate and to study which could conceivably help in programing at least partial elimination of such devastation as we have recently encountered?

Secretary FREEMAN. Yes, Senator, the answer would be emphatically "Yes." The two things that would seek to be done as a part of any program which would be developed through this kind of review and study would be the retention of waters, so much as feasible and possible in the areas in which they fall, so the flash flood thing can be controlled and as a part of that, of course, adequate soil and cover which would hold the water where it falls in substantial part.

Of course, when there are rainfalls which are beyond any expectation such as existed recently in West Virginia, why, we will always have to contend with these exceptional situations but they would be minimized and in many instances eliminated through systematic water resource planning and conservation programs that would come from such a master plan.

Senator RANDOLPH. I thank you very much.

Secretary FREEMAN. Mr. Chairman, if I might say in connection with this and speak with a little feeling, that one of the things I have tried to do along these lines was through the medium of topographical analysis to break the State of Minnesota into those areas which lent themselves to proper water planning and to set this as the goal toward which these programs are to move.

I have dealt with local ambitions and sometimes prejudices and when you get beyond a local soil conservation district, why, this is not done overnight and you are not going to force a plan on people. But a goal of where you want to go, so that the smaller programs can be fitted into that pattern, I think is extremely important. Otherwise, you may have a soil conservation district and you might even have a small watershed program which in the total pattern might not contribute to a balanced solution and if, through this kind of planning, we can set down the pattern, the direction which we ought to move, based upon the simple facts of geography and topography, why then other programs that are smaller in nature can move toward that goal and can be measured in accordance with it. I think this is extremely important; this is what has been lacking. If a program like this is launched with a kind of master prospectus that would say what the goal we seek is; this kind of an integrated plan for water and for cover, and recognizing that a plan might even be

faulty in some respects, yet it would provide some guidance in terms of the things we do on an interim basis to reach there. That I think would be invaluable.

Senator ANDERSON. Senator Allott.

Senator ALLOTT. Mr. Secretary, you are aware, of course, that the history of Colorado River has been a long, painful struggle for the resolving of the problems of the use of the water of the Colorado River and particularly in later years in order that the upper basin States might receive their fair share of that water; are you not?

Secretary FREEMAN. Yes, sir.

Senator ALLOTT. And you are aware that the rights, the water rights on that river, have been established pursuant to two main compacts, one, the original Colorado River compact, 1922, I believe, or about that date, and the subsequent upper river Colorado River compact, which apportioned the waters of the upper Colorado River between the States of the upper basin.

You are aware of those two, are you not?

Secretary FREEMAN. Yes, sir.

Senator ALLOTT. Now, I would like to ask you if you are aware that in the West the right to the beneficial use of waters is a property right which can be conveyed, transferred, mortgaged, either by voluntary or involuntary conveyance.

Are you aware of this?

Secretary FREEMAN. I knew that was the case; yes, sir.

Senator ALLOTT. And that the water property rights in the Western States generally are decidedly different from those which prevail in the Missouri Valley and in the Eastern and Southern States?

Secretary FREEMAN. Yes.

Senator ALLOTT. Now, I read in this bill on page 3, section 104, article 3, that the Council shall have the power to treat, determine the contributions which such plan or revision will make in obtaining the Nation's economic and social goals.

Now, I would like to know from you what is your interpretation of this with relation to the established water rights of the West as they relate to the individual States and these relate to the interstate compacts of which there are many?

Secretary FREEMAN. Senator, I was just looking for that. I didn't quite pick up the citation.

Senator ALLOTT. Page 3, section 104, subsection 3, line 18.

Secretary FREEMAN. I have a mimeographed copy of this bill. I wonder if I might look at one here, please.

I think what that means, Senator, and I had not considered this question before you asked it, that the Council in the preparation of passing and forwarding of any plan and determining what plan they would forward would take into consideration the very factors to which you refer.

Senator ALLOTT. Well, what I am concerned about, and I think the history of this legislation has to be very clear about, is that we are not trying to give to such a Council any power which would in any way, in any manner, interfere with the vested water rights of the West.

Secretary FREEMAN. I am sure that is correct. This, in essence, is a planning, programing goal setting our purpose rather than an action program that would deprive anybody of their rights.

Senator ALLOTT. Now, I am not trying to trap you, you know this, but the history on this has to be very clear.

If they are planning and suppose they find a plan—suppose, for example, they should find that California wants the water and that they think it is more efficacious in their judgment to let California use the water than to let Colorado use the water which it supplies and which is given to it under the Colorado River compact in the upper Colorado River compact, what effect are these recommendations going to have upon the vested property rights of the Western States in water?

Secretary FREEMAN. I do not think they will have any effect on them, Senator. I think it would be, as I say, a goal-setting evaluation in terms of what we are doing and what we ought to do for the overall welfare of the United States.

This would have no effect upon current law or current property rights. That would be another question to be determined in relation to States rights.

Senator ALLOTT. I speak with some feeling. The Gunnison River supplies 71 percent of the water which flows into the Colorado or which comprises the Colorado River, as a matter of fact.

I believe this is true. Senator Anderson shakes his head. I think that this is so.

Senator ANDERSON. It may be so. I would only remind the Senator that that is a high figure. You have to give credit to the San Juan and various others.

Senator ALLOTT. I have to give credit to the Green River, too. In any event, it supplies a great percent of it.

Senator ANDERSON. That I would agree—tremendous.

Senator ALLOTT. We are concerned with the water being used in the lower basin States for many years. Are you aware that there is now in existence the Upper Colorado River Compact Commission?

Secretary FREEMAN. I know there is such a commission; yes, sir.

Senator ALLOTT. And while their chief function is to administer the distribution of the water, are you aware that this Commission is now acting in many respects as aid and counsel in development of the upper Colorado River water?

Secretary FREEMAN. I knew they were giving attention to that area; yes, sir.

Senator ALLOTT. In your statement and I will refer to it exactly, you made the statement that you thought the water powers of the various States were badly chopped up.

I do not know about your State, but I believe in our own State and in many Western States who have been since the time they entered the Union, involved very closely in the preservation of their water and the use of the water, I think you would find as a whole that this power for the conservation and development and direction of State water use is fairly well concentrated in one person or one board or one agency such as the Colorado Water Resources Board.

I am sure it is concentrated just as much in the State of New Mexico and in the State of Wyoming. So, it is not quite fair to take the diversification of powers which exists in some States and apply it on a bracket basis to all of the States; is it?

Secretary FREEMAN. I stand corrected, Senator.

Senator ALLOTT. Now, I wonder about the one Governor matter which the Senator from Oklahoma raised.

I think he named seven States—I did not count them on my fingers—with respect to the Colorado River Basin. Do you think that where you have, for example, numerous conflicts within a basin, as for example, the upper basin and the lower basin; the conflicts of Nevada, the conflict between California and Arizona; is it exactly equitable to put the power in the hands of one Governor to establish a commission under these circumstances when you realize that in these States, for example, the Governor of Colorado or California, could establish a commission in effect by requesting such action from the President?

Secretary FREEMAN. I think it is, Senator, because the purpose here is to review and to study and to bring to light all of the facts. I cannot see where any damage would flow from trying to find those facts and to review this on a total river basin basis.

I can see where a Governor for local reasons, for local political reasons, if you will, might be very fearful of participating because he might be accused of participating in an endeavor which his opponents and others might say would endanger his State, was going to change the status quo. The result could be his refusal to participate, although he be privately for these forces, but I would say such a study would be a constructive thing.

I would feel we ought to have it. No harm could come from knowing the facts and only good would flow from looking at the overall picture.

Senator ALLOTT. That is exactly what I was speaking of a few minutes ago. When you get to the planning stage, at least in the Western States, you cannot plan without interfering with the broad water rights of States and the water rights of individuals within those States.

Secretary FREEMAN. I think that follows, but does that mean you cannot plan?

Senator ALLOTT. How are you going to plan? Are you going to take property away from people?

Secretary FREEMAN. I think you are going to take into consideration the laws and the things to which you refer in connection with an overall program that will have regional and national significance.

If these recommendations are not sound it will become known. They are going to require legislative implementation in any event and wide public airing in an area in which there is deep concern and interest, and out of this will come, in the course of our processes of government, the best answers for all involved. I, for one, would feel that anyone who would seek to protect his own particular area and would be unwilling to take a look at the overall consequence of something as important as water, ought not to have the authority to block a thoughtful study as to what some of the alternatives are.

Senator ALLOTT. The only answer I have to that, Mr. Secretary, is this, that having planned—I want to make this record perfectly clear—that there can be no interference with State water rights in the West, nor in the established water rights which have been made by compacts between the States.

Secretary FREEMAN. I think, Senator, there is nothing in this bill which conceivably interferes with any established rights, interstate compacts, or private property rights.

I find nothing to that effect here.

Senator ALLOTT. And that the establishment of the Water Resources Council, referring specifically to section 3, which provides that—
to determine the contribution which such plan or revision will make in obtaining the Nation's economic and social level—

cannot possibly refer to any lessening of the present rights of the individual water owners in the West.

Secretary FREEMAN. Well, I would read it that it could refer to plans that might conceivably change the status quo but it could not do anything about those plans.

Senator ALLOTT. If the plans change the status quo, then you have interfered with these water rights. Now, this is the point.

Secretary FREEMAN. Senator, I have never seen a plan that changes anything. You have to act on the plan before it changes anything and this is the point that I would make.

Certainly all of the circumstances with relation to water and its use and what the laws are, what the interstate compacts are, would, of course, be considered and a plan could conceivably recommend some change in them, but the plan in itself would accomplish nothing. It would merely set down some suggested goals and it would be up to an action program to carry them out.

Senator ALLOTT. I am sure you are aware that this particular idea of establishing one super water planning board is not a new one?

Secretary FREEMAN. No, sir.

Senator ALLOTT. That it has been discussed and considered by previous administrations—in fact, I think at one time, there was even a suggestion that all natural resources should be brought under one Secretary and I won't ask you to comment on that at this time.

Secretary FREEMAN. Thank you.

Senator ALLOTT. I do have one other question.

On page 5 of the bill which you now have before you, on line 9, and this is under the general heading of the Water Resources Council, on line 9 it says—

to the extent permitted by law, all appropriate records and papers of the Council may be made available for public inspection during ordinary office hours.

The phrase that bothers me is, "to the extent permitted by law." Do you deem that that phrase reserves the right of executive privilege to the Council?

Secretary FREEMAN. Senator, I do not know what that phrase means. I cannot conceive personally, and I speak personally now—I have not considered this with the other potential members of the Council or with the Bureau of the Budget or the drafters of this bill—I cannot conceive of anything to do with water that ought not to be available to anybody in this country who wants to take a look at it. It has always been my policy to have information available and not to plead so-called executive protection in connection with it.

There are things that are under consideration that could be refused because of private industry interests at a given time and place but outside of that, this kind of information ought to be public information. I do not know what that clause in the bill means.

Senator ALLOTT. I have raised the question and the committee can discuss it later, but I wondered what your opinion was.

Secretary FREEMAN. Thank you.

Senator ALLOTT. Thank you, Mr. Secretary.

Senator ANDERSON. Not trying to cut off the members of the other committee, but do you have questions, Senator Hickey?

Senator HICKEY. The only question I have is short.

In reading your statement, Mr. Secretary, I notice on page 6 that you discuss the technical assistance that this would make available to the various States, and I would like to call to your attention the fact that one of the problems that the States have had, particularly in my State, in complying with the public laws now on the book with regard to watershed protection and flood protection projects, is the lack of technicians in the field to give them the information needed to fill out applications. I would be hopeful that you could implement your staff and agree that these people would be made available to give assistance.

I recommended to our legislature that they appropriate some money, and they did, for this purpose, in an effort to do this but basically it was difficult to find the technicians to employ them, and I wondered if the Secretary was aware of that. That may be holding back some of your development of the watershed program.

Secretary FREEMAN. The Senator is absolutely right and as a Governor I did the same as you.

There is a shortage of such technicians and we need to have more of them. We have some requested in our budget and expect to continue to do so.

Senator HICKEY. Thank you.

Senator ANDERSON. Thank you, Mr. Secretary.

Now, Mr. Schaub, if you will come forward, please.

I want to announce at this time that Senator Kerr may have to leave for a White House appointment and, therefore, I want it clearly understood that if after reading the testimony, in case he does not hear all of it, he has any questions that he wants to ask, it will be his privilege to submit those questions in writing and the witness from the Army to submit replies in writing for the record.

I also wish to state that we had hoped that other appointments would not keep Senator Case from South Dakota from being here. He is not here and I want to say that I would hope that the representatives of the Army might be available at another time when Senator Case may have an opportunity to question you on the testimony you give this morning.

I want to clearly preserve Senator Case's rights in this matter since he is not here. With that understanding, we will proceed.

I understand, Mr. Schaub, that you want to read the statement of the Secretary of the Army.

Mr. SCHAUB. Thank you, Mr. Chairman.

Senator KERR. May I interrupt?

I appreciate what the chairman has said about Senator Case. Mr. Chairman, I would like for the record to show that I have a great respect for all of the water agencies of this Government including all of the gentlemen of the Department of Health, Education, and Welfare, that magnificent group in the Department of Agriculture which has done such an outstanding, constructive job in the field of

soil conservation and flood control and water control, for the great Bureau of Reclamation, which has such a fine record everywhere and especially the one in Oklahoma that has earned the respect of all of our people, but as the chairman of the Subcommittee of the Public Works Committee on Rivers and Harbors and Flood Control, I have a very close association with the Corps of Engineers and my respect for them is of such a high degree that I would hesitate to try to accurately described it lest I appear either as prejudiced or as captive of the Corps. But I would not for anything on earth want them to ever get the latter impression because if there is going to be any captivity, I want it to be in the reverse order.

But I do regret that I am going to have to leave shortly for a White House appointment which I was not aware of until a little while ago. I would say to the corps that I shall not only read the statement of the Secretary very carefully but also the responses to any questions that may be asked and then either at the time Senator Case is here, or by the means of some written questions, I will be able to submit to the Corps the inquiries that I would like to have them answer for this record on this very important legislation.

Senator ANDERSON. I, too, want to pay tribute to one of the most competent of all of the Government agencies.

In the days when WPA was very busily engaged in construction work, each regional agency was assigned engineers and almost without exception those engineers came from the Army Corps of Engineers.

In the Denver office and in the Salt Lake office, where I was for some time, we had the benefit of the then Col. Thomas Robbins, now Maj. Gen. Tommy Robbins, one of the most beloved and, I am sure, one of the finest engineers this country has had. He did a great deal of the work preparatory to the construction of the Grand Coulee Dam, which he did in the most wonderful fashion.

We had at Los Angeles, Col. Donald F. Conway, who later built the railroad up to Teheran and later came back in his capacity with the Baltimore Friendship Airport.

I was particularly close to him because Los Angeles was for a long time in my territory and I saw every bit of the fine work that he did for a period of years.

We had Lucius Clay, who was then a major and who became, I think, a four-star general, but certainly a three-star general.

We had General Summerville, then a colonel, who was assigned to New York; we had a man named Spike Wheeler, who was then in Chicago. These men saved the Government of the United States, I would say, hundreds of millions of dollars by the things which they did for the public spending program in those early days. Every time I get a chance, Mr. Schaub, I pay tribute to these very fine and very distinguished people, and many others who were engaged in that program.

So, I do not want the corps ever to think that this committee is failing in its appreciation of the wonderful things that have been done over this country.

You may proceed.



STATEMENT OF HON. WILLIAM F. SCHAUB, ASSISTANT SECRETARY OF THE ARMY; ACCOMPANIED BY GEN. WALTER K. WILSON, CHIEF OF CORPS OF ENGINEERS, AND MAJ. GEN. WILLIAM F. CASSIDY, DIRECTOR OF CIVIL WORKS, CORPS OF ENGINEERS

Mr. SCHAUB. Mr. Chairman and members of the committee, I am William F. Schaub, Assistant Secretary of the Army for Financial Management. Among the responsibilities assigned to me by the Secretary of the Army is the general direction of the civil works program of the Corps of Engineers.

The Secretary of the Army Stahr, who has a keen interest in this program has asked me to express his regrets that he is unable to be here to present his statement. He has asked me to read his statement to you.

STATEMENT OF ELVIS J. STAHR, JR., SECRETARY OF THE ARMY, PRESENTED BY WILLIAM F. SCHAUB, ASSISTANT SECRETARY OF THE ARMY

Mr. SCHAUB (reading) :

The Secretary of the Interior has given you the views of the administration with respect to the bill, S. 2246, which is S. 1629 as amplified and modified to meet national objectives.

I can assure you that the Department of the Army is in full accord with the statement that the attainment of maximum benefits in the use of water requires comprehensive and coordinated planning with the cooperation of the affected Federal agencies and States. The urgent need is for legislation to provide the Nation with the tools essential for the development of such comprehensive plans. Here, in one bill, the administration has proposed legislation to combine these tools, and the Department of the Army supports this proposal.

The Department of the Army has a particularly deep interest in comprehensive river basin planning, and the establishment of river basin commissions to facilitate such planning. I say this because the Corps of Engineers of this Department has for many years been in the forefront of the Nation's efforts to achieve truly comprehensive river basin development.

For this reason it will be helpful, I believe, if I take a few minutes to review the experiences which have led the Corps of Engineers to support the comprehensive approach contemplated by S. 2246.

Although the basic idea behind comprehensive basin planning goes back to the "Conservation Crusade" led by President Theodore Roosevelt, there was no serious attempt to put this idea into effect until 1928 when the Corps of Engineers initiated the studies which resulted in the so-called "308" reports. (Parenthetically, these reports are thus somewhat cryptically designated because their preparation was recommended in a special report printed as House Document 308, 69th Cong.)

The 308 reports were the first river basin plans meriting—to even a limited extent—the designation "comprehensive." By congressional direction they covered power, irrigation, and flood control, in addition to navigation.

Senator ANDERSON. Excuse me one moment. I want to let the members of the committee know there is a live quorum now being called. I think it may be called off. It is a live quorum and we just wanted you to know that.

Mr. SCHAUB (continuing) :

Many overall basin programs were first proposed in 308 reports. Moreover, 308 studies are still being made. For example, the recently developed comprehensive plan for the Columbia River Basin is the result of a review of the original 308 report for that basin.

It was not for 8 years after the initiation of the 308 study program that the first general flood control legislation was enacted. This was the Flood Control

Act of 1936. As time went by, the Congress gradually broadened this body of flood control legislation, and in 1944 it took a long step forward by including in the Flood Control Act of that year language indicating the intent of Congress "to facilitate the consideration of projects on a basis of comprehensive and coordinated development.

However, all provisions of the Flood Control Acts were not brought into harmony with this 1944 declaration of congressional intent, and it was not until the Flood Control Act of 1950 that the Congress provided a clear-cut directive for truly comprehensive planning. At that time, the Corps of Engineers was directed to prepare a broad comprehensive plan for the region drained by the Arkansas, White and Red Rivers, and also to make a similar study of development potentials in the New England-New York region.

This directive was carried out with the full cooperation of five other Federal agencies and all of the States concerned; and with the Corps of Engineers acting as chairman agency. We learned a lot about comprehensive planning through these efforts. And one of the things we learned was the importance of full State participation in basin planning.

This experience was invaluable in the preparation of the comprehensive plan for the Delaware River Basin; again under the leadership of the corps with the close cooperation of the States, the two principal cities, and with indispensable assistance from the other Federal agencies. A comprehensive plan for the Potomac River Basin is nearing completion under a procedure similar to that used in the Delaware.

The most recent development in basin planning is—as you are all aware—the establishment of a U.S. Study Commission for the Southeast river basins, and a similar Commission for the Texas basins. The Corps of Engineers is playing a major role in these studies.

The experience of the Corps of Engineers in river basin planning over the past 33 years—as well as its full 137 years of experience in the general field of water resource development—has led that agency to conclude that the Nation needs truly comprehensive basin plans to attain maximum benefits from the bountiful water resources of all of its major river basins.

Titles I and II of S. 2246 would provide the authorities and an organizational structure which would make it possible for such plans to be formulated and kept up to date. Title III would enable the States to play their essential role as participants.

In view of the foregoing, the Department of the Army has no hesitancy in urging the Congress to enact legislation to assure the preparation of comprehensive river basin plans. Enactment of S. 2246 would constitute a great stride forward in the Nation's efforts to achieve this important objective.

I intend to devote my personal attention to the achievement of the objectives of this important legislative proposal.

I consider it a privilege to have had this opportunity to express the views of the Department of the Army to your two committees.

This concludes the statement of Secretary of the Army Stahr and I consider it a privilege to have had the opportunity to express the views of the Department of the Army to your two committees.

I shall be glad to answer any questions.

General Wilson, Chief of the Corps of Engineers, and Major General Cassidy, Director of Civil Works, are here to assist in answering the questions.

Senator ANDERSON. Mr. Dworshak.

Senator DWORSHAK. No questions.

Senator ANDERSON. Senator Metcalf.

Senator METCALF. I have no questions.

Senator ANDERSON. Senator Hickey?

Senator HICKEY. No questions.

Senator ANDERSON. Thank you very much.

The main reason why I desired to have the testimony in at this time was that I do want Senator Kerr, Senator Case and other members of the Public Works Committee to have a chance to examine them, and then we may have you back at a later date in case they desire and

finally if they desire, they may submit written interrogatories and those questions and replies will be put in the record.

I do want to say, also, for the record, that when we have finished the hearings, this being a joint meeting of the two committees, we will try to find out if we can work out a procedure whereby the final consideration of the bills can be done jointly by the committees and I hope that it may be.

In any event, we will be working closely together. Since this was a meeting devoted to water problems, I think it might be fitting that in view of the nice things that have been said about the so-called Kerr report of the select committee, all of which I subscribe to fully, it might be well also to say just one kind word about Ted Schad of the Library of Congress, who was chief of staff of the Water Committee and did a tremendous lot of work in this area, and by his own fine example, helped other members of the staff who worked on that select committee to assist in making the report an outstanding document.

I think as the years go by, the work that was done by Senator Kerr and his committee will be of enormous value to this country, they pointed up just one particular problem, in my opinion, that has already justified the existence of that committee.

Thank you, gentlemen, for being here this morning and we will let you know when we want you back.

The meeting is adjourned until 1:30.

(Whereupon, the committees recessed at 11:45 a.m., to reconvene at 1:30 p.m., the same day.)

AFTERNOON RECESS

(The committees reconvened at 1:30 p.m., Senator Clinton P. Anderson presiding.)

Senator ANDERSON. Mr. Secretary, we are very pleased that you would disturb your schedule to come here ahead of time today, and we thank you for doing it because we needed to accommodate one of the men who had to go to another session this afternoon. Our time is not our own. We appreciate it very much.

STATEMENT OF HON. ABRAHAM RIBICOFF, SECRETARY OF HEALTH, EDUCATION, AND WELFARE; ACCOMPANIED BY GORDON McCALLUM, CHIEF OF THE WATER SUPPLY AND POLLUTION CONTROL DIVISION, PUBLIC HEALTH SERVICE; BOISFEUILLET JONES, SPECIAL ASSISTANT FOR HEALTH AND MEDICAL AFFAIRS; AND JEROME N. SONOSKY, ASSISTANT FOR LEGISLATION

Secretary RIBICOFF. I am delighted to be here. Accompanying me are Mr. Gordon McCallum, Chief of Water Supply and Pollution Control Division of Public Health Service; Boisfeuillet Jones, Special Assistant for Health and Medical Affairs; Jerome Sonosky, Assistant for Legislation. I am pleased to appear in support of the administration-sponsored bill (S. 2246) to strengthen and promote effective development of the Nation's water resources.

The Department of Health, Education, and Welfare is actively engaged in water resources planning and development to provide and maintain water of high quality for all legitimate purposes.

The Federal Water Pollution Control Act vests in our Department important responsibilities for the protection and conservation of the quality of the Nation's waters. We believe that the program and administrative machinery provided in the administration's bill will facilitate our activities and will make possible more effective planning for protection of our precious water resources.

Briefly, Mr. Chairman, our activities under the Federal Water Pollution Control Act involve the preparation and development, in cooperation with interested agencies, of comprehensive programs for water pollution abatement. Development of such programs for all major continental drainage basins in the Nation is our goal.

These programs aim to provide water of suitable quality for public water supplies, propagation of wildlife, fish and other aquatic life, recreational purposes, and agricultural, industrial and other legitimate uses. To further our program of collection, analysis, and dissemination of basic data, we are increasing our water quality monitoring network.

This network is designed to collect data from major water courses throughout the country and provides information about the quality of our water resources on a continuing basis over the years.

The recently enacted amendments to the Federal Water Pollution Control Act, signed into law last week by President Kennedy on July 20, will have a significant impact on improving water quality. They extend our pollution abatement authority to all navigable waters of the country and generally strengthen our enforcement authority.

The new legislation also provides that—

in the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of streamflow for the purpose of water quality control, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

In this connection, the advice of the Secretary of Health, Education, and Welfare, must be included in any report or presentation to the Congress proposing authorization or construction of any reservoir that will provide storage for water quality control.

The amendments also increase our program of grants to assist State and interstate agencies in the operation of their water pollution control programs to a level of \$5 million per year.

Additionally, our program of matching grants to assist municipalities in the construction of waste treatment facilities is increased from the former level of \$50 million per year to \$80 million for fiscal 1962, \$90 million for 1963, and \$100 million for the 4 succeeding years.

The bill now being considered by your committee, in my opinion, will further strengthen the Nation's ability to meet important problems of water quality control.

The establishment of a Water Resources Council on a statutory basis will facilitate cooperative planning by the principal Federal agencies concerned.

I can assure you that the Department of Health, Education, and Welfare, will participate fully in bringing its technical experience to bear on the important water quality problems which the Council will have to face. I am pleased, also, that the pending legislation provides for grants to States for water resources planning and authorizes the establishment of river basin commissions.

Enactment of this legislation will provide much needed stimulation to our efforts to conserve and improve the Nation's water resources.

Senator ANDERSON. Thank you, Mr. Secretary.

Mr. Secretary, a question was raised this morning on section (c) of S. 2246 on page 5, where it says that—

to the extent permitted by law all appropriate records and papers of the Council may be made available for public inspection during ordinary office hours.

Now, the Secretary of Agriculture said he saw no trouble with that whatever. He would like to have the people see whatever was available.

Is that your view on this, also?

Secretary RIBICOFF. Yes, that certainly is. It has always been my policy to make records available and I would certainly go along with that; yes, sir.

Senator ANDERSON. The fear was that they would regard some of these proceedings as falling within the category of executive communications where the President has to say to the people that this is a private communication to me and I cannot reveal it.

You would see nothing in this law to prevent you from releasing what information you have?

Secretary RIBICOFF. I do not at all. It has always been my feeling unless it is a matter of the most confidential nature, that the public business belongs to public inspection and should be made available to them.

I would have no objection to this at all and certainly the papers and programs involved should be made available to the public.

Senator ANDERSON. Now, there are certain basic organizations already in existence. You would not see any conflict, or would you, between this legislation and that?

Secretary RIBICOFF. I do not think so at all. I would think it would be very easy for the President to reaffirm and reappoint, and I imagine he would, where he has basic organizations now existing.

I think it would be fortunate to be able to start with existing organizations.

Senator ANDERSON. And one of the Members of the Senate this morning was a little worried about the existing compacts. We have a Colorado River compact negotiated in 1922 that covers all of the seven States in the Colorado River Basin and then we have an upper Colorado River compact negotiated for a storage project; and this Senator was questioning whether the passage of this law would in any way contravene those compacts.

You would not see that they would?

Secretary RIBICOFF. I would say they would not supersede them at all. My personal feeling was that if there were questions about it you could always write a clause in the legislation by specifically stating that they would not supersede such compacts and the compact would still be in existence.

Senator ANDERSON. Well, they could not supersede it anyhow.

Senator GRUENING.

Senator GRUENING. Mr. Secretary, I am naturally very much interested in your emphasis on the pollution control part of this legislation.

We are very much interested in Alaska because I think we are, perhaps, better off in not having much pollution as yet, because we are a young State and believe that an ounce of prevention is worth a pound of cure.

We are hoping you will move in so that we will never get started polluting our water.

We are going to have a commercial laboratory up there that I hope will be on the campus of the university and, if we can, set an example to the rest of the world, on how not to get waters polluted.

Secretary RIBICOFF. I would say, Senator, that you are fortunate and in good enough position that you are about the only State in which you have had it written in the law that you will get a laboratory. You have the protection and, naturally, we intend to move forward under the legislation.

Senator GRUENING. It was very generous of the drafters of the bill.

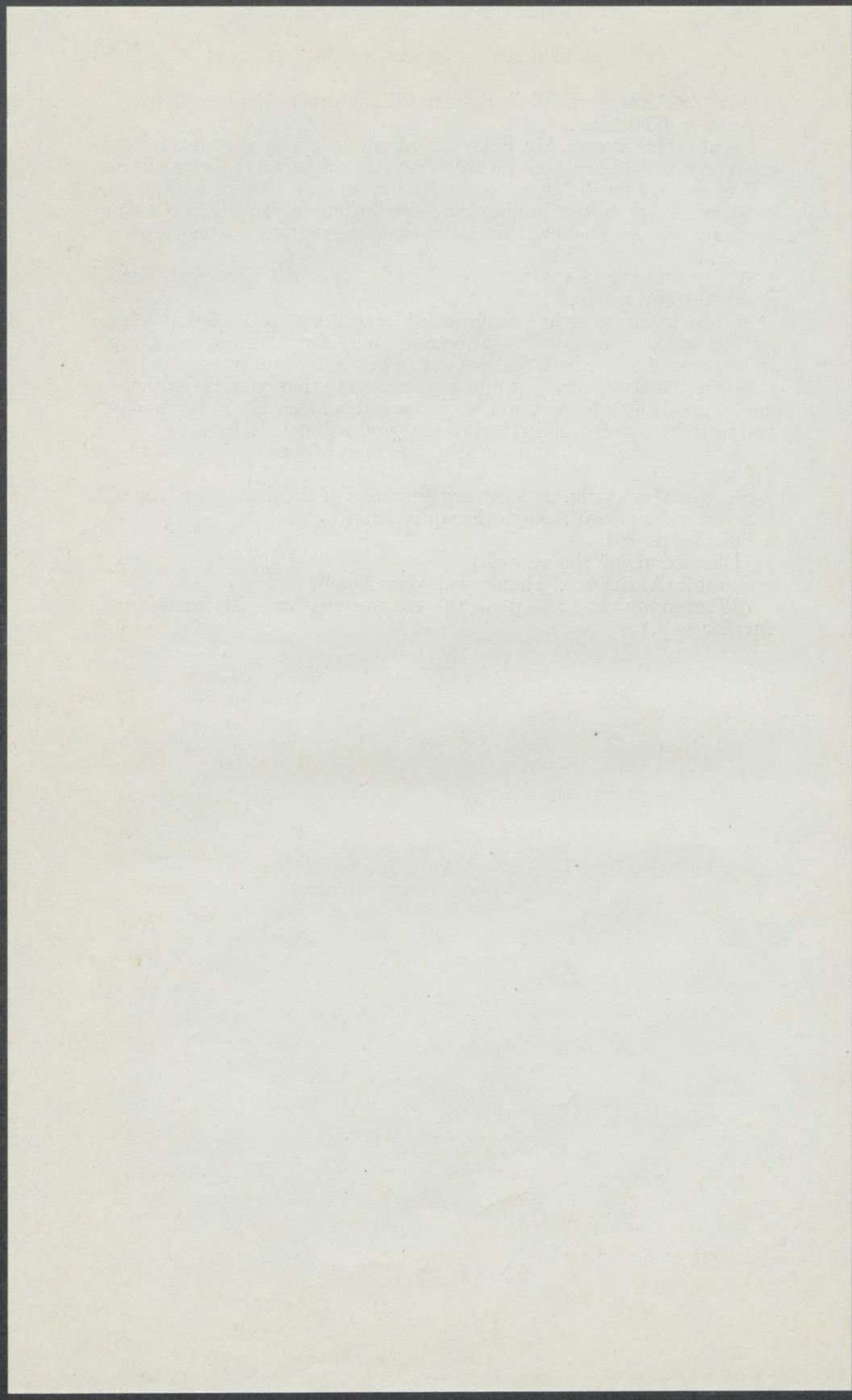
Senator ANDERSON. Any other questions?

Off the record.

(Discussion off the record.)

Senator ANDERSON. Thank you very much.

(Whereupon, at 1:45 p.m., the committees were adjourned until further call.)



WATER RESOURCES PLANNING ACT OF 1961

WEDNESDAY, AUGUST 16, 1961

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C.

The committees met, pursuant to recess, at 10 a.m. in room 3110, Senate Office Building, Senator Clinton P. Anderson, presiding.

Present: Senators Clinton P. Anderson (New Mexico), Robert S. Kerr (Oklahoma), Jennings Randolph (West Virginia), Ernest Gruening (Alaska), Frank E. Moss (Utah), Stephen M. Young (Ohio), Oren E. Long (Hawaii), Quentin N. Burdick (North Dakota), Lee Metcalf (Montana), J. J. Hickey (Wyoming), Henry C. Dworshak (Idaho), Francis Case (South Dakota), Gordon Allott (Colorado).

Also present: Stewart French, chief counsel; Benton Stong, professional staff member; and Jerry Verkler, clerk, Interior Committee; and John L. Mutz, clerk, Public Works Committee.

Senator ANDERSON. This is a continuation of joint hearings of the Public Works Committee, and the Interior and Insular Affairs Committee, on S. 2246, the President's river basin planning bill, and on S. 1629 and S. 1778, bills which Senator Kerr and I introduced some time ago to establish a program of aid to States for water resources planning.

On July 26, the committees heard Secretary of the Interior Udall, Secretary of Agriculture Freeman, Secretary of Health, Education, and Welfare Ribicoff, and Mr. William Schaub, Assistant Secretary of the Army, on S. 2246.

Today's hearings are for our own Senate members and public witnesses.

We will lead off with a statement from Senator Philip A. Hart of Michigan, who served on the Senate Select Committee on Water Resources and was a very valuable and constructive member of that committee. He vigorously supports S. 2246.

STATEMENT OF HON. PHILIP A. HART, A U.S. SENATOR FROM THE STATE OF MICHIGAN

Senator HART. Mr. Chairman, I want to express my appreciation for your leadership in moving to provide the Nation with improved machinery for water resources planning and management.

Earlier in the year, as you may recall, we had an exchange of correspondence in which we discussed the need for a proper balance of Federal and State responsibilities in this field. I was seeking a well-



rounded course of action which would set the Federal and State Governments to work on a river basin development basis. This was the first recommendation of the Senate Select Committee on National Water Resources on which we both served and which was chaired so brilliantly by the senior Senator from Oklahoma.

We have great technical ability in this Nation, in many fields of endeavor; our problem seems to be, as with other peoples of this world, in devising the political institutions to make sound decisions and put those decisions into action.

Therefore, I support S. 2246 wholeheartedly, and hope the committee will report it favorably to the Senate this session. The more difficult defense and budgetary situation in which we now find ourselves makes all the more necessary that the moneys spent for water resource development—which is an imperative—be spent efficiently and in a coordinated fashion.

At the same time, I hope that your committee will continue to recognize the desirability for action on S. 239, which would facilitate coordinated conservation and development of all our natural resources. The fact that we are now giving attention to orderly development of water resources strengthens the case for doing the same for our forest, soil, mineral, and recreation resources.

So, Mr. Chairman, I hope your committee will see fit to move on both these bills, in order that our natural resources may be viewed as a whole and be developed with all the intelligence of which we are capable.

Senator ANDERSON. Thank you, Senator Hart.

A statement from Senator Bartlett will be put in the record.

(Senator Bartlett's statement follows:)

STATEMENT BY HON. E. L. BARTLETT, U.S. SENATOR FROM THE STATE OF ALASKA

Mr. Chairman, I wish to thank the committees for this opportunity to testify on S. 2246, the Water Resources Planning Act of 1961.

I am interested in S. 2246, not only since it is of paramount importance for resource development in the United States but also because of its relation to two other bills in which I have great interest: S. 498, a bill which I introduced to create a Water Resources Commission for Alaska, and S. 239, the Resources and Conservation Act of 1961, of which I am a cosponsor.

S. 2246 would establish a Water Resources Council and make possible the creation of river basin commissions, and would provide financial assistance to the States in order to further the optimum development of the Nation's water and related land resources through coordinated and comprehensive planning. My bill, S. 498, would provide for a commission for Alaska, comparable, but with some differences, to the river basin commissions contemplated by S. 2246.

Mr. Chairman, it is my understanding that were S. 2246 to become law, my bill, S. 498, to create a water resources commission for Alaska, would be unnecessary. I, therefore, urge the committee, in the event S. 2246 does not become law during this session of Congress or is delayed for any reason, to act on S. 498. A similar bill did pass the Senate last year although it received no action in the House.

As the report on last year's Senate-passed bill stated: "The Congress has recently authorized similar study commissions for the southeastern river basins of the United States, and for certain southwestern river basins. The committee is of the opinion that the proposed study for Alaska will prove of equal value in the future development of the water and related resources of one of the newest States which is so important to our national defense and which is so rich in potential wealth and opportunities."

Mr. Chairman, whether the water resources commission for Alaska is created by S. 2246 or S. 498, there is a great and urgent need for the information and rational analysis of our resources which this commission would provide. With such a commission, Alaskans will be working with Federal officials to realize the

creative potential of Alaska's great glaciers, lakes, and rivers in such areas as navigation, power, recreation, irrigation, and fisheries.

S. 498 is an expression of the desire of Alaskans to participate in the thoughtful and careful study processes which will make possible an ever greater contribution by Alaska to the well-being of the Nation, and which will insure that governmental efforts to develop rivers, ports, and drainage basins in Alaska on a comprehensive basis will be preceded by sound research by knowledgeable persons.

Alaska's need for a water resources commission is particularly acute since Alaska is just in the beginning stages of its economic growth. Each year of delay in the creation of this commission means that false starts may be made and the full range of promising alternatives left unexplored, and in its absence commitments may be made to less desirable and less economic courses of development.

During these crucial years, while growth is starting, decisions are being made which will shape the economic life of Alaska for a long time to come. This is why I feel that no time should be lost in creating the water resources commission for Alaska and it is my hope that the urgently needed job of comprehensive water and related land resources planning for Alaska will not be delayed for another year while the overall national system of water resources commissions is developed.

Mr. Chairman, having urged that, if S. 2246 is delayed, the committee take early action on S. 498 during this session of Congress, I would like to comment briefly on the goals of S. 2246, on the means set up to accomplish these goals, and on the relation of S. 2246 to our overall natural resource policies.

I am in general agreement with the goals of S. 2246 that "the conservation, development, and utilization of the water and related land resources of the United States shall be planned and conducted on a comprehensive and coordinated basis with the cooperation of all affected Federal agencies, States, local governments, and others."

I would, however, like to raise several questions.

What will be the status of planning for the conservation and development of those natural resources not included in S. 2246 and how will this activity be related to S. 2246?

I raise for the committee's consideration the problem of relating S. 2246 to our national policy and structure for dealing with natural resources as a whole, because it is my hope that S. 2246 will not be viewed as a substitute for a policy and a structure to deal with our natural resources on an overall basis.

Our water and related land resources are a part of our total natural resources and there should be some means of relating the specific activities contemplated by S. 2246 to the general activities which are necessary for effective overall resource conservation and development.

In my statement in support of the proposed Resources and Conservation Act of 1961, S. 239, I mentioned what I believed to be the necessary elements of a rational and effective resource and conservation policy for the United States. I stated that the President, with the help of Federal agencies, States, and local governments should formulate national and regional goals for resources and conservation based on a general congressional statement of policy.

I stated that the President should set forth for the Congress and the people the conservation problems of the United States based on an estimate of (1) the supply of and future demands for our resources; (2) the limits to the satisfaction of these demands; and (3) the rough time span within which such limits for each resource will be reached. He should set forth the alternative means for solving these problems as well as the advantages and disadvantages of the various alternatives.

The President's statement of goals, trends, needs, problems, alternative solutions, and recommendations for a long-range balanced program should be presented to the Congress for discussion.

What I believe to be most important is that the above activities be carried out. But also important are the means which are used to carry out these activities since the structure which is set up will determine whether the activities are performed and performed effectively.

When testifying on S. 239, I believed, and I still believe, that the Council of Resources and Conservation Advisers to the President contemplated by S. 239 would be the most suitable means for effectively carrying out the process for resource policy formation outlined above.

Having raised for the committee's consideration the problem of relating the goals of S. 2246 to our natural resources policy, I would like to raise several

questions concerning the relation between the planning for water and related land resources, as proposed by S. 2246, and other types of planning conducted by the Federal Government.

In Alaska, the basic problems in the development of the Snettisham power project near Juneau are not only ones of water and related land resources but are also problems involving other factors which are central and crucial to the success of this project. I speak here of the attraction of industry and the general economic development of southeastern Alaska.

This leads me to believe that many resource and river basin problems involve factors other than "water and related land resources" and that very often the solution for a water resources problem will lie in the area of general economic planning for a region rather than in the specific fields of water and related land resources.

I would like to ask, therefore, what will be the relation of the river basin planning functions for water and related land resources in S. 2246 to government planning in such areas as land use, housing, urban renewal, transportation, power, and public works?

What, for instance, will be the role of other Federal agencies such as the Housing and Home Finance Agency, the Federal Power Commission and the Area Redevelopment Administration which are involved in planning in areas which will be affected by the Council and the river basin commissions and whose activities will affect the plans of the Council and the river basin commissions.

Unless there is adequate coordination and communication between and within the various agencies which will be involved in planning, I fear that problems will be approached on a piecemeal basis and that in the end we will find ourselves in a situation where there are many separate groups involved in planning for a specific area, each going its own way, with little overall integration of the elements of the various plans.

Having stated, with reservations, my general agreement with the goals of S. 2246 concerning water resources policy, I would like to comment briefly upon the means created by S. 2246 to carry out these goals.

Is the composition and structure of the Water Resources Council and river basin commissions adequate to carry out the goals set forth in S. 2246 or will some other effect, unintended by Congress, be achieved because of inadequate means?

I believe that the four-man Council, composed of the Secretaries of Interior, Agriculture, Army, and Health, Education, and Welfare, is heavily weighted on the side of agencies with deep interests in operating and construction programs for Federal water resource projects.

I would like to suggest for the committee's consideration that these interests may not be compatible in certain cases with the development of comprehensive and coordinated long range plans for water and related land resources, the purpose which S. 2246 is designed to achieve.

I would like to suggest, also, that the same hazard is involved in the creation of the river basin commissions, since, if Congress is not careful, the planning function may become subordinate to that of operating and constructing Federal water resource projects.

The committee might therefore consider a broadening of the Council and of the river basin commissions with members representing the public or with other members from Federal agencies involved in planning. Otherwise, there is a danger that the operating and construction activities and interests will interfere with the development of the planning function.

Mr. Chairman, I would like to comment briefly on the resource studies which would be conducted by the Water Resources Council and the river basin commissions contemplated by S. 2246.

The report of the Senate Select Committee on National Water Resources, of which S. 2246 is an outgrowth, related availability of water supplies to future projected demands. This type of study should be performed for our other natural resources, for instance, our timber, fisheries, and minerals.

The select committee's report projected to the year 2000 the increased demands for water associated with population growth and with increased per capita consumption of water. It emphasized the fact that if we are to keep pace with predicted demands and if scarcity of water resources is not to become a limiting factor in population growth and economic growth in the United States, then there will be a need for increased investments and expanded programs for increasing our water resources and for making more efficient our use of water.

I would suggest that, at the same time emphasis is placed upon increasing water supply to satisfy increasing demands, there should also be research and study into the probable limits to the satisfaction of the predictably increasing

demands for water, and that an attempt be made to predict roughly when such limits will be reached. Although our supply of water resources can be expanded through research and through more efficient use, with continued increases in demand for this not unlimited resource, it would seem that eventually there would be limits to the satisfaction of this demand.

The whole thrust of the report of the Select Committee on Water Resources is on activities and investments which are designed to try to meet the demands for water by increasing the supply. I would like to know whether or not in the long run, for instance 100 years, this will be effective and whether supply and demand can be brought into balance solely by trying to increase supply.

If there are limits to increasing the supply of our water resources, and if demands for these resources will continue to grow over the decades and centuries, then the President, the Congress and the people of the United States should know roughly at what point in time the limits to the satisfaction of demand for water resources are reached. The American people should know roughly at what point in time they will have to reduce their per capita consumption of water because increases in demand for water have outstripped our ability to expand our water resources. This statement holds for our other natural resources as well.

If creation of a balance between resource supply and demand for resources is desired—and I believe it is—my feeling is that, at a certain point, it will be more efficient to achieve this balance through finding ways of limiting demand than it will be to try to expand continually our limited resources in order to meet demands which are, in the long run, unlimited.

Finally, Mr. Chairman, I would like to thank the committees for the privilege of presenting a statement in support of S. 2246. May I again urge the Committee on Interior and Insular Affairs not to delay consideration of S. 498, to create a Water Resources Commission for Alaska, if for any reason S. 2246 is delayed. And, in summary, may I state for your consideration my apprehension that the overall job of planning for conservation and development of our natural resources as a whole will be slighted because of:

1. The narrowness of the ends of S. 2246 in relation to the national need for a comprehensive policy and structure for dealing with natural resources;
2. The possibility that S. 2246 may be regarded as a substitute for such a policy and structure;
3. Possible defects in the means to carry out the goals of S. 2246 combined with:
4. Lack of sufficient top-level emphasis on natural resource policies as contrasted with the emphasis in S. 239, the Resources and Conservation Act of 1961; and
5. Lack of adequate coordination and communication between and within the various agencies which are involved in planning in the United States.

Senator ANDERSON. Without objection, there will be included in the hearing record a statement filed by the National Cattlemen's Association, urging careful study of any comprehensive legislation in the water field, and a number of other statements submitted for our consideration.

(The statements referred to follow:)

STATEMENT OF THE AMERICAN NATIONAL CATTLEMEN'S ASSOCIATION, DENVER, COLO.,
CONCERNING THE PROPOSED WATER RESOURCES BILL, S. 2246, AUGUST 11, 1961

The American National Cattlemen's Association has a membership of 33 State cattlemen's associations, more than 100 breed, regional, county and local associations, and thousands of individual cattlemen members from throughout the Nation.

Since water is the most essential of requirements for the conduct of the live-stock business, we have a vital interest in any proposal that would affect the use and distribution of water.

We believe that where water is a problem, States are becoming highly aware of critical situations and many States have already taken action to conserve and develop water supplies.

It is natural that this should be so, since States have historically first looked to their water supply and have jealously guarded this resource and, we believe, have established laws and precedents for the fair distribution of water within their boundaries.

We are therefore concerned that any Federal Water Resources Council may jeopardize the sound foundation upon which water use is built within the States.

If and when such comprehensive legislation may be necessary, as is proposed in S. 2246, we believe that exhaustive study upon its effect upon established State and individual rights with respect to the use of water should be undertaken.

We, therefore, hope you will exercise extreme caution in action concerning this proposed legislation.

Respectfully submitted,

C. W. McMILLAN.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., August 15, 1961.

Hon. CLINTON P. ANDERSON,
U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: Thank you for your kind and thoughtful letter of August 7, 1961, inviting the National Wildlife Federation to appear on August 16 before the Committees on Public Works and Interior and Insular Affairs relative to comments upon S. 2246, the Water Resources Planning Act of 1961.

Due to an unfortunate conflict, it will be impossible for the National Wildlife Federation to appear. We, therefore would appreciate having this letter appear in the record of the hearings.

We are pleased, Mr. Chairman, that early consideration is being given to S. 2246 because this proposal provides for implementing recommendations of the Senate Select Committee on Water Resources. The National Wildlife Federation was favorably impressed with the magnitude of work performed by the select committee and the need for comprehensive resource planning appears apparent.

The National Wildlife Federation also is pleased that section 104 of S. 2246 provides for determination of the effect of river basin plans "on the agricultural, energy, industrial, recreational, fish and wildlife, and other resources of the entire Nation." All too often in the past, the tremendous fish and wildlife and recreational values have been overlooked on water developments in favor of those features with purely an economic value.

This, we believe, is in accord with a resolution adopted by the National Wildlife Federation during its annual meeting here in Washington, D.C., earlier this year. This resolution, calling for application of the multiple-use principle to public lands and waters, reads in part as follows: " * * * Public waters should be managed for fish and wildlife and recreation as well as for domestic, municipal, stock water, irrigation, mining or industrial purposes. The United States should never surrender any right with regard to water which it presently has and the Federal Government must assert and maintain its right to reasonable use of water on all public properties for recreation and fish and wildlife; furthermore, project plans for impoundments financed by or with the use of Federal funds should include provisions for maintaining conservation or minimum pools or stream flows in the interest of fish and wildlife resources, and for developing other public recreational facilities, including access. It is recognized that all lands and waters are not suitable for all purposes; therefore, application of the multiple-use principle in a broad sense entails determination of optimum, or best, use in the public interest of specific areas." The latter means that some specific streams or lakes may have such a high value for recreation or fish and wildlife that its optimum use, in the best public interest, may be in keeping it free of all water developments. This, we feel sure, will be given consideration when the Council provided for in S. 2246 determines the effect of a river basin plan.

Thank you for the opportunity of making these comments.

Sincerely,

THOMAS L. KIMBALL,
Executive Director.

VANCOUVER, WASH., August 15, 1961.

Senator CLINTON P. ANDERSON,
Chairman, Interior and Insular Affairs Committee,
U.S. Senate, Washington, D.C.:

Although our resolution supports the Engle bill we are happy to endorse the compromise bill S. 2246 to improve water resource planning.

GUS NORWOOD,
Executive Secretary, Northwest Public Power Association

STATEMENT OF ROBERT L. SHORTLE, DIVISION MANAGER, MISSISSIPPI VALLEY ASSOCIATION

Mr. Chairman, gentlemen of the committees, my name is Robert L. Shortle, division manager, Mississippi Valley Association, New Orleans, La. I appear before you to present preliminary views that have been expressed by a cross section of our membership in regard to S. 2246, the Water Resources Planning Act of 1961.

Following the introduction of this legislation on July 14 and the companion bills in the House, an analysis of the proposed legislation was prepared by our staff and submitted to our executive committee and to our board of directors asking for their views and guidance because of the complexities and the comprehensiveness of this proposed legislation.

Because of the complexities involved in the broad treatment of this subject, we have had replies from only 35 out of approximately 150 inquiries. These replies have been received from nearly all geographic sections of the United States, and without quoting or enclosing all of these responses, I am quoting pertinent objections that we have received to S. 2246.

1. "Secretary of Interior as Chairman of Council. If Council idea is good, why not Chief of Engineers, Surgeon General, Director of Bureau of Reclamation, Director of the Soil Conservation Service, with rotating chairmanships?"

2. "Basin Commission idea not too successful in the past."

3. "Board of Engineers for Rivers and Harbors as presently set up constitutes the most conservative, technically qualified review group now in existence in this country."

4. "Proposed legislation would serve only to make still more complex the process through which water resource developments must pass to determine their engineering feasibility and economic justification. Legislation would cause serious delays and numerous additional ramifications in the construction of needed waterway facilities."

5. "Adequate safeguards for the orderly and economic development of our water resources already exist."

6. "Would not like to see existing close relationship between the Corps of Engineers and local interests disrupted, and 'to my mind, the existence of the proposed Water Resources Council and River Basin Commission would do just that.'"

7. "This bill would make it possible to virtually create a valley authority in every major basin in the United States."

8. "Members of Congress would be giving away some of the power and authority which they have had for years in this important program."

9. "The Water Resources Council shall transmit plans and recommendations 'to the President for his review and transmittal to the Congress.' This is too much power to be vested in any one man."

10. "The 'statement of policy' is not consistent with the remainder of the proposed legislation. This section states that water and related land resources shall be planned and conducted on a comprehensive and coordinated basis with the cooperation of all affected Federal agencies, States, local governments, and others concerned. The language in the remainder of the bill indicates absolute power will rest with the Council and the President."

11. "The proposed legislation provides a vehicle for the application of the most comprehensive use of patronage that has been brought to my attention."

12. "Rights of States and lesser political subdivisions would be dominated by the Council and/or the President."

13. "Section 102 of title I states that Council will make recommendations to the President with respect to requirements of the region. This contravenes the established and legally required procedures wherein the Congress is the final reviewing agency prior to the Presidential action. This, in effect, allows the President to approve proposals or modifications before sending to the Congress."

14. "Section 105, title I, provides for hearings but nullifies this by saying that Commission may print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable."

15. "It is possible for political purposes to envision several commissions within a State possessing numerous waterways within its boundaries, and it is also possible that a State through which a stream or streams course might have minor representation on the commission if it was politically expedient to establish the commission for a group of related basins."

16. "Scheduling of priorities by the commissioners for the planning and construction of projects in States not in harmony with the Commission or the administration could be penalized, and needed projects within the States would be overlooked or given such low priority that their construction would be remote."
17. "Nominations for membership on the Commission by the Governor of the State would have to be persons satisfactory to the President regardless of the capabilities of the individual nominated."
18. "Terms of the commissioners would coincide only with the term of the Governor which would certainly make membership on the Commission political."
19. "Commission can be abolished at any time by the President."
20. "The commissions are required to send copies of their reports to each Federal and State agency affected, but the Commission, however, need not modify the plans or reviews after getting replies from these agencies."
21. "In section 205(c), why not all records available to the people rather than 'appropriate records may be made available for public inspection.'"
22. "Under title III, dealing with financial assistance, the ax is surely over the heads of the several States. The Council and the Commission will, in effect, establish their own ground rules and regulations that the States must comply with, and the only appeal that the States have is to the Council or the commissions."
23. "The Council is given a blank check and is not required to go through the Bureau of the Budget or any other reviewing agency to determine the proper administration of the act."
24. "It appears strange that the Congress would discard its traditional role of maintaining checks and balances on Government operations."
25. "Section 403, under title IV, authorizes the Council to delegate to any member or employee of the Council its administrative functions under section 105 and the detailed administration of the grant program under title III. This could provide for a czar and absolute control over the welfare of the public works program throughout the country. Such power should not be placed in the hands of one individual who is not required to submit plans and proposals to the Congress."
26. "Section 405 refers to the 'effect of existing laws.' This section is consistent with only the statement of policy shown on page 2 of the bill. It is patent that if the legislation is enacted, it would be a question of time before existing laws would be nullified. It is unreasonable to believe that with the Council or its delegated agent having a blank check that it would fail to cash it."
27. "Such legislation, if enacted into law, would completely revolutionize the method by which water resource development projects are conceived and carried on to completion."
28. "Action by the Congress on this type legislation should definitely be postponed until wide publicity is provided in order to secure greater public opinion."
29. "While I agree that it is a good thing to proceed with hearings on this proposed legislation, I think that a long time should be taken for study by all interested before the bill is finally reported for action and approval of Congress."
30. "I have given these bills only cursory study and am not, therefore, in position either to support or oppose them. Since they are administration bills, they have not been subjected to close scrutiny at local levels. I hope that committee hearings will provide answers to some questions which arise in my mind at this time. I should like, for instance, to be assured that an end result of this legislation would not be to slow authorization of sound projects that may be proposed through presently established channels, and that representation of the States on proposed commissions would be equitable. My position, therefore, is that congressional action should be slow enough to develop complete understanding and permit local study and intelligent reaction."
31. "I do not know exactly when my executive committee will meet next, but certainly not before the date established for these hearings. My own inclination about the bill is unfavorable, because I am always suspicious of this sort of thing."
32. "Time is too short for this Commission to take any position on the bill at the hearing beginning August 16. Consequently, any comments regarding the bill will be made when a committee of the House holds its hearing."
33. "As many safeguards as possible should be built into it to prevent it from becoming purely a political patronage creature. I believe further that such an overall planning body is inevitable because of the universal nature of the problem."

34. "I personally feel that such important legislation should not be rushed through without adequate hearings and adequate time for our association to formulate a considered opinion. I urge that you oppose any hasty legislative action on S. 2246."

35. "I have made a rather brief study of your analysis of the water resources planning bill and consider it as dangerous legislation. I believe that the Mississippi Valley Association should vigorously oppose this bill. As I understand this bill, it would take the work of the planning of projects away from a group, mainly, Congress, the Bureau of Reclamation, and the Corps of Engineers, who in my opinion have done a very able job, and place the responsibility of this work into the hands of a few people appointed by the President. Because of the tremendous amount of money to be expended upon these projects, these appointees would become powerful political people responsible only to the President, opening the door for a method to develop a very powerful political machine. This legislation also opens the door for the creation of valley authorities in opposition to the will of the people and in opposition to the majority of Governors of the various States of the valley. These authorities, in my opinion, would be more powerful than the Governors and State legislators and would be able to exert their will upon State and local governments. I believe that if the door is opened that these authorities could easily extend their jurisdiction to many other phases of our economy than just the problems of water. It is readily conceivable that these authorities could and would do a lot of the construction work involved in these projects with forces hired and controlled by them, thereby eliminating the contractors' competitive bidding and private enterprise. I believe that our system of checks and balances in Government and the manner in which the program is presently being handled is more desirous for our people."

For the information of committees, I am enclosing the analysis of the water resources planning bill that was submitted to our executive committee and to our board of directors.

Based on the objections cited above, it is respectfully requested that action on this bill by the Senate be deferred until such time as a very broad public response may be received. We need only to look back to the last year to the hearings conducted across the country by the Senate Select Committee on Water Resources to realize that a broad public response will be received. It is our considered opinion that because of the comprehensive nature of this proposed legislation and because it will be supported and paid for by the public, that the public should have every opportunity to make its views known.

Thank you.

ANALYSIS OF WATER RESOURCES PLANNING BILL (S. 2246 AND H.R. 8155-8158 AND H.R. 8177)

Legislation entitled "The Water Resources Planning Act of 1961" was sent to the Congress by President Kennedy on July 13. This legislation was introduced in the Senate by Senator Anderson and in the House by Congressman Aspinall and also by four members of the House Public Works Committee.

The legislation would create a Water Resources Council composed of the Secretaries of the Departments of Interior, Agriculture, Army, and Health, Education, and Welfare. The Chairman would be designated by the President and President Kennedy stated in his letter of transmittal to the Congress that he proposed to designate the Secretary of the Interior as the first Chairman of the Council. The Council could call in other departments and agencies to participate with the Council when matters affecting their responsibilities are up for consideration.

The Council would be authorized to employ personnel to administer the activities of the Council, including a staff director (salary \$19,500) and an assistant staff director.

The Water Resources Council would—

"* * * maintain a continuing study of the adequacy of supplies of good quality water in each water resource region of the United States.

"* * * appraise the adequacy of the existing policies and programs.

"* * * make recommendations to the President.

"* * * establish, with the approval of the President, principles, standards, and procedures for the preparation of comprehensive regional or river basins plans and for the formulation of Federal water resources projects."

This legislation would also authorize the creation of river basin commissions by the President on request of the Governor of one or more of the affected States. These commissions could cover a region, major river basin, or group of related river basins, and the members of the commission would be appointed by the President.

The members of these river basin commissions would include a chairman who could not hold any other position as an officer or employee of the United States, a representative of each Federal department or agency having a substantial interest in the work of the commission and one or more members from each State lying wholly or partially within the area to be studied. The State representatives would be nominated by the Governor and hold office no longer than the Governor's tenure but the President would not necessarily have to appoint the nominees of the Governor.

These river basin commissions would serve as the principal agency for coordination of Federal, State, and Local plans for the development and control of water and related land resources in the affected area.

The commission would also be charged with the responsibility of preparing a comprehensive, integrated, joint plan for Federal, State, and local development and control and they would recommend long-range schedules of priorities for investigation, planning, and construction of projects. When the commissions had completed their plans, these would, in turn, be referred to the Council.

The responsibility of the Council would then be to—

1. Determine the efficacy of such plan (or revision) in achieving optimum control of the water and related land resources in the area involved;
2. Determine the effect of the plan of the achievement of other programs for the development of agriculture, energy, industrial, recreational, fish and wildlife, and other resources;
3. Determine the contributions which such plan will make in obtaining the Nation's economic and social goals;
4. Make such modifications in the plan as are desirable in the national interest; and
5. Transmit the plan for revision to the President for his review and transmittal to the Congress.

The proposed legislation would also authorize \$5 million per year for 10 years for grants to the States "to assist them in developing comprehensive water resource plans * * *." These grants to the States would be on a basis of—

1. Population;
2. The land area;
3. The need for comprehensive water resources planning programs; and
4. The financial need of the respective States.

The Federal share of the cost of the State programs would vary from 33½ to 66½ percent but could not exceed the State's allotment.

In testimony at a hearing before the Senate Interior and Insular Affairs Committee and the Senate Committee on Public Works on July 26, the Secretaries of the Departments of Interior, Agriculture, Army, and Health, Education, and Welfare, all wholeheartedly supported the proposed legislation.

Senator ANDERSON. Present in the hearing room today are several departmental representatives, who will answer questions if any come up. They include George R. Phillips of Soil Conservation Service for the Department of Agriculture; Henry Caulfield and Eugene Eaton of the Technical Review Staff for the Department of the Interior; Murray Stein of the Division of Water Supply and Control for the Department of Health, Education, and Welfare; and representatives of the Department of the Army.

We have 15 listed witnesses today, and we are subject to being called to the floor to vote on amendments to the foreign aid bill. We will attempt to hear everyone, but we must ask your patience if it becomes necessary to go to the floor for a few minutes.

Committee members should know that we have had a number of letters from groups interested in this legislation urging us to hold further hearings later on because they have been unable to prepare a statement of position, at this time, on S. 2246. Such correspondents have been advised that the hearing record will be open for 10 days,

and that statements filed by August 26 will be considered for inclusion in the printed record.

They have also been assured that statements received after that date will be made available to committee members promptly after their receipt for appropriate consideration. I expect to discuss with Senator Kerr and others further procedures for consideration of the bills before us.

Senator Gale McGee of Wyoming, who was a member of the Senate Select Committee on Water Resources, is here. Senator McGee has agreed to chair an Appropriations Subcommittee hearing at 10:30 a.m. for Senator Carl Hayden. I am going to call on him to be our next witness so he can get away, and then recognize other members of our two committees for any statement they may care to make.

Senator McGee.

STATEMENT OF HON. GALE MCGEE, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator MCGEE. Thank you very much, Mr. Chairman, and members of the committee, for permitting me to make a statement this morning.

The purpose of this statement is to support S. 2246, the Water Resources Planning Act of 1961 which you, Mr. Chairman, have introduced in furtherance of the proposal in President Kennedy's letter of July 13, 1961, to the President of the Senate.

The President's letter and the legislative proposal which he has offered, are striking and timely recognition of the seriousness of the need for an immediate start on the program of water resource development which was outlined in the report of the Senate Select Committee on National Water Resources. The Senate select committee opened this question widely with the initiative and the foresight of the senior Senator from Oklahoma, Mr. Kerr, chairman of the Select Committee on National Water Resources, the chairman of the committee, Mr. Anderson, and the President of the United States, representing, in my judgment, a three-pronged assault on this question. They recognized that not only is it the task of water resource development in itself, but that it makes a critical difference in the achievement of that task how it is undertaken.

Certainly, the first step toward insuring that the progress which we need is forthcoming is the preparation of the sound, basic comprehensive water resource plans, which this bill will encourage and help to make possible.

The President quite correctly states in his letter, referred to above:

Maximum beneficial use of water rests upon comprehensive and coordinated planning by both Federal agencies and States. This draft legislation will encourage and make possible such planning.

I have often urged before, and I should like to urge once again on this occasion, that the ability of America to face up to the two-fold challenge of communism on the one hand, and of worldwide revolution on the other—and these challenges should not be assumed to be identical in every case—depends upon the adequacy of our economy to provide the tax dollars to support the vast public programs in foreign aid, in defense and in the building of our own society which alone will do the job. The ability of our economy to support

these programs is based squarely upon the extent to which we conserve and develop our natural resources, and the most indispensable of these resources, of course, is water.

If the results of the water committee study could be stated in one sentence, I think it would be this: Unless we do this job of water resource planning development and construction, we will have placed a limit upon our own capacity to grow, which is many times more suffocating and restricting than any limit which could be imposed by the forces of communism and world revolution.

I have stressed and restressed since my first address to the Senate early in 1959, 2½ years ago, that the understanding of this vital relationship constitutes the real key to the future toward which the American people and free peoples everywhere are striving.

We have heard much talk in the last few weeks which seems to indicate that the only way to make an adequate defense effort in response to the Berlin crisis, for example, was to abandon just such domestic programs as resource development, so that we could concentrate on the production of arms and the training of armies.

I submit that the question is not essentially whether we can produce enough weapons; it is whether the economic and political institutions which we have created, can find within themselves the vitality and the resurgent strength which will give us, as Americans, the confidence to meet the challenge which our own economic development contains, particularly in a time of destructive external peril. This is a challenge which requires judgment, will, and, perhaps more than anything else, nerve. I have illustrated the nature of this relationship before by citing the testimony before the water resources committee of the county assessor of Carbon County in my own State of Wyoming.

This particular testimony shows in hearings that we held in Laramie, and presided over by the senior Senator from Oklahoma, the dramatic effect which individual water resource development projects can have in enabling the economy of Carbon County to support more people at an adequate standard of living, and thus broaden the economic base in this county to increase its own tax roles for the development of that county. This then redounds to the benefit of achieving public goals that represent the public interest. This example, a specific case, multiplied many times over throughout the Nation, will also make it possible for the United States to better achieve its own national goals.

The legislation before us is also wise because it provides for the joining of national local interest. The proposed Water Resources Council, will supply the overall national perspective, while the river basin commissions will assure the close identification of the program with local concern and experience. It is particularly significant that this bill would make available funds to the States to help finance programs of water resources planning to be undertaken and administered, in coordination with the Federal and State agencies having responsibilities in this field, by the States themselves through their own administrative agencies.

May I add there that one of the things that came home to us again and again in the hearings in the various sections of the country was the importance attached by most of those testifying to the peculiarities

of local problems, and local aspects of the problem and local voices in the problem.

This is the type of program which, because it provides both for the recognition of the States' traditional role in the development of their water resources and of the urgent necessity that the States act, will work in the long run. As a matter of fact, in recent weeks representatives of the Wyoming Natural Resources Board have visited my office in order to obtain my assistance in making effective contact with the Department of the Interior so that Wyoming could begin as soon as possible to develop comprehensive programs of water resource development planning.

We who live in the Western States have been conditioned by our history to understand the important role which water resource development must play in the efforts of society to reach common economic goals. This interest on the part of the State of Wyoming demonstrates this understanding, but even more it demonstrates our understanding of the fact that because of the West's vast untapped reserves—both of minerals and space—the West will be called upon to contribute more proportionately to the achievement of America's goal than will the other sections of the country. The West is ready, I am confident, to undertake this responsibility.

The Bureau of Reclamation reported to the Water Resources Committee that—

the amount of physically feasible water resource development remaining in the 17 reclamation States is enormous—

contrary to the popular conception that they are running out of feasible and constructive opportunities.

According to that report, there are more than 1,000 reclamation projects, both public and private, upon which construction has not yet been undertaken, but which can be put into operation before the end of the century.

It is still a fact that three-quarters of the water in our western rivers flows unappropriated into the ocean. It is natural then that with the enormity of the task before us, and with the West's natural perception of the role which it must and can play in future water resource development, there is a profound sense of urgency on the part of the citizens of our Western States to get on with the job.

It is significant that this sense of urgency was repeated time and time again in the hearings which our Water Committee held throughout the Western States. Perhaps even more significant than this fact, however, is that this same intense appeal was echoed in every State we visited in whatever section of the country it happened to be.

The enactment of this legislation will be a major step forward, but it in no sense diminishes the desirability of its early enactment to remind the committee that there is another measure pending before it which is especially essential. I refer to S. 239, the proposed Resources and Conservation Act. President Kennedy's proposed Water Resources Planning Act is an important step forward in one large area of natural resource development. Such a step forward in the field of water resources both confirms and underscores the necessity for a comparable advance with respect to all of our other resources as well.

A sound, vigorous, and productive national economy depends on the availability of enough water of acceptable quality, but it also de-

pendes on and is inextricably intertwined also with the development of forest, mineral, recreational, soil and other natural resources.

It is my conviction that until we are moving forward across the entire natural resources front, we will be leaving a large part of the task undone, and we will be limiting the effectiveness of what we do with respect to water resources.

In conclusion then, in urging that S. 2246 be enacted, I am also putting in my plug for S. 239 as an additional, and supporting, and complementing enactment because I believe this is the way to equip the Nation for action on the truly comprehensive resources development programs which constitute the irreducible minimum of national effort necessary to our survival and to the survival of the ideals to which we are dedicated in this perilous and contending era.

I want to thank you, Mr. Chairman and members of the committee for affording me the time.

Senator ANDERSON. I do not imagine we have questions. I see the junior Senator from Oklahoma, Mr. Monroney here, and if he has a statement here I want to recognize him after Senator Gruening.

Senator GRUENING. I think we ought to exercise some thought on the Senator's statement that the more that is put upon us abroad, the more necessary it is to develop our own resources.

Senator ANDERSON. We have had some very fine statements from Senator McGee and we appreciate his coming.

Senator MCGEE. Thank you, Mr. Chairman.

Senator ANDERSON. Senator Gruening.

STATEMENT OF HON. ERNEST GRUENING, A U.S. SENATOR FROM THE STATE OF ALASKA

Senator GRUENING. Mr. Chairman, as cosponsor of S. 1629, the bill introduced earlier this session by the distinguished chairman of the Senate Committee on Interior and Insular Affairs to provide Federal assistance to the States for water resource planning, I thank this committee for this opportunity to appear today to urge enactment of S. 2246 and point out the special reasons it is important to Alaska.

First, I would congratulate the distinguished chairman of this committee for the wisdom and foresight he has demonstrated in introducing legislation to encourage comprehensive development of our national water resources and working for the enactment of this legislation.

The provision of Federal assistance to the States for planning the use of their water resources can be exceptionally significant to the welfare of the Nation. It is clear that this is a very important matter to all parts of the country and an area in which additional Federal assistance can make a most useful contribution.

As pointed out by Senator Anderson when S. 1629 was introduced, Federal assistance is needed by the States to adjust the imbalance which now exists as between the resources of the States and the resources of the Federal Government in planning the utilization of waters which are of joint concern to both. While it is of continuing importance that the great Federal programs affecting utilization of water resources be not diminished, it is also necessary to recognize the proper interests of the States. It is apparent that the States

require assistance of the kind provided by title III of S. 2246 if they are to give effective voice to their concerns.

The great lakes and rivers of Alaska—the Yukon, the Kuskokwim, the Copper, the Tanana, and all the rest—may one day exist as the most important water resources of the Nation. With the inexorable increase in world population—with the irresistible westward movement of our own citizens—the resources of Alaska will be increasingly important to the free world.

It is of primary importance that the use of the magnificent water resources of Alaska—now largely untouched—be carefully planned for the benefit of all our people.

It is necessary to begin this planning now.

And it is necessary that the people of Alaska, the State affected, be given the opportunity they deserve to participate in the plans that are about to be made.

It must be remembered that my State is still a very new one, and that the Federal Government still owns almost 100 percent of it. We are slowly selecting the 103 million acres—about 27 percent of the land area, which is our right under our statehood act. It will be many years before Alaska enjoys the full rights of political independence which will come with ownership of our own land.

This fact of omnipresent Federal control of the land—thus, to a large extent, of our waters—makes it more important to Alaska than to other States to have a voice in planning the utilization of our resources.

The report of the Select Committee on National Water Resources of the Senate on Water Resources of Alaska (Committee Print No. 19 of the 86th Cong.) aptly stated that—

the most significant conclusion that can be drawn * * * is that we know very little indeed of the extent and magnitude of the magnificent water and water related resources of Alaska.

Thus, in planning the use of our resources, it will first be necessary to intensify the kind of studies which have been undertaken in the past by such agencies as the Geological Survey, the Corps of Engineers, and the Bureau of Reclamation to inventory and classify our bodies of water.

From what is known, certain things are clear with respect to the most important uses of our rivers and lakes and the oceans along our shores.

First, the tremendous hydroelectric power potential of Alaska represents one of the greatest resources of the free world for peacetime and defense production. At Rampart Canyon on the Yukon the Corps of Engineers is even now studying the feasibility of constructing a mighty hydroelectric power dam which would produce more power than all the hydroelectric power installations of TVA combined and more than twice as much power as Grand Coulee. It would establish a reservoir greater in area than Lake Erie and would raise the temperature of central Alaska. The potentials of this great project—not only for the provision of cheap electricity but as a fishery resource—excite the imagination.

Already, questions have arisen as to the contribution of the State of Alaska to planning and operating this great project. The State of Alaska is vitally concerned with plans for marketing the power

which will be produced. It is, also, jealous of its prerogatives with respect to management of fisheries and other wildlife resources that will come into being with the creation of an enormous manmade lake.

Planning for Rampart is, then, a concrete and immediate example of a case in which the State of Alaska must prepare carefully for the utilization of an important water resource which concerns both the State and the Federal Government.

There are other magnificent hydroelectric power resources in Alaska—such as the Crater-Long Lakes division of the Snettisham project which has been studied by the Bureau of Reclamation and which has been recommended for construction by that Bureau. Here, again, the State of Alaska has a special interest in plans that are made for marketing the power to be produced and the industry that will use it when the project is completed.

Throughout the long, long years of struggle for statehood one of the primary goals of Alaskans was that of achieving the right to manage their own wildlife refuges. As pointed out in the report of the Select Committee of the Senate on Alaska Water Resources, to which previous reference was made, the wildlife resources of Alaska represent a greater per capita wealth than those of any other State. These resources, which abound in and near our waterways and are dependent on sound utilization of them, are very precious to Alaska and to the rest of the Nation. Again, it is of greatest importance to the State that Alaska have Federal assistance in planning for the management of this source of wealth.

The potential of our water resources for recreational pursuits has barely been tapped. There are many who forecast that development of water sports in Alaska for vacationers represents one of the greatest opportunities for economic development available to the State. Again, the State must plan the use of our waterways as tourist attractions so they will be wisely utilized for this purpose without impairing other uses which might be more productive.

The Governor of Alaska, the Honorable William A. Egan, has written me in support of S. 1629 as follows:

* * * the potential importance of this legislation to Alaska is such that I wish to be certain Alaska's support of it is made known.

Alaska has great need for long-range water resources planning as the basis for proper development of potential industry, recreation, expansion of our cities, and the enhancement of our fish and game resources.

It would appear to me that the provisions of S. 2246, I am hopeful further attention, with a view to revision, will be given to the provision of section 305(a) relating to the determination of Federal shares of the cost of State projects on the basis of per capita income of the State. For Alaska, this could well prove to be a serious disadvantage of the scheme of allocation of funds proposed by the bill. As I understand it is not now possible for the committee to determine the exact effect of this provision on Alaska's allotment, I am withholding a specific suggestion pending the availability of additional information.

However, I must point out that, as we have found with other Federal allocation formulas, an allotment based on per capital income is completely unrealistic for Alaska. The economy of my State is so distorted by abnormally high costs that, although an appearance is given that there is a very high per capita income in comparison with other States, this is not the case. Thus, we should work out another formula which will reflect the real income of Alaska rather than the statistics of the Department of Commerce.

While my remarks today are directed primarily to the importance of Federal grants to the States for assistance in water resource planning, I would also give my support to the provisions of S. 2246 for the establishment of organizational machinery to make this planning effective.

The establishment of a Water Resources Council of the Federal Government would provide a point of coordination and an organization for nationwide planning which would facilitate operations at the State and regional level. I think there is considerable merit to this proposal.

The proposed river basin commissions to be established by the bill would complement the national planning of the Council by providing local participation which is an essential ingredient to the success of the program. The representation of the States on these basin commissions would, along with the provision of Federal funds for resource planning by the States, make possible the maximum development of our water resources for our Nation.

I thank the committee again for this opportunity to appear in support of this legislation.

Senator ANDERSON. Thank you, Senator Gruening.

I understand Mr. Biemiller could not be here. Without objection, I will insert his statement in the record.

(Mr. Biemiller's statement referred to follows:)

STATEMENT OF ANDREW J. BIEMILLER, DIRECTOR, DEPARTMENT OF LEGISLATION,
AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

Mr. Chairman, my name is Andrew J. Biemiller. I am director, department of legislation, American Federation of Labor and Congress of Industrial Organizations. I am also chairman of the AFL-CIO Staff Subcommittee on Atomic Energy and Natural Resources.

I appreciate the opportunity of stating the position of the AFL-CIO in regard to S. 2246, the Water Resources Planning Act of 1961.

For the record, I should like to have included as part of my testimony the policy resolution of the AFL-CIO dealing with the conservation of natural resources. Its perusal by the members of the two committees conducting hearings on S. 2246 will make clear the substance of labor's position.

S. 2246 is intended to accomplish three things.

A. Title I would establish a Cabinet-level Water Resources Council. The Council would function as central planning agency, with the responsibility of formulating criteria under which comprehensive river basin development plans would be prepared. It would also act as the reviewer of proposed Federal river basin development plans, and transmit its findings and recommendations to the President for his final decision and transmittal to the Congress. The legislation provides for a full-time staff and borrowing personnel and services from other Federal agencies. Under our analysis, this means that the Council will act as an operating and not an ad hoc committee, such as was the case during the Eisenhower administration when the Cabinet Water Resources Committee submitted one report and sank from view.

B. Title II would establish the basis for creating river basin commissions dealing with water and related land resources development in a region, a river basin, or group of related river basins.

Membership of the commission would be appointed by the President and jointly composed of representatives of interested Federal agencies, one or more members of each State wholly or partially within the river basin or region, and a chairman appointed at large.

The purpose of the river basin commissions would be to engage in activities calculated to carry out the declaration of policy of S. 2246. These activities would include studies and investigations, annual reports of its work to the Water Resources Council, and comprehensive development plans for the water and related land resources of river basins, with comments of interested Federal agencies, Governors of the affected States, and members of the commission.

Such commissions would be the instrument for the purpose of coordinating Federal, State, and local water development plans in the particular region or river basin, and for recommending programs of collection and analysis of basic data as well as programs for investigation, planning, and building projects.

C. Title III of S. 2246 is intended to help to give effect to the purposes outlined in titles I and II by establishment of a 10-year Federal grants-in-aid program to the various States to assist their comprehensive resources planning activities. The program would call for annual Federal outlays of \$5 million for this purpose.

Title III establishes criteria by which the Council would determine the eligibility of a State for such a Federal grant-in-aid, a formula for determination of the Federal share of the costs of the State program, and provisions for review and termination by the Council.

The AFL-CIO regards S. 2246 as a movement in the right direction—that of achieving unified policy and unified, comprehensive planning as foundations of the Federal Government's resources activities.

By way of general comment there are two points which we should like to bring to the attention of your committees.

The bill does not achieve what we regard as adequate coverage of the natural resources front—only water and related land resources. We believe that title I should be amended to enlarge the scope of the Council (which could then be redesignated as the Natural Resources Council). The statement of policy in section 2 could be amended to reflect this widened area of responsibility.

America faces difficult problems in energy (including atomic energy), minerals, and raw materials, all properly within the purview of Federal policy, Federal plans and programs. The great opportunity afforded by this legislation is to include them under title I and as part of the overall policy of the bill. As our policy statement on conservation of natural resources says, “* * * the resources problem in America, and, in the world, is composed of parts of an interlocking whole, and * * * no aspect can be slighted without the loss of important benefits.”

Our policy statement calls for “strong reaffirmation of the important responsibilities of the Federal Government as the principal steward for the people of America's resources * * *. The broad planning, construction and management of comprehensive resources programs keyed to national goals is a proper and legal, as well as an indispensable function of the United States under a wide range of constitutional powers.”

We are glad to ascertain, therefore, that title II of S. 2246 does not leave the initiative for formation of river basin commissions as a sole function of the various States. We certainly would favor the most effective cooperation obtainable between the Federal Government and those of the various States, but we should not abandon the constitutional powers of the United States in the field of natural resources to the veto power of the States, nor wait to carry forward needed Federal resources programs until the States signify their willingness to coordinate their efforts.

We are surprised that this legislation provides no responsibility for the Council to undertake national resources planning keyed to national goals. We therefore suggest that the duties of the Council include such responsibility, because planning for development and wise use of America's land, water, and energy resources, in the face of unprecedented present and ever greater future demands upon them, is one of the major prerequisites to maintaining and strengthening a full employment economy.

It is high time that this country's resources efforts be pulled together and pointed toward the future in a unified fashion. Organized labor believes that with all natural resources placed within the field of responsibility of a Natural Resources Council, and with planning authority for future needs vested in such a Council, we will begin to move forward to make our natural resources better serve the pressing needs of a future America.

Senator ANDERSON. As requested in Mr. Biemiller's statement, the resources policy resolution of the AFL-CIO will appear in the record.

(The document referred to follows:)

CONSERVATION AND DEVELOPMENT OF NATURAL RESOURCES

America faces an unprecedented and rapidly multiplying demand upon her great but not unlimited stockpile of natural resources. Every nation in the world is confronted, as America is, with the challenge of how to make resources work for people. How adequately it is met by America and the people of other countries will determine in great measure our future security and welfare.

America's natural resources dilemma is created by the lack of a comprehensive, unified national resource policy in the face of tremendous population growth, by the mushrooming of cities, by accelerated industrial expansion, and by responsibilities of world leadership. Over the past 6 years, the Eisenhower administration has showed no awareness of the pressing need to plan ahead for land, water, and energy development on a scale commensurate with the dimensions and urgency of the problem. The administration has attempted, time and again, to turn back the conservation clock to the pre-Teddy Roosevelt era. The situation instead calls for decisive action now.

As workers, consumers, taxpayers, and citizens, labor has a stake in the full and comprehensive development of America's land, water, and energy resources.

Labor calls for intensification of cooperation with other citizens' organizations to work for policies and programs which will resume a forward march along the entire conservation front.

The American Federation of Labor and Congress of Industrial Organizations regards the resources problem in America, and, in the world, as composed of parts of an interlocking whole, and that no aspect can be slighted without the loss of important benefits otherwise derived from comprehensive development programs.

We therefore call upon all groups active in conservation to broaden their vision and fight for the goal of the total use of the earth for the good of man. Such cooperative endeavors which the trade unions have for many years engaged in, and to which they have brought much strength, have helped to hold the line against an administration unwilling to face up to the problem.

To these groups we say that the common ground we have occupied with them in the continuing conservation battle, should provide evidence of labor's full participation. At the same time, we emphasize the necessity in the future of far greater insight being displayed by these organizations into the problems of organized working people that go beyond the immediate resources arena, namely those of union recognition and collective bargaining.

The Employment Act of 1946 declares it to be the policy of the United States to use all of its powers in cooperation with industry, labor, agriculture, and State and local governments to promote a free, competitive enterprise system with "maximum employment, production, and purchasing power."

Natural resources development programs carried out under clear-cut, forward-looking policies are indispensable to the attainment of these aims of the Employment Act: Now, therefore, be it

Resolved, That the Third AFL-CIO Convention call for a broad, forward-looking national resources policy, based on these principles:

1. Strong reaffirmation of the important responsibilities of the Federal Government as the principal steward for the people of America's resources. We repudiate in the strongest possible terms the administration's improper abandonment of leadership, not only because it has caused America to mark time when progress is so badly needed, but has played into the hands of big business interests totally opposed to the concept of conservation.

The broad planning, construction, and management of comprehensive resources programs keyed to national goals is a proper and legal as well as an indispensable function of the United States under a wide range of constitutional powers.

From both an economic and engineering standpoint, the Federal Government can and must assume the leadership in the great task of comprehensively harnessing our river systems. It can and must assume the leadership in achieving more rapidly the peaceful uses of the atom. It can and must assume the leadership in continuing to provide electrification for rural America, to sustain a prosperous

mining and mineral industry, to preserve our land, forest, fish and wildlife resources, and to broaden outdoor recreational opportunities for the American people.

We regard the so-called public versus private power controversy as being an irrelevant issue which continues to block needed resources development programs. The Federal, State, and local governments, and electric utilities, no matter how they are owned, have a proper role to play in America's electric energy future—each within its own abilities and capacities.

We call upon the States to enact legislation which will give all utility workers, whether employed by private or public utilities, the same bargaining rights accorded to workers in industry generally.

2. That to undertake properly the massive resources task facing America and to eliminate duplication and waste, the Federal Government must not only be provided with a unified policy under which to operate, but with basic reorganization of Federal action and regulatory agencies dealing with resources.

3. Establishment of regional development agencies carried forward into other river basins in the United States and employing the principle of unified approach to the resources problems which has so successfully marked the history of the Tennessee Valley Authority.

4. Continuation of the yardstick principle of public competition with private utilities, together with the half-century-old policy of priority and preference to public groups in obtaining power supply from Federal sources of generation. These policies have resulted in lower electric rates to consumers even beyond the immediate area involved. Abundant low-cost supplies of electric energy from all sources are indispensable for new industries, jobs, broadened tax base, and better living for working people and all Americans.

5. Continued protection of our public resources against monopolization, including the safeguards afforded by the Federal Power Act, the Public Utilities Holding Company Act, and the antimonopoly excess land ownership provisions of the Federal reclamation laws.

6. Modernization of America's power supply system to meet an expected quadrupled demand for electric energy within the next quarter of a century. Hydro-powerplants will be integrated with giant thermal and atomic generating facilities which will produce wholesale power in vast blocks carried to load centers over tremendously high voltage transmission lines.

Giant power must be so operated to protect the interest of consumers and the general public. Wholesale power must be made available to distributing utilities in the amounts required without discrimination and at the lowest possible cost. It must be conducted under Federal regulations and supplemented whenever necessary by Federal programs for low-cost regional wholesale power supply systems.

Utilities combining in wholesale generation and transmission companies will represent private, cooperative and municipal ownership, and will supply wholesale power to distributing utilities without discrimination.

7. Within the framework of the broad policies we have recommended, America's water and land development programs must also comprise accelerated soil conservation, water pollution control, enhanced fish and wildlife, intensified reforestation and sustained yield practices on forest land and strengthening of our domestic mining and minerals industry.

8. The carrying forward of a national recreation program, utilizing more effectively our national parks, monuments, wilderness areas, reservoirs behind storage dams, and national forests. The Federal Government should work in close cooperation with the States and localities to achieve a master inventory of recreational needs and resources, in order to provide facilities for the enjoyment and inspiration of the increasing millions of Americans whose need for out-of-door recreation is already overtaxing all available facilities.

9. Closer cooperation with the United Nations to aid in programs directed toward the attaining of the full development of the natural resources of countries all over the world and to provide the framework for a new approach toward achieving the goal of abundance for all people of all nations as a most necessary step toward global peace and security.

The attainment of these aims for a new deal in conservation, we strongly believe, is vital to the future welfare of America and of the world (policy resolution, adopted September 1959 by the Third Constitutional Convention AFL-CIO).

Senator ANDERSON. Mr. Longmire.

Senator KERR. Mr. Chairman, I would like to say a word about the witness, Mr. Longmire.

He is from my State and he is another Oklahoman who has been a national leader in the field of conservation of soil and water resources. He is one of the moving spirits in the great Washita watershed conservation program in Oklahoma as well as in all other conservation efforts made in our State. It is a pleasure for me to present him to the members of the committee and to acknowledge the degree to which he has contributed in this program.

Senator ANDERSON. Thank you.

Mr. Longmire, you are doubly fortunate to be introduced in that fashion by a man who has made so many contributions as Senator Kerr has made. Therefore, we appreciate your being here this morning. You may proceed.

STATEMENT OF RICHARD C. LONGMIRE, CHAIRMAN, WATER RESOURCES COMMITTEE, NATIONAL ASSOCIATION OF SOIL CONSERVATION DISTRICT OFFICIALS, PAULS VALLEY, OKLA.

Mr. LONGMIRE. Thank you, Mr. Chairman. Thank you, Senator Kerr. I feel very humble with those remarks made by a man that knows so much about water as you do, Senator.

I am Richard C. Longmire, chairman of the Watershed and Water Resources Committee of the National Association of Soil Conservation Districts. I wish to express the appreciation of my association for this opportunity to present our views on S. 2246, which proposes better planning of the Nation's water and land resources, establishment of a Water Resources Council and a series of river basin commissions, and also financial assistance to the States of the country in the interest of State resource planning.

The soil conservation districts of the country have a unique interest in the bill. At the grassroots level, districts are even now engaged on a limited scale in resource planning and development work over a substantial area of the Nation. Specifically, they are conscious of the urgent need for increased attention to resource problems at the State and national levels. Specifically, they are conscious of the need for more knowledge about resource matters, the adoption of a more realistic national resources policy, and the deliberate gearing of resource programs to the Nation's probable requirements.

There are now nearly 2,900 soil conservation districts in the 50 States, Puerto Rico, and the Virgin Islands. These districts—which are in some cases known as soil and water conservation districts—encompass more than 1,677,600,000 acres and more than 95 percent of the farms and ranches in the United States. Nearly 2 million farmers, ranchers, and other landowners are district cooperators.

Approximately 14,000 men serve without pay on the governing bodies of these districts. They are responsible under the soil conservation district laws of the several States for carrying forward local programs of conservation, wise use, and development of land, water, and related natural resources.

Districts discharge their assigned responsibilities with assistance received from the Federal Government, from State governments, from local governments, and from private sources.

We feel that in the aggregate, the resources work now underway in districts represents the country's major effort to coordinate public

and private capabilities, on a nationwide scale, for the scientific conservation and development of land and water resources.

The cooperators and governing officials of these districts, plus the technicians and scientists working with them, represent the Nation's best informed and greatest conservation strength at the grassroots. They are capable and they can be counted on.

I will not impose on the time of the committee members with any lengthy statement about the urgent need for new and effective resource legislation by the Congress. The case has been well documented—most recently by the report of the Senate Select Committee on National Water Resources.

In our opinion here are two crucial points to consider:

1. During the remainder of this century, and thereafter, the Nation is expected to multiply its demands on the available supplies of water, land, and the related natural resources; and

2. There are no sound reasons, as of today, for believing that our future needs for these resources will be adequately met. As a nation, we are not making adequate, deliberate preparations to meet them.

The enactment of S. 2246 would constitute an important step in the right direction, but the bill falls short of meeting the basic legislative needs in the resources field. Further, there is the evident risk that if this bill is enacted, it will serve to postpone action on another equally important resources bill. I am referring to S. 239, the proposed Resources and Conservation Act of 1961, now pending before the Committee on Interior and Insular Affairs.

In our opinion S. 2246 should not be considered as a substitute or an alternative for S. 239. There is a need for some of the provisions in both bills.

We are frankly skeptical about the ability of a Water Resources Council, as proposed in S. 2246, to resolve interdepartmental differences and provide the country with the kind of resource leadership that is obviously needed.

The record over many years has failed to demonstrate that interdepartmental committees or councils can be effective in resolving the basic resource issues facing the Government and the country.

Up to this time such committees or councils have given us no reason to believe they can exercise the degree of national leadership that the situation requires. Cabinet officers are notoriously busy men. The likelihood is that the work contemplated for the proposed Water Resources Council would in fact be delegated to lower echelons in the several departments. This, of course, is an open invitation for the resumption of the ancient bureau rivalries and an almost certain guarantee, in our opinion, that very little in the way of forthright, national programing can be expected.

The fundamental nature of the resource problem demands something better.

Instead of a part-time Cabinet Council, as proposed in S. 2246, we believe there is need for a full-time President's Advisory Council on Resources and Conservation, as proposed in S. 239, with a highly qualified membership and staff unobligated by departmental loyalties or ambitions.

Title II of S. 2246 would provide for the creation of river basin water resources commissions for any region, major river basin, or group of related river basins in the United States.

As the result of earlier actions by the Congress, there are already a number of river basin commissions now functioning in different parts of the country. Title II would have the effect of extending and stabilizing this method for the coordinated planning of the land and water resources of the Nation's river basins. In our opinion, this is a sensible enlargement of what we are already doing in this country.

Title III would authorize financial assistance to the States to encourage their participation in the water-land resource planning activities. We believe this provision is necessary from a financial standpoint and desirable from a governmental standpoint.

It has been our position, as district leaders, that every effort should be made to get maximum participation in resource work as close to the grassroots as possible. We would anticipate that State participation in these planning functions would most likely entail a subsidiary participation by local districts.

At this point, we are pleased to note that title IV provides that nothing in the proposed new act shall be construed as superseding, modifying, or repealing existing laws applicable to the various Federal agencies which are authorized to develop or participate in the development of water and land resources.

Unless and until there are more specific proposals as to the direction of the Nation's resource efforts, we believe this is an essential safeguard.

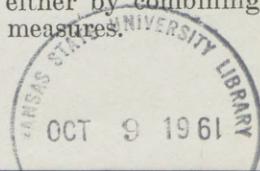
Finally, we would like to speak again, briefly, in support of another provision of S. 239. This is the provision which would call for a resources and conservation report by the President to the Congress in January of each year. We regard this as a matter of primary importance. It would represent more than an annual inventory of our resource wealth and an appraisal of our progress toward meeting the Nation's needs. It would have the additional and critical value of directing the attention of all the people, at least once a year, to the state of their resources.

We believe our resource wealth is so vital, and our requirements are so compelling, that the country should utilize the full prestige of the Office of the President to help improve the resource understanding of our people.

We recognize that S. 2246 would provide for regular reports from the river basin commissions to the proposed Water Resources Council, subsequently through the President to the Congress. At best, however, this would represent piecemeal reporting. The individual reports would probably not command national attention. They could not give the people a clear-cut measurement of our annual national accomplishment in relation to demonstrated national needs.

S. 2246 is a good bill, in our opinion, if we do not expect too much of it. It could be one step in the right direction. We believe it should be considered as a companion measure to S. 239 and not as a substitute for this broader and more basic legislation. To recommend the relatively limited Water Resources Planning Act before the more basic Resources and Conservation Act would have the effect of providing the butter before the bread.

We believe the Nation's interests would be best served by enacting provisions of both bills (S. 239 and S. 2246) either by combining them or reporting them favorably as companion measures.



Mr. Chairman and members of the committee, thank you again for the opportunity of appearing.

Senator ANDERSON. Thank you very much. I know the committee members have many questions. You are familiar, of course, with the fact that this committee did hold hearings on S. 239, but we are confronted with a report from the Department of the Interior saying:

We recommend that no action be taken on this legislation at the present time, that action be deferred until the President has had an opportunity to follow through on proposals which he has set forth in his message of February 23 on natural resources.

The only followthrough that he has had is S. 2246, and we were trying to go as far as we could. I assure you that we are just as much interested in S. 239 as you are, but until the President will give us his recommendations on S. 239, it could be regarded as being foolish to push it, because if it is pushed there is the possibility of Presidential opposition. We thought at least the courteous thing to do was to give the President the chance to send us any additional information he might have.

I have some reservations on S. 239 myself, but I think they can be ironed out. We have had some discussion of it. The Joint Committee on Resources and Conservation probably has been the biggest stumbling block. There is not any committee of the Congress probably that you cannot split off part of its work and assign it to the joint committee. Senator Kerr and I are members of the Finance Committee. The Finance Committee has a good staff as far as it goes. They are very fine people. But the real work of evaluating things comes from a Joint Committee on Internal Revenue Taxation and a Joint Committee on the Economic Report, and therefore, the Finance Committee staff is, I think, much smaller than I would like to see it.

A bill comes up, but we cannot get the Finance Committee appraisal of it at all. It goes to some other group. If the Joint Committee on Resources and Conservation would result in taking away from the other committees of the House and the Senate their interest in legislative matters, I think it would not accomplish as much as we would like to accomplish. As I remember, Senator Allott had a bill which did not include the Joint Committee on Resources, but followed the other outlines of S. 239, and that bill I think attracted the interest of more people of the committee than perhaps the proposal for a Joint Committee on Resources and Conservation. I only want you to be sure that the committee has been carefully considering the matter. It sees some difficulties to early action. I have been hoping we will be able to take action yet in this session, but I am sure we will take action very early in the next one if we do not in this one. I merely want to reassure you.

Senator ALLOTT. Mr. Chairman.

Senator ANDERSON. Senator Allott.

Senator ALLOTT. I would like to make a slight correction for the record. The bill the Senator has in mind was a bill introduced by Senator McGee of Wyoming, rather than myself.

Senator ANDERSON. Yes. I am sorry. I thought you put in a substitute bill.

Senator ALLOTT. We discussed at considerable length the features of it.

Senator ANDERSON. It was Senator McGee's bill. I thought you put in a substitute, but it was Senator McGee who suggested a substitute.

Thank you very much.

Are there any questions? Senator Kerr? Senator Dworshak?

Senator ALLOTT. I would like to ask one question.

Senator ANDERSON. Senator Allott.

Senator ALLOTT. Mr. Longmire, as one who has been for a long time interested in soil conservation districts, and their work, in my own State of Colorado, which as you undoubtedly know, adjoins you, assuming the establishment of a Water Resources Council and a commission, what do you think is going to be the effect on the control and development by the State of Oklahoma? I have this specific situation: There are several water projects on the planning board or in the thinking or formulative stage in Oklahoma as there are in Colorado, but suppose after the appointment of a Water Resources Council and perhaps a commission covering one of the drainage areas of Oklahoma, the commission came to a concept of development which was not consistent with the way the people in Oklahoma felt the particular system should be developed. Do you think this is going to result in an overriding of the local development ideas?

Mr. LONGMIRE. As you know, in Oklahoma, we have one of the originals, aided by Senator Kerr several years ago, the Arkansas, White, and Red River Basin Commission. Frankly, your question, I think, is one that perhaps should be brought out on the table and discussed. That is one of the main reasons we are skeptical about this Council, this Cabinet group. Some one of these agencies is going to dominate in the various States. It has in the past. Regardless of who is chairman of the thing, ordinarily one of the agencies of the Federal Government is charged within the several States with making the study and coordinating it, and usually what happens to the little people is the opinion of the little people is usually ignored. We have had very good working relations in Oklahoma between the three agencies that have been involved out there in the Arkansas, White, and Red River Basin. They are the Departments of Agriculture, Interior, and Defense, the Secretary of the Army. The Corps of Engineers primarily are interested in the eastern part of Oklahoma, the Interior in the western part, and the Department of Agriculture is working very closely with them all over the State. At the present time, we are getting along fine, but it did not happen overnight. We had a lot of divergence of opinion on how this thing should operate. That is the reason I think we should have a council maybe of people independent from any of these other agencies. I hope that answers your question.

Senator ALLOTT. It partially does, Mr. Longmire. I have not arrived at a set position on this bill at the present time. I will say this, frankly: There are several questions which people seem to have some reluctance to discuss. If you had a Presidential Water Resources Council composed of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, and the Secretary of Health, Education, and Welfare, I think it is perfectly obvious to anyone that none of these gentlemen would be able to sit on such a council in more than just a cursory manner. I am sure you agree to that.

Mr. LONGMIRE. Yes, sir.

Senator ALLOTT. So that the actual work would have to be delegated to someone else and you would have some person other than what you actually purport to have doing the work on this Council. That is No. 1.

No. 2, then if you take a river basin commission and subordinate it to the Council, I am concerned about what happens to the plans and ideas of the local inhabitants, because as a person who has lived with water, with water administration, all of his adult life, I know that the most knowledgeable people about water in any given area are the people who live there. You could in any river basin of your State, I am sure, give me the names off the top of your head of two dozen men who are thoroughly knowledgeable and capable to discuss any aspect of water diversion, water use, or water conservation. Would this not be true?

Mr. LONGMIRE. It certainly would, Senator.

Senator ALLOTT. And the same thing is true in my State. I am sure it is true in the State of the Senator from New Mexico. Therefore, when you take the plans and ideas for development of these people who do know it, they do know it—I have hundreds of them in Colorado who are what I consider experts in their own particular basins—and when you consider their plans and aspirations which are taking place sometimes over a period of 50 years, and then you run into a clash between the advisory council and the commission with respect to a different form of development, what happens? Which one takes precedence? Do you think that the local people then are going to have to give way to the Federal Government's ideas here?

Mr. LONGMIRE. I think that normally they would. That is one of the reasons we are opposed to this Council, as indicated in our statement. We have always asked for sound policy on natural resources for this country. Of course, any bill that is introduced in Congress, any legislation that indicates to us that perhaps we might be a little closer to that goal, we are going to be for it and try to help work out some amendments to it.

As I indicated, we think this is a step in the right direction. We do not think it is a cure-all. We think it is probably something that should come later after other legislation is enacted.

Senator ALLOTT. Particularly do I ask this with relation to section 103, which says:

The Council shall establish, with the approval of the President, principles, standards, and procedures for the preparation of comprehensive regional river basin plans * * *.

Then under section 104 it says:

* * * the Council—

(1) determines the efficacy of such plan or revision in achieving optimum use of the water and related land resources in the area involved;

It says "determine." This means fix it in determining. Then going down to (4) it says:

Make such modifications in such plan or revision as are desirable in the national interest.

When I think of some of the process that I have seen advocated, and in fact, I will use the word "promoted," or attempted to be promoted, by some of the departments of Government which everyone in the local

area recognizes as being completely unfeasible, I wonder about putting such power in either the Council or in a commission with respect to these matters.

What I am really trying to get at and out of you is, do you feel that the Federal Government should supersede the plans—they may be very long plans—of the State involved and the local people?

Mr. LONGMIRE. Senator, we surely do not want the plans and aspirations of our local people and their wishes overridden by the Federal Government, however, we think that this is a job that the states and the local people are not going to get done by themselves. We are going to have to have assistance from the Federal Government.

Senator ALLOTT. If I understand your statement, which I think is a very fine one, and shows you have given it some thought, what you are trying to say is you think the overall pressure for water development and conservation in the next 25, 30, or whatever it may be, years, and the pressures of the population on it are going to be so intense that some overall planning from the viewpoint of the entire country is necessary.

Mr. LONGMIRE. That is right, sir.

Senator ALLOTT. But you are not convinced of the complete efficacy of either S. 2246 or S. 239?

Mr. LONGMIRE. That is right.

Senator ALLOTT. Thank you very much, sir.

Mr. LONGMIRE. Thank you, sir.

Senator ANDERSON. May I just ask one question?

You say: "We are frankly skeptical about the ability of a Water Resources Council * * *" to do certain things. I recognize it is pretty hard for it to do it always, but now I seem to think that you are opposed to the Council. If you are, how do you react to the Council in S. 239? In S. 239, section 4 it says:

There is hereby created an executive Resources and Conservation Council.

Do you favor a Resources and Conservation Council and not a Water Council?

Mr. LONGMIRE. We favor that Council under 239 because it reports directly to the President and makes a report once a year. The thing that disturbs me, Senator and members of the committee, is there are too few people in this country that really understand what is going on with our water and soil in the field of agriculture. I will be 50 years old this year. I was born and reared on a farm. Fifty percent or more of the people in this country of my age or older have an agricultural background. In the next generation probably only 8 or 10 or 12 percent of them will have that background. I think we are going to have to set some standards and get some rules together in the next few years or what the Senator was talking about a while ago will happen.

Our local people down there that understand a little about water now are getting fewer every year, and water is not the only problem. The soil goes right with it. When you think of water you have to think of the soil and our forests. We are going to have to do a big job of educating the urban people, and if we can dramatize this thing a little bit and get a Council that is directly responsible to the President, get a statement from the President each year as to the state of our natural resources, what is happening to us and where we are going, we think that would be better than this Council of, at the present, four Cabinet members which would report piecemeal.

Senator ANDERSON. You do not think that the Cabinet members are responsible to the President?

Mr. LONGMIRE. Yes, I am sure they are.

Senator ANDERSON. I was going to disabuse your mind if you did not.

Mr. LONGMIRE. Yes. I know they are, but I think this would go around perhaps departmental and bureau rivalries and we would get a little better report perhaps and maybe get it a little faster.

Senator ANDERSON. Thank you very much.

Mr. LONGMIRE. Thank you.

Senator ANDERSON. Mr. Cothren?

Mr. Cothren, you are a forester for the Southern Pine Association?

STATEMENT OF V. W. COTHREN, FORESTER, SOUTHERN PINE ASSOCIATION, ON BEHALF OF THE NATIONAL LUMBER MANUFACTURERS ASSOCIATION

Mr. COTHREN. Yes, I am.

Senator ANDERSON. What is your background in forestry?

Mr. COTHREN. I was raised in a small lumber town and worked in the mills prior to World War II.

Senator KERR. Where?

Mr. COTHREN. Dierk, Ark.

Senator KERR. I just wondered if you do not have some kinfolks over in Oklahoma.

Mr. COTHREN. Yes, sir; I think I do.

Senator KERR. That is the reason I was asking whereabouts. It is a very familiar name in the timber area in southern Oklahoma.

Mr. COTHREN. Yes, sir; my family has been dependent on timber for many years.

Senator ANDERSON. Now that you have established your connection with Oklahoma, you are in good hands.

Mr. COTHREN. Thank you, Mr. Chairman. I am Virgil W. Cothren, forester for the Southern Pine Association and member of the Forestry Advisory Committee for the National Lumber Manufacturers Association, on whose behalf I appear today.

The National Lumber Manufacturers Association is a federation of 16 regional, species, and products associations, including the Southern Pine Association, representing the lumber manufacturing industry in all parts of the United States.

The lumber industry believes that the wise use of our forest resources is vital in maintaining this basic industry and the communities dependent upon it. Consequently, we are deeply concerned with any legislation which may affect forest management on the one-fourth of our Nation which is forest land.

I want to affirm at the outset that the lumber industry realizes the tremendous importance of water to our individual and national strength and development. In some areas watershed management is synonymous with forest management.

The lumber industry is seriously concerned with the intent expressed in the words "water and related land resources" and the implication that water is intended to be paramount to all other natural resources and activities. Although we agree water is highly important, it cannot be justified as having such overriding dominance as to make all other resources and activities subservient to it.

President Kennedy recognized the interrelationship of natural resources during his campaign when he stated :

As our needs mount and as population grows, it will become increasingly essential that we consider all our resources in the light of their relationship to each other * * *.

The dangers of considering water first, and all other resources later, is evident to us concerned with forestry. The agencies most intimately concerned with water resource administration and development would be supreme in the commissions; other agencies would be reduced in importance and effectiveness.

Senator ANDERSON. Are you laboring under the feeling that this bill places water above all other land resources?

Mr. COTHREN. Yes, sir.

Senator ANDERSON. If there were a bill before the Public Works Committee that says, "A bill for the planning of highways and other resources of the Nation," do you feel that would place roads above everything else?

Mr. COTHREN. No, Mr. Chairman, I do not, but this says "related land resources."

Senator ANDERSON. Then why are you worried about it here?

Mr. COTHREN. Well, forestry is a related resource to water.

Senator KERR. I believe what he has said to you is that although it might be the implication over there, it would not concern him because he is concerned with forests which he regards as a related industry to water and not the highways.

Senator ANDERSON. I understand what you are talking about, but I just do not see where he gets the inference that because the bill deals with water, he therefore regards water as more prominent than everything else.

Mr. COTHREN. Well, if forestry is included as a related resource, from our impression water is considered paramount, if we are lumped in as a related resource.

Senator ANDERSON. All right.

Mr. COTHREN. The lack of guidelines for the consideration of "related resources" gives further reason for our fears that forestry will be treated in a secondary manner by this bill. We in the lumber industry have long maintained that in computing the cost-benefit ratio of proposed water projects, full consideration should be given to the adverse effects on productive timberlands, access roads, and other natural resource related developments.

The approach in S. 2246 conflicts with the President's declaration that—

our entire society rests upon—and is dependent upon—our water, our land, our forests, and our minerals. How we use these resources influences our health, security, economy, and well-being.

We are in agreement with the President and the sponsors and supporters of the various bills on this subject that Federal natural resource programs are in need of coordination. The President, in his natural resource message of last February 23, which was designed—to bring together in one message the widely scattered policies of the Federal Government—

summarized the problem very well, saying:

In the past, these policies have overlapped and often conflicted. Funds were wasted on competing efforts. Widely differing standards were applied to

measure the Federal contribution to similar projects. Funds and attention devoted to annual appropriations or immediate pressures diverted energies away from long-range planning for national economic growth. Fees and user charges wholly inconsistent with each other, with value received, and with public policy have been imposed at some Federal developments.

The President then stated his intention to establish a Presidential Advisory Committee on Natural Resources within the Council of Economic Advisers.

Senator ANDERSON. If you are worrying as to why he did not do that, it might be pointed out that this committee and other committees tried to point out that the proper home for an advisory committee on natural resources was not within the Council of Economic Advisers. I think he had bad advice when he proposed to put it within the Council of Economic Advisers, and so did the Council of Economic Advisers.

Mr. COTHREN. In testimony before the Interior and Insular Affairs Committee on S. 239, Mr. Bernard L. Orell, chairman of NLMA's Forest Management Committee, stated:

We sincerely believe that it is desirable and of increasing necessity to have good coordination of Government conservation programs in order to eliminate conflicts and duplication and make them more efficient.

Accordingly, the National Lumber Manufacturers Association recommends that a Presidential Commission on Natural Resources be established either by legislative or by executive action.

The situation at the present time requires all the agencies in each department to be coordinated by its Secretary and requires the President to coordinate the programs between different departments. A conservation commission would serve to analyze these programs for the President and recommend how they might be coordinated and administered to best serve our Nation.

We have recommended the establishment of a Presidential Commission on Natural Resources almost identical with the council proposed in section 101 of this bill, S. 2246. However, we recommended the Commission have the function of coordinating natural resource activities, eliminating duplication and correcting the problems set forth in the President's natural resource message.

Such a Commission as we recommended, unlike the Council in S. 2246, would possess the authority and responsibility to be an effective force in coordinating national resource programs. All conservation policies, those affecting our soils, water, timber, minerals, wildlife, fisheries, and so forth, would be related to one another by coordinated action. The proper balance between Federal budgets for natural resource conservation, development and use would be maintained by combining in one body the knowledge, responsibility and the authority of each member of the Commission.

At the hearing on S. 239 several Senators referred to serious differences of opinion with the Bureau of the Budget on natural resource matters. This difficulty might be overcome if the Director of the Bureau of the Budget was made a member of the Commission.

Senator KERR. Just a minute. Do you think the difficulty would be overcome insofar as the differences of opinion were concerned, if the Director of the Bureau of the Budget became the dominant influence or controlling one in the Council?

Mr. COTHREN. No, sir, Senator Kerr. We were thinking of a coordinated effort among the members to work it out before it comes out of the Commission.

Senator KERR. It would not be like the hunter that started out to find a bear to kill in order that he might get a coat and ran into a bear that was looking for a man in order that he might have a meal, and when the man pulled his rifle and started to shoot, the bear said, "Now, listen, let us not get into this kind of a situation. Let us negotiate. You want a coat around you and I am looking for a meal. Let us sit down and see if we cannot get together," and the man foolishly did and both achieved their objectives. Is that the kind of situation you are suggesting here by the participation of the Bureau of the Budget?

Mr. COTHREN. No, Senator. We would hope they would work it out peacefully.

Senator ANDERSON. I want you to have in mind as you go along, also, the words of a very wise man contained in the report of the Select Committee on National Water Resources, Report No. 29 of the 87th Congress, 1st session.

The cost of this program to 1980, was estimated for the committee to be \$12 billion for storage and \$42 billion for waste collection and treatment, a total of \$54 billion. The exact nature of the program, and of auxiliary programs to meet other needs in the field of water resources such as watershed protection, flood control, navigation, irrigation, hydroelectric power generation, fish and wildlife conservation, and recreation, cannot be determined with precision at this time by this committee. Formulation of a program to meet the Nation's needs must await the preparation of detailed and comprehensive plans for water resources development in each of the river basins.

That is by the senior Senator from Oklahoma, Mr. Kerr, and in response to that excellent suggestion, the committee has tried to get from the President, and also to work up itself, a program for these water resources.

I see no great danger for the timber of the country because it was not all put in there. You sometimes have to attack these problems singly to get some one thing done, and I am surprised at the fact that a water resource program, coupled with related resources, makes you think an effort is being made to make water dominant over everything else.

In the Department of Health, Education, and Welfare, it seems like I have seen an appropriation for cancer, but they still do a little work in other types of medicine. They occasionally do something for heart trouble, but they still have a great field of other things and nobody objects to this legislation on the ground that something else is equally important, or more important.

I do want you to know the committee is not, and the President, I am sure, is not, trying to say, in looking after the water resources, "We are putting everything else in the resource field in a secondary position."

Mr. COTHREN. The proposed Water Resources Council goes far beyond the coordination of Federal natural resource efforts. S. 2246 provides that the Council be a superplanning agency with effective control over State and private resource planning and development. States get Federal funds for planning so long as the Council approves the State program. The Council, as proposed, is not just to coordinate Federal programs, but is to oversee all resource development plans as related to water and prepared by States, river basin commissions, and Federal resource agencies.

This is a powerful additional level of government between Federal natural resource administrators and local areas.

The lumber industry has long feared and fought against Federal regulation of private forest management practices and Federal control of State forest policies. When the people of any State decide that forest practice rules are desirable, such rules should be determined by the people of that State and administered under State law. This bill could lead to Presidential control over State forest and other resource laws.

The creation of river basin commissions would also add another layer of government and further increase the confusion already existing in Federal natural resource activities.

There are a dozen or more Federal agencies in addition to federally-supported State agencies working with natural resources at the local level. They are often overlapping and competing. Many of them have their own advisory committees. To add an additional overlapping layer with new regional boundaries is not a good solution.

In the language of the bill, the river basin commission—

* * * shall serve as the principal agency for the coordination of Federal, State, and local plans for the development of water and related land resources in its region * * *.

The Forest Service, Corps of Engineers, Soil Conservation Service, and most other agencies involved with natural resources have established different administrative regional boundaries.

As just one example, I would like to compare the Forest Service regions, with which our industry is most involved, with the water resource regions as set forth in the final report of the Senate Select Committee on National Water Resources. All but one national forest region are composed of three or more water resource regions, and one national forest region is composed of all or parts of nine water resource regions.

At least three water resource regions are composed of parts of three national forest regions. Only six water resource regions are wholly within one national forest region.

This is not simplification. This is only confusion. What happens when the Corps of Engineers, the Bureau of Reclamation, the Soil Conservation Service, the Bureau of Land Management, the U.S. Forest Service, not to mention the 50 States—all with different boundaries, are to be coordinated inside each new river basin commission with different boundaries?

Each river basin commission would control the natural resource agencies operating inside its area. This would appear to eliminate the need for these related resource agencies to have their own regions; otherwise, there would be two chains of command to Washington.

We suggest that coordination should be achieved first at the national level and secondly at the State level. The States are our natural political boundaries with established governments and administrative organizations. State commissions, rather than river basin commissions, could effectively study Federal natural resource programs and make recommendations for coordination and efficiency. These State commissions, composed of representatives of each Federal agency, might result in elimination of overlapping functions and Federal relinquishment of some activities in the States.

The lumber industry believes that the States and local governments have the responsibility to plan and direct their own water and related resource development. Where such a development extends beyond

the boundaries of a single State, the States should cooperate in their mutual development. Federal activity should be limited to those phases that are a definite Federal responsibility.

Our Nation is making great strides toward the highest possible conservation and development of our natural resources—soil, water, timber, minerals, and wildlife. Over 55 million acres are enrolled in the tree farm program for productive forest management on private woodlands.

According to Secretary Freeman, in testimony before these committees less than 1 month ago:

There are currently almost 3,000 soil and water conservation districts in the United States which embrace over four-fifths of the total land area.

State compacts, over which the Congress maintains the final decision of creation, have been and still are an effective tool for water conservation and development. S. 2246 provides for establishment of Presidential river basin authorities without any State or congressional control or consent.

Congressional approval is now being sought for three water basin compacts. Also before this Congress are four proposals for establishment of regional water resource commissions.

In the light of our progress and eminence we must not abandon our Nation's enlightened form of progressive jurisdictional government and return to the dark ages of all-powerful centralized government.

In accordance with my statement thus far, may I suggest the formation of a Presidential Commission of Cabinet Members to coordinate all Federal natural resource activities to reduce conflicts and duplications. This Commission should strive for coordination of activities along State boundaries. River basin boundaries are not superior to State boundaries.

In addition, the legislation should recognize the importance and necessity of State governments and private enterprise. Therefore, we suggest a declaration in section 1 of any legislation expressing the intent of Congress that State governmental entities and private enterprise are to be strengthened and upheld.

Finally, Mr. Chairman, the lumber industry is opposed to this, or any other bill, treating timber as a related resource. The forest products industry provides a livelihood for 10 percent of the manufacturing workers of this Nation with an annual payroll of \$7 billion. Forests can scarcely be considered a poor relation to any other natural resource.

Thank you.

Senator ANDERSON. I naturally could go through the whole bill and try to disabuse you of your assumption of what will happen to timber, but just to take the top of page 9, you say:

This Commission shall strive for coordination of activities along State boundaries. River basin boundaries are not superior to State boundaries.

The great difficulty is when God laid down the terrain he did not know where the State boundaries were. He made an awful lot of mistakes. The Rio Grande is in several States. He should have put it in one.

The able Senator from Oklahoma invited me to come to Oklahoma one time to a meeting of the Arkansas, Red, and White Rivers Basin Commission. I would not have gone if I had had this to guide me.

But rivers are not just in one State. They run through several States, and our water agencies have wisely thought they were trying to plan along the line of river systems, not State boundaries.

Even the people of Louisiana agreed with the Senator from Oklahoma and they sent representatives. People from Arkansas sent representatives. We were all there because we did not know that watershed boundaries were not superior to State boundaries. We thought the river flowed through many of these States.

I just do not think you are going to handle the situation very well to try to plan our water resources solely on the basis of what each State finds out. We would love, in the State of New Mexico, to keep all of the water of the Pecos River.

Senator KERR. You mean all that flows into it and all that falls into it?

Senator ANDERSON. No; Pecos rises up in our State. We would like to keep it all because we are a rural State, but the people of Texas do not agree with that.

Senator ALLOTT. Just like we would like to keep the Rio Grande.

Senator ANDERSON. I know it. We want something. The strange thing is that the Rio Grande water that comes from Colorado comes across our State. The Colorado River Basin project would not hold together at all if we did these things on a State basis. I say to you I am sure we are all impressed by your statement, but water resource development depends on wherever basins are and not where State boundaries are.

Mr. COTHREN. Mr. Chairman, we were thinking of the commissions along State boundaries. I am fully familiar with the many basins and in my home State of Arkansas, we have the Red River, the Ouachita, the Arkansas and, of course, the waters of the Mississippi.

Senator ANDERSON. We have Senate instructions that we break up and go to answer a live quorum call. We have no alternative. We will return.

Senator ALLOTT. Mr. Chairman, may I just say this, because I have an Appropriations Committee meeting. I do think that Mr. Cothren here has presented some thought which we ought to consider with relation to this bill. I do not quite share his concern that by planning for water resources and related things we necessarily are going to shove lumber into the background. I would not consider it so, but some of the thoughts that he has on this bill I hope to take up at a later time, and discuss, which I hope are very worthwhile.

Mr. COTHREN. Thank you, sir.

(Brief recess.)

Senator ANDERSON. Mr. Taylor and Mr. Triggs.

STATEMENTS OF JOHN TAYLOR AND MATT TRIGGS, ASSISTANT LEGISLATIVE DIRECTORS, AMERICAN FARM BUREAU FEDERATION

Mr. TAYLOR. Chairman Anderson, and Chairman Kerr, you beat some of the boys back. Mr. Triggs went for a cup of coffee and you got around quicker than he did. He will be here momentarily.

Senator ANDERSON. Go right ahead.

Mr. TAYLOR. Thank you very much, Mr. Chairman.

Senator ANDERSON. John, I think in view of what happened a while ago, you better mention your connection with one of the States. I forget which one it is.

Senator KERR. If the witness will wait just a minute, Mr. Chairman, I made some remarks earlier this morning about a gentleman from the State of Oklahoma who is here, Mr. Longmire, and I did not know that John was coming up at this time. If I had looked at my list of witnesses, I would have known. He is equally distinguished and of equal fame in Oklahoma. I know of no representative who conducts himself with more dignity and of whom we are prouder than John Taylor.

Mr. TAYLOR. Thank you very kindly, Senator Kerr.

Senator ANDERSON. He is a longtime friend of mine. I appreciate the fine work he has done.

Mr. TAYLOR. Thank you, sir. This is the statement of the American Farm Bureau Federation to the Senate Interior and Insular Affairs Committee and the Senate Public Works Committee with regard to S. 2246. We are appreciative of the opportunity to appear before these two committees and present the views of the Farm Bureau on this important legislation.

The American Farm Bureau Federation, a federation of 49 State farm bureaus and the Puerto Rico Farm Bureau and further organized into 2,674 county farm bureaus with a total membership of 1,600,792 farm families, is very much interested in and vitally concerned with the continuing comprehensive study and development of our water resources.

At our latest annual meeting held in Denver, Colo., last December, our voting delegates adopted the following policies:

We believe a comprehensive revision of Federal legislation relating to water resource development is necessary to establish a more effective approach to the most efficient use of our water resources.

This legislation should authorize the creation of a State-Federal commission or interstate compact for any basin to undertake a coordinated and continuing study of the development of water resources.

We further recommend the creation of an independent advisory agency to Congress to analyze economic and technical data and present its recommendations to Congress with respect to Federal participation in water development projects and programs. This agency should be established so as to assure impartial and objective analysis of proposals.

We favor the maximum participation of individuals, local agencies, and local government in the development of water projects. Federal participation in water development projects should be only upon the request of and in cooperation with State and local interests. We are opposed to Federal domination of water resource development.

In line with these policies, may we present our general views on the subject of water resource development and specifically our views with regard to S. 2246.

The stated purposes of this bill "to provide for the optimum development of the Nation's resources through the coordinated planning of water and related land resources, through the establishment of a Water Resources Council, and river basin commissions, and providing financial assistance to the States in order to increase State participation in such planning"—and also the statement of policy in section 2 of the bill sets forth desirable objectives with which we are in general agreement.

However, we have grave doubts that the organizational structure proposed in this bill will lend itself to the fulfillment of these objectives or that the powers granted by its passage would be limited to the purposes stated above.

Title I of this bill proposes to establish a Water Resources Council composed of the Secretaries of Interior, Agriculture, Army, and Health, Education, and Welfare. The President would be empowered to designate the Chairman.

The establishment of such a council—with all due respect to the personalities involved in the past, now, or who will be involved in the future—would place the entire operation in the executive branch of the Government. Furthermore, an interdepartmental committee or council is not likely to provide the critical challenge of the policies and activities of the departments that we believe is necessary if the Council is to serve most effectively to accomplish the stated purposes of the legislation.

The policy of Farm Bureau is specific on this point and states that this should be “an independent advisory agency to Congress.” We do not feel a council such as is proposed in this bill could be independent—and it certainly would not be responsible to the Congress. It would be responsible primarily to the President who appointed its members.

Farm Bureau policy further states:

This agency should be established so as to assure impartial objective analysis of proposals.

We do not believe that a council which is in fact an interdepartmental committee can be as “impartial and objective” as it should with respect to the programs of the departments and council members represented.

If it is the purpose of the proponents of this bill to establish an interagency committee, then why do we not use the Interagency Committee on Water Resources already in existence and operating? It consists of representatives of six agencies—these four named in the bill and the Department of Commerce and the Federal Power Commission. It could handle the duties as outlined in this proposal equally as well as a new one.

Section 103 gives the Council full authority, without the approval of the Congress, and with only the approval of the President, to establish—

principles, standards, and procedures for the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water resources projects.

This means, simply stated, that the Council could set its own rules and regulations without even a review by the Congress. This, we feel, is wrong in principle and involves an unnecessary delegation of congressional responsibility to the executive branch of Government. We do not think it is desirable for the Congress to delegate its policymaking function to the extent provided in this section. We recommend instead that the language of this section be revised to provide that the Council shall submit to Congress its recommendations relating to the “principles, standards, et cetera.” It would then be the responsibility of the Congress to consider, amend, and enact a statement of governmental policy relating to principles, standards, rules, procedures, et cetera.

Senator ANDERSON. May I stop you there, Mr. Taylor, and say are you familiar with what the language in the bill was trying to cure? Do you know what A-47 is?

Mr. TAYLOR. Yes, sir.

Senator ANDERSON. Was that done by the Congress?

Mr. TAYLOR. No, it was not.

Senator ANDERSON. It was done by the Bureau of the Budget.

Mr. TAYLOR. Yes, sir.

Senator ANDERSON. And this committee suggests that we think it might be better to have these things reviewed by the agencies involved than to have them come as a dictate from the Bureau of the Budget, usually headed by somebody who would not know a cow from an elephant. Do you prefer to have the Bureau of the Budget do it?

Mr. TAYLOR. No. We would prefer that the Congress do it.

Senator ANDERSON. Congress could do it when it comes down to laying down principles, such as the famous Millikin-O'Mahoney amendment some years ago in the Flood Control Act. Congress tries to. Congress passes a bill for a reclamation project and that gets to the Bureau of the Budget. They say, "No; this is not in accordance with the program of the President. We laid down the program of the President in A-47," and therefore, it is turned down. We think that somebody other than the Bureau of the Budget ought to pass on these things. This is the purpose of it.

Mr. TAYLOR. I think you are correct and I think this would do it. We felt that it would.

Senator ANDERSON. The principle that is involved in this is "shall establish principles, standards, and procedures." Principles, standards, and procedures for the preparation of reports does not mean they have anything to do with the preparation of the reports themselves, does it?

Mr. TAYLOR. The point I make is simply that under the bill, as it is stated now, nobody except the Council establishes them. They do it all themselves.

Senator ANDERSON. I am just trying to point out to you they do not. I will just read again:

The Council shall establish, with the approval of the President, principles, standards, and procedures * * *.

For what?

For the preparation of these reports, and these reports are made by other people. This is not their own reporting at all, but somebody has to put down procedures, and the Bureau of the Budget is now doing it and if you are opposed to this, you must favor what is now going on. Do you?

Mr. TAYLOR. Mr. Triggs has just come in, Mr. Chairman.

Mr. TRIGGS. I am sorry you got back so soon. I did not expect that.

Senator KERR. Are you sorry we got back so soon, or that you did not?

Mr. TRIGGS. I was late. I am not sure that we altogether understand what is meant by this terminology "principles, standards, and procedures." We assumed this meant the question of economic evaluation, the question of allocation of costs and benefits.

Senator ANDERSON. Stop right there now. Are you satisfied with the way they allocate costs and benefits to fish and wildlife?

Mr. TRIGGS. No, sir. We would feel that it would be preferable for the Congress to adopt a statement of policy with respect to these key factors, rather than giving it to the executive agencies, admitting that the executive agencies might be preferable to giving it to the Bureau of the Budget.

Senator ANDERSON. The Congress tries to keep doing that, but every time it gets bogged down in something that somebody else has done; there is a project that I spent a little time on known as the upper Colorado River storage project, with several large dams and a great deal of development. They figured out that fish and wildlife should pay \$1 million in an area that covers enormous amounts of land. Then, just a few days ago, we had before us a rather small project wherein fish and wildlife was \$11 million. It needed about that much to balance it out apparently, so that much got put in. We would prefer to have some standards and this Council might establish the principles, the standards, the procedures, for the preparation of these reports.

Mr. TRIGGS. I think we are in full accord with the concept here. We only feel that the standards and principles should be submitted to the Congress for their review and enactment.

Senator ANDERSON. The language does not sound like it. You read the bill, I am sure, of course, because in section 5 it says the Council "shall transmit such plan or revision" and so on and so forth "to the President for his review and transmittal to the Congress."

Mr. TRIGGS. That would be true so far as plans are concerned, but this is a preliminary step and the Council would lay out a course of conduct and a course of evaluation that would be used in the initial development of the plan for consideration.

We feel this is quite feasible, that the Council might recommend something to the Congress for the Congress to enact.

Senator ANDERSON. There are differences between the executive and legislative functions, are there not?

Mr. TRIGGS. Yes, sir.

Senator ANDERSON. Does this not fall within the executive function?

Mr. TRIGGS. Well, this is pretty broad.

Senator ANDERSON. I hope you are talking about section 103.

Mr. TRIGGS. Yes.

Senator ANDERSON. That is what I am commenting on. It says:

The Council shall establish, with the approval of the President, principles, standards, and procedures for the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water resources projects.

If you do not do that, then it falls back upon another branch of the executive department, the Bureau of the Budget, or the Bureau of Reclamation, or the Army Corps of Engineers, and all that is trying to suggest is they ought to all read out of the same book. Do you agree with that?

Mr. TRIGGS. Yes, we do.

Senator ANDERSON. Where does it say you do?

Mr. TRIGGS. We do agree with it. We agree that the Council ought to establish such standards, principles, and procedures and submit them to Congress for the enactment in legislative form. That is the only difference.

Mr. TAYLOR. That is the only difference.

Mr. TRIGGS. Congress might change them.

Senator ANDERSON. You might try to clarify what you think are executive functions and what you think are congressional functions. Within the standards that are laid down the Congress tries to pass these projects and send them to the Administrator. It varies. The Army Corps of Engineers was in here yesterday in this room testifying to what it believed the proper amount of money for some land that was taken for the Big Bend Dam. They said what they thought ought to happen and the Department of the Interior agreed with them, but the Indians had some rights, so they compromised it and raised the figure. Congress can do that if it wishes to, but there were certain standards that the Army Corps of Engineers used from which they did not deviate. What was wrong with that?

Mr. TRIGGS. We are in full accord. We think that the basic principles and standards that should be used in the development of a comprehensive plan for a river basin as provided in section 103 should not only be approved by the interagency group and the executive branch, but should be submitted to the Congress for their approval. This has nothing to do with subsequent submittal of individual projects, except that the individual projects may be guided by the principles and standards so established.

Senator ANDERSON. You say:

We do not think it is desirable for the Congress to delegate its policymaking function to the extent provided in this section.

I do not think you are delegating it by this section if it is now well in the hands of the executive. If you had any experience trying to pass a reclamation bill after A-47 was announced, you might not feel it is delegated, either.

Mr. TRIGGS. I agree that this does not delegate any authority that the executive branch now does not have.

Senator ANDERSON. If it does not give the executive branch any power, it does not now have, it does not delegate anything, does it?

Mr. TRIGGS. Well, we perhaps should not have chosen the word "delegate." It is a statutory delegation that we would feel should be retained by the Congress.

Senator ANDERSON. Should be retained? How do you retain what you do not have?

Mr. TRIGGS. Should be restored then, if I may use a different terminology.

Senator ANDERSON. You mean it should be taken from the executive and given to the Congress?

Mr. TRIGGS. Yes, sir, so far as the development of an overall principle and standard for the development of river basin plans.

Senator ANDERSON. All right.

Mr. TAYLOR. Section 104 provides that the Council—

upon receipt of a plan or revision thereof from any river basin commission shall—determine the efficacy of such plan and shall—determine the contributions which such plan or revision will make in obtaining the Nation's economic and social goals.

We favor the concept of such a review but question whether it can be made, objectively, by a council consisting of constructing and operating agencies. We believe that a more objective and impartial appraisal can be made by a council which is divorced from construc-

tion and operation. We suggest an independent executive agency, or preferably, a council which is an independent advisory agency to the Congress.

The concept that the review shall be made for the purpose of determining the—

Contributions of such plan or revision * * * in obtaining the Nation's economic and social goals—

seems to us to be much broader than necessary and should be modified to—

the contribution such plan will make to the effective use of the Nation's water resources.

Title II of the bill sets forth a procedure for the creation of river basin commissions. Again, as stated in our policies, we favor—

the creation of a State-Federal commission or interstate compact for any basin to undertake a coordinated and continuing study of the development of water resources.

We believe that such commissions should effectively represent the States and peoples who are most directly involved in and affected by the plans that may be made for the use of the water in a river basin.

Federal-State commissions vary widely, from those in which State responsibility is paramount, as in the case of a commission created by agreement among the States involved, to those in which State responsibility is subordinated, as where the commission is created by the Federal Government with only nominal State and local participation.

We believe the river commissions which would be created by this bill fall in the latter category and are not in the best public interest for the reasons summarized below.

1. Section 201 provides that—

the President is authorized, upon request of the Governor of one or more of the affected States * * * or the Council to create a river basin water resources commission for any region, major river basin, or group of related river basins in the United States.

This means that the Governor of any one State could draw into a river basin study any number of other States with or without their consent. We do not believe that any commission should be established which does not have the concurrence and participation of all the States involved.

2. This section also provides that the Council could request the President to create a river basin commission in any region or river basin with or without the consent of any State. We feel this is very undesirable and would completely bypass State and local interests. If these commissions could be established at the request of the Council—then they could be set up anywhere regardless of the wishes of the States or people involved.

3. The membership of these commissions is set forth in section 202. The members would be (1) a chairman who shall not be an officer or employee of the United States but could be a retired commissioned officer, (2) one member from each Federal department or agency which has an interest in the work to be done by the commission (no number is specified), (3) one or more from each State of a region, river basin, or group of river basins, to be nominated by the Governor of the State or "in the event of the failure of the Governor to nominate a person satisfactory to the President"—the President shall make the

nomination. This procedure would place the entire selection of these commissions in the hands of the President.

We can only conclude, therefore, that the creation of a commission by this method could exclude or subordinate State and local participation in the planning and development of water resources.

We feel the chairman should not have been a former employee of any Government agency and that he should be a resident of the region or basin area. We further feel that the success or failure of any river or regional commission will depend on the participation of local people and governments. For this reason, we believe the majority of any river commission should consist of persons appointed by State governments.

Section 206 provides for compensation for members of the river basin commissions. It is presumed that funds for this purpose are to come from the Federal Treasury. Here again, if this is to be a joint effort—then the States should pay the expenses of the members of the commission representing the respective States.

Section 301 provides for grants to the States for assistance in preparing plans and programs—and section 302 prescribes the basis for allotments to the States. We agree that funds should be provided—but only if a State desires to participate and is willing to advance its share of the money for this purpose as provided in section 305.

Senator ANDERSON. May I interrupt a second? You said:

We feel the chairman should not have been a former employee of any Government agency * * *.

Do you realize what the purpose is of the language that is in the bill?

Mr. TAYLOR. Yes, I think we do.

Senator ANDERSON. What do you think it is?

Mr. TAYLOR. I think it is for the use of retired military personnel. That is what it would look as though it would be.

Senator ANDERSON. I think that probably is correct because there are from the Army Corps of Engineers a great many individuals who have become available and who have done extremely fine work in this field and it seemed undesirable to exclude them from consideration. I go back in my connection with Grand Coulee Dam to the fact that a member of the Army Corps of Engineers was assigned for relief work. The then Col. Thomas Robins went up and made some very interesting studies. He later became Gen. Thomas Robins, assistant head of the Army Corps of Engineers. I believe when he left that post upon retirement age, he went back and was utilized by the regional planning agency. I thought he was a very distinguished person. It says:

A chairman who shall not, during the period of his service on the commission, hold any other position as an officer or employee of the United States, but a retired commissioned officer of one of the services mentioned in the Career Compensation Act of 1949 may be appointed chairman without prejudice to his retired status.

It is a little bit different from saying the chairman shall not have been a former employee of any Government agency. Is it not a little different?

Mr. TAYLOR. Yes, it is a little different.

Senator ANDERSON. All right.

Mr. TAYLOR. At this point may we suggest that many States have done extremely well in the field of water resource planning develop-

ment. Several of them have been working at it for many years—others have only recently discovered the importance of effort in this area. In the allocation of grants-in-aid consideration should be given not to penalize a State which has already done a good job nor force upon a more reluctant State a program for which it is not prepared. The Council's function in this regard should be to take into account all the factors of previous State work; to disseminate information to the States and to assist the States toward the comprehensive development of water resources.

Senator ANDERSON. I think it will be well for us to read what the Governors and officials of the States themselves have said about their need for assistance. Their letters are in the hearing record on S. 1629, which we will print as a part of the same volume as this hearing.

Mr. TAYLOR. We also point out that much excellent work on plans and development of water resources has been done by commissions and compact groups already established. We would not think it wise to duplicate or interfere with this work.

This new bill, designated as the President's bill, is intended to carry out the recommendations of the Senate Select Committee on Water Resources.

We believe the select committee report is an excellent job of fact-finding and assimilation of information. It touches every phase of water use and water development. We generally agree with the report and recommendations, but we do have some doubts and reservations with regard to some of the interpretations that have been placed on it.

For example: On page 21 of the select committee's report is this sentence, "Federal responsibility in the field of water resources stems directly from the Constitution." This is correct if "Federal responsibility" is properly defined. The fact is that the Congress was given certain powers in this field by the Constitution. So if we interpret "Federal responsibility" to mean executive agencies of Government—then the statement is not correct.

Congress does have the power and authority in certain phases of this field—and we believe only the Congress should exercise it. This power and authority was not given to the executive branch of the Government nor any agency thereof—nor to the U.S. Supreme Court—although each has a responsibility in the operation of the Federal Government.

Each of the five recommendations of the Senate select committee begins with the words "The Federal Government." Two of them also include the words "in cooperation with the States."

Senator ANDERSON. You have reference to the Supreme Court at this moment?

Mr. TAYLOR. Yes.

Senator ANDERSON (reading):

Congress does have the power and authority in certain phases of this field—and we believe only the Congress should exercise it. The power and authority was not given to the executive branch of the Government nor to any agency thereof—nor to the U.S. Supreme Court.

Are you familiar with the case of *California v. Arizona* in which they have been taking testimony for years?

Mr. TAYLOR. Yes.

Senator ANDERSON. They are going to render a verdict shortly. Do you not think that most people believe the Supreme Court has something to say in the division of water between the States?

Mr. TAYLOR. Yes. This does not say that it does not.

Senator ANDERSON. What does this mean?

Mr. TAYLOR. This says that the Congress was granted certain powers by the Constitution on foreign commerce, domestic commerce, navigation, and the like on the rivers and waters of this country. There is not any question about it. The point we make is the Constitution says it was delegated to the Congress, not to the Supreme Court.

Now, the Supreme Court does have the interpretation of whatever law the Congress passes. This is true. However, the authority itself was given to the Congress of the United States.

Senator ANDERSON. Well, we had the *Pelton Dam* case a while ago. Did Congress have anything to do with that?

Mr. TAYLOR. No, but Congress could direct, if they were so inclined, and we would hope they would.

Senator ANDERSON. Did Congress have anything to do with the *First Iowa* case?

Mr. TAYLOR. No. This is an interpretation of law. Congress could change that, too, if they so desired.

Senator KERR. I believe what the witness is trying to tell us, Mr. Chairman, is that in his judgment, the Supreme Court has the authority and responsibility to interpret what the Congress says, but that even after the Supreme Court has interpreted one enactment by the Congress, if the Congress feels that the interpretation was erroneous or that it should be changed, then the Congress still has the power by legislation, to enact legislation with reference to which the only function of the Supreme Court would be to interpret it. I believe that is what he is trying to tell us.

Mr. TAYLOR. That is exactly correct, Senator.

Senator KERR. I am sure that coincides with the chairman's views.

Senator ANDERSON. Well, except that the Rifkin report to the Supreme Court in the Arizona-California water suit holds that water in the Gila River must not be used by New Mexico, but belongs to Arizona. I imagine we are going to be bound by that if the Supreme Court decides it that way.

If the Congress in the next session passes a bill saying the water belongs to New Mexico, we will have some trouble getting it. The Legislature of the State of Montana, Senator Metcalf pointed out, passed a bill one day that all water from all streams in Montana belongs to Montana, but they just have not got it. It went somewhere else.

Senator HICKEY. Would the Senator yield?

Senator ANDERSON. Yes.

Senator HICKEY. Mr. Taylor, for many years the charge has been made by lawyers and laymen that there have been occasions when they suspected that some of the pronouncements of the Supreme Court were in the field of legislation. I am sure you have heard that.

Mr. TAYLOR. Yes, sir.

Senator HICKEY. Can you specifically point to some cases you have in mind wherein in the water field this legislative prerogative has been invaded in your opinion?

Mr. TAYLOR. Well, I would say, Senator Hickey, that certainly the *Pelton Dam* case is a good example of this. This was decided on the interpretation of public lands.

Senator HICKEY. And is it particularly such cases as that that you referred to in your reference to the Supreme Court invading the legislative field?

Mr. TAYLOR. Exactly, yes, sir.

Senator HICKEY. Thank you.

Mr. TAYLOR. We believe water resource development must be a cooperative endeavor of State, local, and Federal interests. Our resolution on the subject says, "We are opposed to Federal domination of water resources development."

We note, particularly, that no mention is made in this bill of compacts between States. This approach to resource development would be highly desirable. It is sound, workable, and close to the people.

The Constitution of the United States provides a method of cooperation between States. Article I, section 10, clause 3 of the U.S. Constitution says:

No State shall, without the consent of Congress * * * enter into any agreement or compact with another State * * *.

This has been interpreted by the Supreme Court to mean that States can enter into compacts and agreements with the consent of Congress. Many compacts have been entered into on this basis and the Congress has given its consent. They may be established for any purpose. We believe this to be the preferable approach in both the study and the development of the water resources of this Nation.

The Congress of the United States must maintain its complete authority in this area if the Federal Government is to remain responsive to the people.

We appreciate the opportunity to appear at this hearing and express the views of our membership. We hope our testimony will be of assistance in arriving at a sound, constructive bill to accomplish the purposes stated in the policy statement.

Senator ANDERSON. Thank you. I want to go to this last part again about whether the Constitution provides a method of cooperation between the States.

Referring to page 4 of your statement, at the bottom of numbered paragraph 1 you say:

We do not believe that any commission should be established which does not have the concurrence and participation of all the States involved.

You recognize that gives one State in a six-State basin the right to block any planning in that area?

Mr. TAYLOR. I would not think so, Senator.

Senator ANDERSON. You would not?

Mr. TAYLOR. No.

Senator ANDERSON. You do not mean the word "all" means all?

Mr. TAYLOR. Certainly.

Senator ANDERSON. If one State stays out you do not have all in, do you? I am just remembering the fact that when they tried to build what was then called the Boulder Dam and start the Colorado River project several of the States agreed. But one State did not, and they went ahead anyhow with the project, even though Arizona never approved the project for years and years and years. I think subsequently after the dam was built, they wanted to get some power for the Parker Dam and so probably approved it. For years Arizona

did not, and in order to get the project underway California passed a self-limitation act in order that Arizona would feel comfortable. Now, the limitation act is not quite so enticing to the Northern States in the upper division, but they did go ahead without all the States involved.

Senator KERR. It is possible the law passed in Montana might be regarded by some as not binding upon the other States. The self-limitation law passed by California possibly has been regarded by California as not binding on California.

Senator ANDERSON. The Senator is correct, and that is in the Rifkin report.

Mr. TAYLOR. I see your point, Senator Anderson. However, cooperation is a mutual agreement. We fully agree and firmly believe that these arrangements should be by mutual agreement. We think we will get more water resource development done if they are.

Senator ANDERSON. I would very much agree with your "by mutual agreement." I just do not like the word "all."

Senator CASE. Mr. Chairman.

Senator ANDERSON. Senator Case.

Senator CASE. In the Missouri River Basin we have 10 States. There have been various proposals at times for a Missouri River Valley Authority, or Missouri River Basin Commission, but up to this time, we have been proceeding there by an interagency basin committee. At one time there was a committee of the Missouri River Governors, but that was wholly voluntary on the part of Governors.

Let us take the Missouri River Basin for an example. Do you fear that what you quote from section 201 would establish authority for any one Governor out of 10 to create the authority for the President to establish a river basin water resources commission for the entire river basin with all of the authority that this bill proposes to give to that commission?

Mr. TAYLOR. Senator Case, we think this is entirely possible under this bill. He can request the President to do it.

Senator CASE. That is, 1 Governor of the 10 could make the request of the President?

Mr. TAYLOR. Yes, sir.

Senator CASE. Having made that request, the President would then be authorized to create a river basin water resources commission regardless of whether or not the other nine did not so wish?

Mr. TAYLOR. We interpret it this way, yes, sir.

Senator CASE. That is the way I interpret it.

Senator ANDERSON. You recognize he would only do that in his second term. He would never do it in his first term.

Mr. TAYLOR. That is probably true, Senator Anderson.

Senator ANDERSON. Senator Kerr.

Senator KERR. I have no questions. I have a request from the Honorable Dennis Chavez, chairman of our Public Works Committee, in participating in this joint hearing that there be put into the record a telegram from A. C. Mills, secretary of the Upper Missouri Waterway Association, one from the Upper Mississippi Towing Corp., a letter from the Ohio Valley Improvement Association, and a letter from the American Waterways Operators, Inc., each one of which, Mr. Chairman, requests the opportunity to be heard.

Senator ANDERSON. The telegrams and letters will be put in the record at this point. In my opening statement I referred to such requests, and to the reply which had been given that the record will be open for 10 days for statements or, if filed later than that, the statements will be distributed to committee members.

(Documents referred to follow :)

MINNEAPOLIS, MINN., August 11, 1961.

HON. DENNIS CHAVEZ,
*Chairman, Senate Committee on Public Works,
Senate Office Building, Washington, D.C.:*

In connection with hearings which we understand are scheduled on August 16, 1961, on S. 2246, for the Water Resources Planning Act of 1961, this association respectfully requests that the hearing be continued at a later date.

This is legislation of a complex character with greatly important implications. We are vitally interested because of its possible effect on river transportation. Because of time limitation we have not been able to prepare testimony that will adequately reflect the views of important segments of our membership. We therefore urge continuation of the hearings so that all concerned may have an opportunity to be heard. May we please be informed that this request will be granted.

A. C. MILLS,
Secretary, Upper Mississippi Waterway Association.

MINNEAPOLIS, MINN., August 11, 1961.

Senator DENNIS CHAVEZ,
*Senate Committee on Public Works,
U.S. Senate, Washington, D.C.:*

Understand hearings are scheduled August 16 on S. 2246, the water resources planning act for 1961. We are vitally interested in this legislation because of its effect on water transportation. Because of shortness of time we have not been able to prepare testimony and urge that the hearings be continued at a later date to allow a full expression of the interests of all concerned. Would appreciate your confirmation that such hearings are continued.

UPPER MISSISSIPPI TOWING CORP.
HENRY M. BASKERVILLE, SR.,
Chairman of the Board.

OHIO VALLEY IMPROVEMENT ASSOCIATION, INC.,
Cincinnati, Ohio, August 11, 1961.

HON. DENNIS CHAVEZ,
*Chairman, Committee on Public Works, U.S. Senate,
New Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: We understand that your committee jointly with the Committee on Interior and Insular Affairs has scheduled a 1-day hearing on August 16 with respect to S. 2246, providing for the establishment of a Water Resources Council and river basin commissions and other matters. This bill raises complex issues of policy and it is our sincere request that these hearings be continued in order that interested parties and organizations, such as our own, may have a full opportunity to present their views.

Very respectfully,

WILLIAM J. HULL,
Chairman, Legislative Committee.

THE AMERICAN WATERWAYS OPERATORS, INC.,
 Washington, D.C., August 11, 1961.

Hon. Senator DENNIS CHAVEZ,
 Chairman, Committee on Public Works,
 U.S. Senate, Washington, D.C.

MY DEAR SENATOR CHAVEZ: We understand hearings are scheduled before the Senate Interior and Insular Affairs Committee and the Senate Committee on Public Works jointly for August 16 on S. 2246, the proposed Water Resources Planning Act of 1961.

Because of the possible effect of this legislation on inland water transportation, we respectfully request that the hearings be continued at a later date on this bill to permit proper development of the interests of the water-carrier industry in this matter and presentation of this viewpoint to your committee, if this appears desirable.

The American Waterways Operators, Inc., is the nationwide nonprofit trade association representing the shallow-draft water-carrier industry. The association is the spokesman for a large segment of the Nation's domestic water carriers operating on the rivers, intracoastal canals, the bays, sounds, and the harbors of the United States. The channels over which they operate reach over 29,000 miles of the country.

We have not yet had an opportunity to develop fully the possible effects of S. 2246 on transportation; and, therefore, this request for continuance of the hearings is necessary.

We shall appreciate your consideration of this request and your advice.

Sincerely yours,

BRAXTON B. CARR, *President.*

Senator ANDERSON. Senator Case.

Senator CASE. Mr. Taylor, do you have the feeling that the bill would give the Federal Government an authority greater than the authority of the States and make the position of the Federal Government paramount to the authority of the States?

Mr. TAYLOR. Yes, sir; we do, Senator Case.

Senator CASE. And the thrust of your argument—I put it on the floor of the Senate recently—is that you feel that the rights of the States in water matters should be preserved through preservation for each of them equal recognition or status?

Mr. TAYLOR. Yes, we do.

Senator CASE. That is all, Mr. Chairman.

Senator ANDERSON. Senator Randolph?

Senator RANDOLPH. Mr. Chairman. Mr. Taylor, I have noted in your statement on page 1 that you indicate the policy was adopted by resolution at your Denver meeting last December. I make specific reference to the language:

We are opposed to Federal domination of water resource development.

On the last page of your statement today you again call attention to the language which I have just quoted. I am not certain as to whether you believe that the provisions of Senate 2246, as pending in this study, does constitute this Federal domination of which you have spoken. Would you clarify that position?

Mr. TAYLOR. Senator Randolph, let me put it this way. We feel that the formation of this council and the provision for the appoint-

ment of the various commissions that might be appointed would be dominated by Federal personnel. Therefore, the Federal Government would certainly tend to dominate the water resources development of this country. We feel that it should be done on a cooperative arrangement, taking into account State governments and local entities in the development of the water resources of this Nation.

Senator RANDOLPH. Mr. Taylor, I believe it is the intent of those who sponsor this legislation by name on the bill and by others who are interested in the subject that there be this cooperation of which you have spoken, and that is why I think, although there is a general agreement, there is a difference of approach here which the sponsors of the measure have proposed and now which you seem, in part, to oppose.

Basically, however, there is agreement, and, whereas those who sponsor the bill think in terms of responsibility and leadership, you would think that that might be turned to domination, rather than the two points I mentioned; is that correct?

Mr. TAYLOR. It is possible, yes. It is possible that it can be turned in this direction and this is what we are fearful of.

Senator RANDOLPH. Mr. Taylor, do I recall correctly that your organization opposed the Resource and Conservation Act which was sponsored by Senator Engle and which was the subject of hearings with Mr. Anderson chairing that committee? I am not sure.

Mr. TAYLOR. I do not think so.

Mr. RANDOLPH. I see. You testified?

Mr. TAYLOR. I do not think we did. We sent a letter I think covering four bills. We did not testify, Senator.

Senator RANDOLPH. I see.

Mr. TRIGGS. May I supplement that?

Senator RANDOLPH. Yes, Mr. Triggs.

Mr. TRIGGS. We certainly have long favored water use planning on interstate rivers by the coordinated participation of State and Federal Governments, and we have also long favored a review at the national level by an impartial and independent agency. These are some of the concepts incorporated, in part, in this bill, S. 2246. We think that the bill can be substantially improved in terms of State participation and in terms of independent critical appraisal.

Senator RANDOLPH. Mr. Triggs, when you use the language "substantially improved" and this is not an improper question and nothing is implied, do the organizations—and I find by their statements today and the press releases there seems to be a common theme of danger in their thinking—get together and discuss the proposals prior to your testimony? With other organizations, do you discuss these matters?

Mr. TRIGGS. No, not in this specific instance. Now, our policy is developed after a great deal of discussion by State farm bureaus at their annual meetings and subsequent—

Senator RANDOLPH. I meant with other organizations, not within the Farm Bureau structure.

Mr. TRIGGS. We have had some discussion with other organizations on this bill.

Senator CASE. Would the gentleman yield to me?

Senator RANDOLPH. Yes.

Senator CASE. In other words, has there or has there not been any position-fixing of these different groups making statements?

Mr. TRIGGS. No, sir.

Mr. TAYLOR. No, Senator.

Mr. TRIGGS. Each of us has, I think, our own policy.

Mr. TAYLOR. This quotation on the first page of our statement is what our policy is and this is what we adhere to.

Senator ANDERSON. What were some of the groups that were meeting?

Mr. TAYLOR. You mean at various times, or all together, or how?

Senator ANDERSON. You just got through saying you were meeting with some other group in establishing this.

Mr. TAYLOR. There are a certain number of us that meet once a month and discuss various legislation, we have met with the representative of the Council of State Governments at times.

Senator RANDOLPH. U.S. Chamber of Commerce?

Mr. TAYLOR. Yes, sir.

Senator ANDERSON. National Association of Manufacturers?

Mr. TAYLOR. Yes, sir; and others.

Senator RANDOLPH. Mr. Chairman, that is all I have.

Senator ANDERSON. Thank you.

Senator Hickey?

Senator HICKEY. I just have a brief matter, Mr. Chairman.

Mr. Taylor, underlying your entire statement that I have attempted to follow as you brought it out, it seems to me that you have some underlying fears that might direct themselves to the people in many of the States who make up small State associations for water conservation that operate under what I believe to be Public Law 566. It is my understanding that your fear is that such a council would not be able to cooperate with these State associations. Is that correct?

Mr. TAYLOR. I would not say that they would not be able to. I think they could. It is a question of degree. To make a categorical statement that they could not, I would not do that, but at the same time, certainly there should be an objective approach, a cooperative effort, we feel, to include all of the studies that have been made and all the work that has been done.

Senator HICKEY. Is the basis of the fear which I interpret from your statement the fact that there is a possibility of disagreement between the small local area conservation groups, such as the association or committee formed in a general area operating under 566 and the conclusions that such a national committee might reach in studying a basin or river project?

Mr. TAYLOR. Senator Hickey, the answer to your question is "Yes," but I would like to also include State agencies in the same field and in the same category. You have State soil conservation associations. You have other planning associations within various States. I know we do in our State, and I know they do in several other States. These certainly should have their day in court as well, but the answer to your question directly is "Yes, we are fearful of that."

Senator HICKEY. And does that basically get back to the matter which has been discussed before this committee and similar committees on several occasions, and that is the question of how important the individual State's water rights are?

Mr. TAYLOR. Very much so.

Senator HICKEY. And because of the fact that mention has been made with regard to a specific situation wherein Montana, for example, passed legislation, I would call attention to the fact that our State has a constitutional provision which was accepted by the Federal Government when it accepted our State, and also the organic act which created it, that presents a little different problem which I understand from other testimony at other committee meetings before our chairman, is still in the gray area.

Your concern is that policy would not evolve from this committee that would remove any State out of the gray area or establish what some people have placed as an interpretation on the *Pelton Dam* case as a national policy; is that correct?

Mr. TAYLOR. I believe that is. We, of course, are very interested in this field, not only with respect to the one case, but others as well. We would like to see legislation in this field.

Senator HICKEY. In conclusion, it is my understanding from the chairman of the committee that there is no intent in this bill, S. 2246, to establish any such policy of that kind. Is that not correct?

Mr. TAYLOR. That is true.

Senator ANDERSON. There was no such thought at all. I have been trying to get over what has been a serious hurdle, with reclamation projects at least, and I think others, where a bureau comes into existence or a man moves into a bureau and proceeds to establish a policy which destroys years and years of hard labor by a great many people. I worked for a long, long time on the upper Colorado River storage project, and participated in projects under it. I thought, when I finally succeeded in getting a bill, S. 500, which was introduced by me, and passed by the Senate and House, and signed by the President, that we were on our way, but a clerk in the Bureau of the Budget can issue a policy statement that makes it completely impossible to pass any anticipated project because he sets up a whole new series of tables which the Congress never passed upon. In order to try to straighten that out and get something done in the field of river planning, we tried to make sure that everyone involved in river basin development was being brought into the process. I am sorry that that is an objectionable feature in the minds of some people.

Senator HICKEY. It occurred to me that that has been cleared up in the colloquy between the chairman and Mr. Taylor, and that the understanding has now been reached that it is preferable to have what the chairman suggests, rather than what has gone on before.

Senator ANDERSON. We did have some hearings on this matter. I cannot find it now, but I know there was discussion in that preliminary hearing that if there was an area in a man's State he wanted to do something about, he would not want to do it without discussion with the Governor. I have forgotten how much further we went than that. It never occurred to anyone that that would not be done, but it could be done, perhaps. Possibly the President could set up a river commission upon the petition of one Governor without any others, but I have to say that goes on the assumption that he was not very smart in the first place. You have to assume the man who gets to be President of the United States has reasonable judgment, and I assume he would exercise his judgment about requests to establish river basin planning commissions and not do it where all but one Governor was hostile to the proposal.

Senator CASE. Mr. Chairman, I do not want to get into a discussion about the details of the bill from the committee standpoint because I think that the purpose of these hearings is to explore the possibilities of the bill and then when the committee goes into executive session, either this committee or the Committee on Public Works, that these areas of doubt or possible confusion can be worked on.

I would like, however, to give the witness here an opportunity to develop his record a little bit with respect to the groups with which he may have discussed the provisions of this bill or the policy matters involved.

Have you discussed the provisions of this bill with representatives of other farm organizations or have you sat in meetings where they have been considered?

Mr. TAYLOR. No, not that I recall.

Senator CASE. Have you discussed them in your regional or group meetings?

Mr. TAYLOR. Oh, yes.

Senator CASE. Of your own organization?

Mr. TAYLOR. Yes.

Mr. TRIGGS. There is a point of clarification that I think is needed here, Senator Case.

We meet with other groups all the time, not for the purpose of coordinating policy, but for the purpose of informing each other what the issues are, what the bills are that are coming up, what the respective views are. This is not in any sense coordination of policy. We may meet with three general farm organizations. We do meet periodically from time to time.

Senator CASE. When the farm organizations meet do you discuss questions of water policy and conservation and development?

Mr. TRIGGS. I am not one of those that attends, but any policies that any of the organizations wish to bring up and discuss can be discussed at such meetings.

Senator ANDERSON. Would it not be fair to say that the Farm Bureau in its philosophy is closer to the U.S. Chamber of Commerce and the National Association of Manufacturers than it is to the Farmers Union?

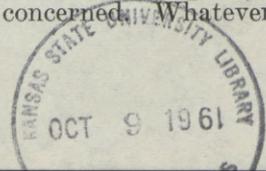
Mr. TRIGGS. I expect this would be a correct statement.

Senator CASE. I thought that the record, the way it was left on the basis of the questions earlier propounded by the chairman, would suggest that you had had a series of consultations with the National Association of Manufacturers and the U.S. Chamber of Commerce on the provisions of this bill and that was about the extent of the consultation that you had had. If that is the fact, that is what the record should show, but if the fact is that you have conferred with other farm organizations, or with other organizations, or with the Rural Electric Cooperative Association, or with the reclamation association, or with the soil conservation supervisors, or their various branches, then the record should be complete, whatever it may be.

Mr. TRIGGS. We talk to all of these people on many occasions on many subjects and this would be included.

Mr. TAYLOR. Senator Case, may I make this perfectly clear?

Our policy as such is developed by the people who are members of the American Farm Bureau Federation and it is stated on page 1 of this statement as far as this particular issue is concerned. Whatever



the position of any other organization, regardless of who it is, it cannot change that and we cannot step outside of that, so this is our position as passed by the voting delegates of the American Farm Bureau Federation and this is what we must and do adhere to.

Senator CASE. I happen to be a member of the Grange. I have not heard whether or not you consulted with the Grange. Do you discuss water policies with the Grange?

Mr. TAYLOR. We would if they wanted to discuss it with us. We have not discussed it with them, for no reason at all. As Mr. Triggs just said, we discuss any of these matters.

Senator CASE. You meet with the other major farm organizations and discuss questions of interest?

Mr. TAYLOR. We do, but neither one of us happens to be on the group that meets with those people. There are other members of our staff who do.

Senator ANDERSON. Actually, now, Farm Bureau does not meet very much with the Farmers Union, does it?

Mr. TAYLOR. Well, they have an interrelated group. They met last week here, and they are here, and so are we, and so is the Grange.

Mr. TRIGGS. We should explain that the three general farm organizations and the National Council of Cooperatives have a meeting roughly on a quarterly basis at which they discuss, generally speaking, issues of mutual interest.

Senator ANDERSON. But they have never discussed this bill, so far as you know, at any meeting of the farm groups?

Mr. TRIGGS. So far as I know, this is correct.

Senator CASE. When you meet with the National Association of Cooperatives, or the Grange, or the Farmers Union, or any of the other groups like the soil conservation people, do you discuss the question of water policy?

Mr. TAYLOR. I do not know quite how to answer that.

Senator CASE. If you personally do not and you have other representatives that do, they can supply that answer and I would like to ask the Chair that they be permitted to file a supplemental statement on that point.

Senator ANDERSON. Without objection, that will be done.

(The information requested by Senator Case follows:)

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., August 21, 1961.

Hon. FRANCIS CASE,
U.S. Senate, Washington, D.C.

DEAR SENATOR CASE: At the recent hearings on S. 2246, by the Senate Interior and Insular Affairs and the Senate Public Works Committees, you asked that we supply for the record the answer to the following question. This we are happy to do.

Question—Senator Case:

“When you meet with the National Council of Cooperatives or the Grange—or any of the other groups like the soil conservation people—do you discuss the question of water policy?”

Our reply:

“At the quarterly meetings of the National Council of Farmer Cooperatives, the National Grange, the National Farmers Union, and the American Farm Bureau Federation, it is unlikely that water policy as such has been discussed. However, it could be discussed since any subject any group desires to bring up is in order and our people who have attended these meetings inform me that matters involving water policy have been discussed in past meetings.

"In regard to the soil conservation people—including the Soil Conservation Service, the National Association of Soil Conservation Districts, the National Reclamation Association, and others interested in the field of water policy—we, of the Farm Bureau, have discussed this matter at length at various times with each of these groups."

We sincerely trust this will answer the intent of your question.

Respectfully yours,

JOHN I. TAYLOR,
Assistant Legislative Director.

Senator ANDERSON. I do not want to keep people here. I would be happy to take one more witness if Mr. Robinson wants to testify. We are going to have to come back at 2:30.

Mr. CHARLES ROBINSON (National Rural Electric Cooperative Association). Mr. Chairman, I want to suit the pleasure of the committee. I will either testify now or later, as you wish.

Senator ANDERSON. We will adjourn then until 2:30 this afternoon.

(Whereupon, at 12:30 p.m., the committees recessed, to reconvene at 2:30 p.m., the same day.)

AFTERNOON SESSION

(The committee reconvened at 2:30 p.m., Senator Clinton P. Anderson, presiding.)

Mr. ROBINSON. Thank you, Mr. Chairman.

Senator ANDERSON. You may proceed.

STATEMENT OF CHARLES ROBINSON, STAFF ENGINEER AND STAFF COUNSEL, NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION

Mr. ROBINSON. Mr. Chairman and gentlemen of the committee, my name is Charles A. Robinson, Jr. I am the staff engineer and staff counsel of the National Rural Electric Cooperative Association, the national service organization of rural electric systems throughout the United States. NRECA is a voluntary membership organization to which over 92 percent of all REA electric-type borrowers belong.

Approximately 475 rural electric systems throughout the United States purchase wholesale power generated at Federal multiple-purpose dams in various sections of the country. During the fiscal year ending June 30, 1960, these systems purchased 11.5 billion kilowatt-hours of wholesale energy from such projects for which they paid some \$55.6 million to the U.S. Treasury. The loads of rural electric systems continue to grow very rapidly, doubling in magnitude each 5 to 7 years. And although perhaps difficult of belief in this age of nuclear fission, the source of wholesale power to meet these increased loads is in many cases not at all secure.

In some areas of the United States, particularly in the Missouri Basin States, and in sections of the Pacific Northwest, rural electrification can be economically justified only when related to the Federal water resource projects which provide low-cost wholesale energy supplies. The entire development of rural electrification in the United States has been critically dependent upon a parallel program of progressive water resource development by the Federal Government.

The NRECA membership, therefore, has an immediate and substantial interest in the development and execution of plans for the

multiple-purpose development of our Nation's river basins. Just as the revenue derived from the sale of Federal power in the reclamation States of the West is the key to feasible irrigation, so also is the generation and marketing of the same electricity the key to feasible electrification of the same territory.

The board of directors, on June 29th of this year adopted a resolution urging enactment of the Resources and Conservation Act of 1961 (S. 239). We appeared in support of S. 239 before the Senate Committee on Interior and Insular Affairs on April 12.

It appears, however, that the President has abandoned his pre-election advocacy of a Council of Resources and Conservation Advisers in the Executive Office of the President as evidenced by the unanimous opposition to S. 239 expressed during the hearings by the affected executive branch agencies. The President has apparently also abandoned his concept of a Presidential Advisory Committee on Natural Resources under the Council of Economic Advisers as pledged to the Congress in his special message on natural resources on February 23, 1961.

In view of the fact, therefore, that both the Council of Economic Advisers in the Executive Office of the President, and the Presidential Advisory Committee on Natural Resources under the Council of Economic Advisers, have been proposed and abandoned, we believe that the President's most recent proposals as embodied in S. 2246 conform with the views of our membership. I feel, however, that the membership would prefer enactment of S. 239.

Title II of S. 2246 would provide a vehicle for participation by each affected State in multiple-purpose river basin development planning and for cooperation between separate States, affected interstate agencies and appropriate Federal agencies securing basinwide approval of comprehensive resource utilization plans.

With their power to hold hearings and employ staff personnel, including one person above the level of grade GS-15, the river basin commissions authorized under title II of S. 2246 should encourage the broadest cooperation at both the staff and policy level between Federal, State, and interstate groups.

Title III of S. 2246 is, in many respects similar to S. 1629, upon which we commented, during the July 10, 1961, hearings held on it by the Senate Committee on Interior and Insular Affairs. At that time, we suggested that S. 1629 was premature and incomplete because of the fact that it purported to carry out recommendation No. 2 of the Senate Select Committee on National Water Resources, relating to State participation in water resource development planning, without also simultaneously providing for the expanded program of Federal planning activity contemplated by recommendation No. 1 of the select committee. S. 2246 meets these objections.

Title I of S. 2246 is, from our standpoint, the most desirable part of the proposed bill.

As we read title I, the proposed Water Resources Council would have final authority, except for the President himself, in determining whether or not plans for multiple-purpose water resources development, evolved by the river basin commissions provided for under title II of the proposed bill, would achieve full utilization of the resources involved; would bear an advantageous relation to similar plans cover-

ing other basins and would constitute the maximum contribution to the Nation's economic and social objectives.

In addition, however, as we understand the proposed bill, the Council would have the power to modify in whatever way it deemed desirable in the national interest whatever plans were submitted to it by the title III commissions and to then transmit such revised plan, with comment thereon by the interested parties, to the President for his review and transmittal to Congress.

We assume that at such time as the Council became effective the powers of the Bureau of the Budget in the water resources area would be curtailed. Presumably the Council, as a Cabinet level organization especially designed to resolve water resource problems, would be in at least as good a position to judge the appropriateness to the President's program river basin development plan as would the Director of the Bureau of the Budget. In this regard the provisions of the bill which appear at the end of paragraph (5) of section 104 may require some clarification.

The principal impact of titles I and II of S. 2246 would provide a vehicle for the development at the State or basin level of water resource development programs of a type likely to conform to Federal water resource development policy.

In addition, under title I of the bill, the Federal Government, through the Water Resources Council, would maintain control sufficient to assure that very few plans for development of interstate streams would reach the President or Congress unless they conformed to at least the major aspects of Federal water resources development policy.

Under the provisions of S. 2246, for instance, the highly controversial legislation providing for the consent of the United States to a proposed Delaware River Basin compact would probably not be thrust upon Congress for a decision, because the provisions of that proposed compact are not in accord with several major aspects of Federal policy.

Senator ANDERSON. You say under the provisions of S. 2246 the highly controversial legislation providing for the consent of the United States to a proposed Delaware River Basin compact would probably not be thrust upon Congress for a decision.

Do they not also have to come in here when it is a compact between the States?

Mr. ROBINSON. Yes, Mr. Chairman. Perhaps my statement is not clear. What I mean to say is that the compact in its present form in my opinion would not have been approved by the Water Resources Council as provided for in this bill with that Council in existence at the present time.

Senator ANDERSON. Why would they be against it?

Mr. ROBINSON. Mr. Chairman, as I understand it the Secretary of the Interior has submitted just today his comment on House Resolution 225 in which he says he is opposed to it, but he is for it.

As I understand it, he is opposed to this type of compact in principle, but he has agreed not to oppose it in the case of the Delaware Basin because of the particular circumstances involved, although he has submitted a rather lengthy list of amendments which he suggests be enacted by the Congress if the compact is approved.

Senator ANDERSON. That is still before the Congress. As a matter of fact, it has a history that is unique. It has been referred to three committees of the Senate now.

Mr. ROBINSON. Yes, sir; that is correct.

Senator ANDERSON. Then it still comes before the Congress. Why did you say that it would not be thrust upon the Congress?

Mr. ROBINSON. What I am saying is, Mr. Chairman, that if S. 2246 were law at the present time, and if the Water Resources Council consisting of the Secretaries of Interior, Army, Agriculture, and Health, Education, and Welfare were functioning now, then this compact would have gone before that Council for approval before it was transmitted to the Congress.

Senator ANDERSON. I agree with that.

Mr. ROBINSON. In view of the fact that the compact is, in my opinion and apparently in the opinion of the Secretary of the Interior, contrary to existing Federal policy, it would not have been transmitted to Congress.

Senator ANDERSON. Thank you for straightening that out.

Mr. ROBINSON. As we stated in commenting on S. 1629, the President, in his special message on natural resources, and the Select Committee on National Resources in its report, both contemplate Federal leadership in water resource development and planning.

The need for an expanded Federal program of natural resource project planning is abundantly clear. The executive branch agency heads, including the Director of the Bureau of the Budget have, in discussion with our staff, conceded that the pipeline planned multiple-purpose projects is empty. We are convinced that additional authority and additional funds are needed at the Federal level to insure the type of water resource development program that is envisioned by the report of the select committee.

In our opinion, S. 2246 will provide the machinery for such a program.

There are, of course, certain aspects of the proposed legislation which we are either incompetent to appraise at this time or with which we disagree.

For instance, the question has been raised by some experts as to whether or not the Water Resources Council, authorized under title I of the bill, should not include a representative from the Federal Power Commission. We have no position on that question at the present time.

We also raise the question as to whether or not the role of the Bureau of the Budget would be changed should S. 2246 be enacted. The Bureau appears at present to be the only agency in the Executive Office of the President with power of decision in the field of natural resource development. The Bureau appears clothed with such authority not only in the field of budgetary management but, as well, in the field of substantive resource development planning.

This fact induces us to violently disagree with one major aspect of the letter sent to Congress by the President with which he attached what is now S. 2246.

For several years, there has been a very widely recognized need for a reexamination, reappraisal, and reformulation of the standards and procedures used to evaluate proposed multiple-purpose water resource projects, and allocate their costs. The basis of present pro-

cedures in this regard is Budget Bureau Circular A-47, dated December 31, 1952.

This circular, and the interdepartmental agreements entered pursuant to its terms, closely govern all executive branch agencies in calculating project benefit-to-cost ratios and cost allocations. The standards of Circular A-47 are conservative and they tend to depress project benefits and inflate project costs calculated according to their provisions. They require the allocation to hydroelectric facilities of what we believe are disproportionately high portions of project cost. And, they require the amortization of such costs over unrealistically short time periods.

Immediately subsequent to its promulgation, the terms of Budget Bureau Circular A-47 were applied by the Department of the Interior to a series of multiple-purpose projects that had already been constructed and placed in operation pursuant to criteria in effect prior to A-47.

This reevaluation and reallocation of projects already in operation caused a sharp increase in the apparent cost of certain purposes served by these projects, including hydroelectric power. This increase of apparent costs resulted in a 27-percent increase in the cost to rural electric cooperatives of power marketed from multiple-purpose projects in the area served by the Southwestern Power Administration.

During a meeting of the Advisory Committee on Power for the Southwest held in Tulsa, Okla., a few days ago, Mr. Wright, the SPA Administrator, stated that his Administration is again faced with a deficit operation unless revenue is increased or apparent costs decreased.

The doctrine of "taxes foregone" embodied in Circular A-47; the requirement that project power features be liquidated in not more than 50 years; and the application of certain specified cost allocation formulas are seriously restricting the multiple-purpose development of our river basins.

Wholly aside from our immediate interest in hydroelectric power, and even assuming the Budget Bureau Circular A-47 was enlightened in its conception and silent in its operation, it would, even so, seem desirable to reexamine its provisions. It has been in effect for nearly a decade in which the Nation's population and known prospective need for fresh water has increased at an unprecedented rate.

In other words, A-47 should be reexamined in the light of the findings and recommendations contained in the report of the Select Committee on Water Resources, and endorsed by the President. Can the Nation carry out these recommendations if the criteria of Budget Bureau Circular A-47 continues to prevail? That question alone should constitute sufficient basis for immediate reexamination of A-47.

It is true that Senate Resolution 148, 85th Congress, 2d session, adopted on January 28, 1958, was intended to dull the effect of A-47. That resolution requires administrative agencies to present in support of project authorization, certain information designed to afford Congress an opportunity to determine whether or not the provisions of A-47 are, in a given case, unreasonably hindering or delaying water resource development.

Senate Resolution 148 requires submission, among other things, of benefit-to-cost ratios calculated on the basis of both 100 years and

50 years; allocations or project costs calculated by at least three methods and repayment requirements calculated on both 100- and 50-year-bases. Senate Resolution 148 also requires "a plain and succinct statement of the basis upon which all such estimates are made." To some extent, Senate Resolution 148 has succeeded. It has, however, not completely accomplished the task for which it was designed.

First of all, availability of the information specified by Senate Resolution 148 depends upon a prior administrative decision that authorization by Congress should be requested. In many cases, projects are recommended or rejected at the administrative level.

Moreover, there seems to be little recognition of the existence of Senate Resolution 148 at the district engineer level. There, the provisions of A-47 reign supreme.

It appears to us, therefore, that either decisive administrative action or legislation is required to negate the conservatism of Budget Bureau Circular A-47. And, in view of the President's avowed interest in progressive water resources development, the administrative remedy would appear the easier of the two alternatives.

President Kennedy in his special message on natural resources recognized the need for reappraising and reexamining these project evaluation and cost allocation standards. He stated that he was issuing an executive directive for the purpose of:

(3) Instructing the Budget Director, in consultation with the departments and agencies concerned, to formulate within the next 90 days general principles for the application of fees, permits, and other user charges at all types of Federal natural resource projects or areas; and to reevaluate standards for appraising the feasibility of water resource projects.

Presumably, therefore, on or about May 23, 1961, Budget Bureau Circular A-47 should have been withdrawn or superseded.

However, on April 7, 1961, there was circulated a draft of a proposed Executive order relating to natural resources. This Executive order, if promulgated, would have conferred upon the Bureau of the Budget even broader and more comprehensive authority in the field of water resource, project evaluation, construction and planning activity than that which it now enjoys. Subsequent to rather thorough discussion with the interested organizations and members of the House and Senate, this proposed Executive order was withdrawn.

In view of these developments, we are extremely disappointed and disturbed by that portion of the President's letter transmitting S. 2246 to the Congress wherein he said:

The first major task of the Water Resources Council will be to establish, subject to my approval, standards for formulating and evaluating water resources projects. These standards will replace those currently in effect.

The implication was clear, I think, in the President's statement that nothing will be done by the administrative agencies to change the provisions of A-47 unless and until S. 2246 is enacted.

It is my further understanding that Secretary Udall, in appearing in support of S. 2246, reaffirmed this position and stated that the administration would take no action to reexamine or reappraise the provisions of Budget Bureau Circular A-47 until and unless S. 2246 is enacted.

I emphasize the fact that the introduction of S. 2246 in no way changes the power of the executive branch to amend previously established project evaluation criteria. The executive branch still has

the responsibility of administering our water resource development program under existing legislation and under such administrative criteria as it desires to utilize.

The administration's latest position that it will take no steps to revise conservative project evaluation criteria that are already a decade old, is a distinct retreat from its earlier position which promised a change by May 23, as expressed in the President's special message on natural resources.

In conclusion, Mr. Chairman, we say simply that the President has apparently abandoned his prelection proposal for a Council of Resource and Conservation Advisers in the Office of the President. Administration spokesmen expressed uniform opposition to S. 239. The administration has apparently also abandoned its concept of establishing under the Council of Economic Advisers a Presidential Advisory Committee on Natural Resources, advocated in the President's special message on natural resources. It is, however, our opinion that Senate bill 2246 constitutes an acceptable alternative proposal to establishment of a Council of Resources and Conservation Advisers which has been formally endorsed by resolution of our board of directors.

It is our position that S. 2246 will lend badly needed stimulus to multiple-purpose river basin development, will provide for the participation in the formulation of multiple-purpose river basin development plans by the affected States and will insure that the recommendations for authorization of such projects submitted to Congress conform to Federal policy.

We do, however, wish to express disappointment in the position taken by the administration that submission of S. 2246 to Congress will substitute for badly needed revision of the conservative multiple-purpose project evaluation and cost allocation criteria contained in Budget Bureau Circular A-47. It is our position that Budget Bureau Circular A-47 should be immediately superseded by administrative action as promised by the President in his special message on natural resources of February 13.

We respectfully call to the attention of the committee the fact that the criteria contained in A-47 requires reexamination and reappraisal if for no other reason that it is almost a decade old and is known to be extremely conservative at a time when the Nation must develop virtually all of its fresh water resources if its economy is to grow and prosper.

Thank you very much, Mr. Chairman.

Senator ANDERSON. Thank you.

Are there any questions?

If not, thank you very much.

Mr. J. D. Brown, legislative director of the American Public Power Association.

STATEMENT OF J. D. BROWN, LEGISLATIVE DIRECTOR, AMERICAN PUBLIC POWER ASSOCIATION

Mr. BROWN. Mr. Chairman, I am J. D. Brown, legislative director, American Public Power Association. The association is a national trade organization representing more than 1,000 local publicly owned electric systems, principally municipally owned utilities, in 44

States. Our headquarters is at 919 18th Street NW., Washington, D.C.

We are pleased to have the opportunity to present testimony concerning S. 2246, the proposed Water Resources Planning Act of 1961. The association's membership has not taken formal action on S. 2246, since the bill was introduced last month and its specific proposals have not been reviewed by the association's committees and membership. Our testimony is presented, then, within the framework of the association's general policies concerning water resource planning and development. The association throughout its history has urged that our Nation's water resources be developed on an orderly and comprehensive basis, and that such development, in the words of our Federal power policy statement, adopted in 1949, "provide for maximum economic utilization of our stream systems." In 1960, and again on April 13 of this year, we testified before the Senate Interior Committee in support of measures to establish a Resources and Conservation Council in the Executive Office of the President.

At the most recent annual convention of the American Public Power Association, in San Antonio, Tex., on April 27, the following resolution was adopted:

Whereas efficient and farsighted planning for use of our national resources, including water, is essential to future national strength and well-being, and

Whereas S. 239 and S. 1415 would authorize a Resources and Conservation Council in the Office of the President, assist in establishing a comprehensive natural resources policy, provide for development of broad resources program, and encourage cooperation and coordination in resource administration: Now therefore, be it

Resolved, That the American Public Power Association supports enactment of such legislation for the conservation, development, and utilization of the Nation's natural resources to meet human, economic, and national defense requirements.

S. 2246 appears to be an attempt, in the field of water resources, to achieve the planning, coordination, and cooperation which a resources and Conservation Council would apply to the broad natural resources picture. It is our belief that enactment of the proposed Water Resources Planning Act of 1961 should not preclude full consideration of establishing a broad natural resources and conservation planning and coordinating unit in the Executive Office of the President, as proposed in S. 239.

The bill now before these committees declares it to be the policy of the Congress—

that the conservation, development, and utilization of the water and related land resources of the United States shall be planned and conducted on a comprehensive and coordinated basis with the cooperation of all affected Federal agencies, States, local governments, and others concerned.

There is general agreement that the Nation's "water and related land resources" should be planned and developed "on a comprehensive and coordinated basis." As the report of the Senate Select Committee on National Water Resources says (p. 45):

Comprehensive planning for river basin development has been advocated intermittently since near the beginning of this century when the Inland Waterways Commission made its report to President Theodore Roosevelt.

The Senate select committee, headed by Senator Kerr and including many members of the Senate Interior and Public Works Committees, performed a distinct public service through its extensive studies and its report of January 30.

Yet, as the select committee report states—

in many river basins of the United States today, comprehensive planning, even under previous concepts, is not being applied.

The committee report cites—

an urgent need in almost every region to adopt an orderly procedure for development of water resources. Our prosperity and our very survival are at stake.

The select committee report observes that "differences of opinion" may appear to have slowed progress in river basin development. It makes clear that there will be differences of opinion in the future, but indicates that the urgency of the Nation's water and resources needs demands a positive program.

One of the problems has been coordination and cooperation among the various Federal agencies concerned with water resources, and among Federal, State, and local interests. S. 2246 sets up the machinery—a Cabinet-level Water Resources Council—to achieve the needed coordination and cooperation on water resources planning at the Federal level.

Interdepartmental committees have not always functioned in a highly effective manner in solving urgent national problems. In recent months, in fact, a number of interdepartmental committees have been abolished. In the executive branch, a committee in some cases becomes a substitute for effective decisionmaking by one responsible official.

It would appear desirable, in the future, to establish a Federal department with overall responsibilities in the field of natural resources, including water and related land resources. A Cabinet-level Water Resources Council may accomplish the necessary planning coordination; or it may serve as an interim stage, with the experience gained through the Water Resources Council serving as the eventual basis for the establishment of a Federal natural resources department. In either event, the creation, at this time, of a Cabinet-level Water Resources Council will represent a positive step in pooling water resources planning and research efforts, and in establishing a coordinating mechanism to make recommendations to the President in this vital field.

The Council will have important responsibilities, including establishing—with the approval of the President—the principles, standards, and procedures for the preparation of comprehensive regional or river basin plans, and for the formulation and evaluation of Federal water resources projects.

It is our understanding that this latter function will encompass the job of revising Budget Bureau Circular A-47, a document which must be modified to meet the ever-growing water resources needs of the Nation.

With such responsibilities, it is most important that the Water Resources Council have a highly competent staff of sufficient size to carry on continuing studies and to evaluate comprehensive river basin planning proposals. Without an independent, trained staff, the Council will be handicapped in carrying out the duties assigned to it under S. 2246.

In this connection, we feel that the Council's staff director should be made responsible to the Chairman of the Council. The Council Chairman will be designated by the President, and it seems advisable

that there be a clear line of responsibility established from the staff director to the Council Chairman.

Title II of S. 2246 gives the President authority to create river basin water resources commissions for any region, major river basin, or group of related river basins in the Nation. Each commission would prepare and keep up to date "a comprehensive, integrated joint plan for Federal, State, and local development of water and related land resources," and would "serve as the principal agency for the coordination of Federal, State, and local plans" for water and related land resources in its area. Each commission would submit regular reports on its work to the Water Resources Council.

In addition, it would submit to the council—

a comprehensive, integrated, joint plan, and any major necessary revisions thereof, for water and related land resources development—

in its area. Thus, there is provision made for close coordination between the river basin commissions and the Council, with river basin plans subject to review and modification by the Council before their submission to the President and the Congress.

The CHAIRMAN. It is necessary for Senators to go to the floor for a vote. We will return as quickly as we can.

The committee will resume.

Mr. BROWN. The Senate select committee report indicates the significance of this overall review by the Council of river basin commission planning, to fit each river basin into a national picture of programs and purposes. The select committee report says:

* * * a water control system in each basin may well become as important to the national productive plant as the National System of Defense and Interstate Highways is to the Nation's transportation network * * *. It may soon become desirable and necessary for the Nation to accept responsibility for a water regulatory system, even though the exact future end use cannot be forecast now.

The select committee report makes the point that—

comprehensive planning should be undertaken on the premise that full regulation of nearly all the Nation's streams is necessary over the long run, and that substantial progress toward this end will have to be made before the end of the present century.

While it is clear that water resources planning and development must be a cooperative effort among various levels of government, it is equally clear that there must be Federal leadership in planning and coordination, because, in the words of the select committee report, "our prosperity and our very survival are at stake."

FEDERAL GRANTS TO STATES

Title III of S. 2246 contains the provisions of S. 1629 concerning Federal grants to the States of \$5 million a year for the next 10 years, to assist the States in developing comprehensive water resources plans and in participating in the planning work of the river basin commissions. These grants, to be administered by the Water Resources Council, will supplement State water resources planning funds, and will encourage States in their efforts to plan on a comprehensive basis for water resource development.

The APPA Federal power policy statement, adopted in 1949, declares that "the local interest in every Federal project for the utiliza-

tion and control of water should receive recognition, and local participation should be invited to the greatest extent consistent with the responsibilities of the United States." Title III of S. 2246 provides for coordination of State and Federal planning in this field.

HYDROELECTRIC POWER

S. 2246 deals with water resources planning. It does not deal with the construction of projects, but the comprehensive studies envisioned under S. 2246 should serve as the basis for effective action in meeting the Nation's growing water problems. While the bill emphasizes water supply, the construction of storage facilities on the Nation's rivers will also include hydroelectric power generating installations.

The select committee report (p. 40) advocates that—

advantage should be taken of opportunities for hydroelectric power installations wherever possible, so that the economies inherent in large-scale installations can be passed on to electric power users, and so that the drain on our nonrenewable energy resources by steam-electric powerplants can be minimized.

The APPA Federal power policy statement of 1949 declares that—

in order to conserve irreplaceable fuel supplies, every site for the generation of hydroelectric power should be developed if and when such development is economically feasible. In the case of projects to be constructed primarily for some other purpose, such as navigation or flood control, maximum power production consistent with such primary purposes should be provided.

This association had the privilege of presenting to the Senate select committee a report on the future of the electric power industry in relation to water resources (Select Committee Print No. 10, pp. 35-60). This paper cited the importance of hydroelectric power for peaking purposes in the Nation's future power picture. The paper also pointed out that less than one-fourth of the Nation's hydroelectric power potential has been developed.

Electric power has played an important role as a "paying partner" in multipurpose water resource development in the past, and it must continue to receive full attention in the future. S. 2246 refers to obtaining "optimum use of the water and related land resources" of an area, and this suggests that hydroelectric power potential be developed to the fullest extent economically practicable in each river basin. It also suggests that the standards and procedures for evaluating proposed Federal water resources projects be revised to encourage multipurpose comprehensive development of water resources.

In the past Federal hydroelectric projects have been opposed by private power companies and other interests. The result, in cases such as Hells Canyon, has been underdevelopment of water resources, including the electric power potential. The Nation cannot afford such waste of natural resources, just as it cannot afford to waste the power potential at the Hanford plutonium production reactor in the State of Washington. It is vital that water resource development be based on the broad national interest, and that it not be undercut by sectionalism or by selfish interests. Water resource development, as the select committee report makes clear; is no longer just a problem of the West; it is, or will be, a problem throughout the Nation. Comprehensive planning, as proposed in S. 2246, and adequate financing of project construction, will be needed in every river basin.

S. 2246 represents a constructive step forward in meeting the growing needs of a growing Nation to get the most out of our water resources.

Thank you, Mr. Chairman.

The CHAIRMAN. Again, I am sorry we had to interrupt for a vote. Mr. McFadzean?

STATEMENT OF WILLIAM G. McFADZEAN, DIRECTOR OF CIVIC AFFAIRS, ARCHER-DANIELS-MIDLAND CO., MINNEAPOLIS, MINN., AND DANIEL W. CANNON, CONSERVATION COMMITTEE EXECUTIVE, NATIONAL ASSOCIATION OF MANUFACTURERS

Mr. McFADZEAN. Mr. Chairman, I would like to introduce, with your permission, Mr. Daniel W. Cannon who is the conservation committee executive of the National Association of Manufacturers.

My name is William G. McFadzean, director of civic affairs, of the Archer-Daniels-Midland Co. of Minneapolis, Minn. I am presenting this testimony on behalf of the National Association of Manufacturers, a voluntary membership association comprised of about 19,000 business enterprises, some 83 percent of which are small businesses, located in all of the 50 States. Our members produce more than 70 percent of the manufactured goods produced in the United States and employ more than 70 percent of those working in the manufacturing industries.

We are well aware of the fact that water is an essential element in the manufacturing process, and we use large quantities of it both for cooling and for processing purposes. Fortunately, industry's consumption of water is only a small percentage of the quantity which it uses, and industry is continuing to make great strides in the fields of more efficient use of water and in water quality management.

In our association work, water resources matters are handled by our conservation and management of natural resources committee and by its water resources subcommittee. Our interest in water resources is evidenced by the pioneer national survey of industrial water use co-sponsored by the National Association of Manufacturers and the Conservation Foundation in 1949-50. The result of this survey was the publication of the report, "Water in Industry," which revealed for the first time the salient characteristics of industrial water use in this country. This pioneer study has since been translated by other organizations into several languages and is still cited as the most authoritative work of its kind, whenever water resources matters are under discussion.

I offer herewith two copies of this survey report, entitled "Water in Industry" for inclusion in the files in the Interior and Public Works Committees. I also offer two copies of our recent publication, "Our National Water Resources," setting forth the views of industry on the wise use and management of our national water resources, for inclusion in the files in the Interior and Public Works Committees. This background makes it obvious that we are highly appreciative of this opportunity to comment on proposed legislation dealing with water resources planning.

We note that S. 2246 provides for the creation of a Water Resources Council to be composed of the Secretary of the Interior, the Secre-

tary of Agriculture, the Secretary of the Army, and the Secretary of Health, Education, and Welfare to carry out a declared policy—

that the conservation, development, and utilization of the water and related land resources of the United States shall be planned and conducted on a comprehensive and coordinated basis with the cooperation of all affected Federal agencies, States, local governments, and others concerned.

There is no doubt that these four departments should coordinate and work together in carrying out their responsibilities which affect water resources, as should the other departments and agencies of the Federal Government. However, it is questionable whether it is absolutely necessary to create a new entity in order to achieve such coordination.

It is the viewpoint of our association that many of the duplications and conflicts in Federal agency policies, programs, and practices will only be overcome if the Congress itself undertakes a thorough and comprehensive revision, correlation, and improvement of statutes relating to natural resources. The duplication and conflicts have arisen over a long period of years as a result of the Congress delegating specific missions to various departments and agencies by individual pieces of legislation which have never been fitted into a comprehensive, consistent pattern. Therefore, requiring the heads of 4 of the 10 departments of the Government to meet together as a Water Resources Council may be somewhat fruitless and frustrating so long as the underlying natural resources legislation remains in a somewhat chaotic state.

If it is decided, nevertheless, to create such an entity, we would strongly urge that, at least, the Secretary of Commerce be added to its membership. The Congress created the Commerce Department with the declared statutory purposes of fostering commerce and industry. Water resources planning and development will be a futile and costly exercise if it does not lead to sound economic development of the Nation. The importance of including the Secretary of Commerce is emphasized by the fact that the bill would require the Council to determine the effect of a river basin plan—

on the achievement of other programs for the development of * * * energy, industrial * * * and other resources of the entire Nation—

and to—

determine the contributions which such plan * * * will make in obtaining the Nation's economic * * * goals * * *.

We also note that the Council would be charged with the duty of establishing—

principles, standards, and procedures for the * * * evaluation of Federal water resources projects.

This is a function which has, in the past, been carried on by the Bureau of the Budget. Therefore, if it is decided to create a new entity in an effort to achieve coordinated water resources planning, we also strongly urge that the Director of the Bureau of the Budget be designated as a member of such a group.

In connection with formulating standards for the evaluation of Federal water resources projects (and we assume that this involves benefit evaluations, cost allocations, and analysis of financial feasibility), bills have been introduced in both the Senate and the House in the past several years for the purpose of establishing such standards by statute, and the House Public Works Committee held hearings on such a bill, H.R. 8, last year.

It is proposed in the instant bill that the establishment of such standards be delegated by the Congress to these four Cabinet officers. However, under our constitutional division of legislative and executive powers, it would be more appropriate if the Congress itself should establish the policy and criteria under which all Federal water resources projects will be authorized and built.

It would appear that the Council might have the power to alter present standards so as to lengthen the amortization period for Federal water projects from 50 years to 100 years; place the computation of interest costs on the basis of other than the true cost of money to the Federal Government; authorize the inclusion of features with costs exceeding benefits; alter the methods of cost allocations and thereby minimize the cost attributable to electric power; and require the inclusion of intangible or conjectural benefits in project evaluations so as to justify the construction of uneconomic projects.

The CHAIRMAN. Where do you find that in the bill?

Mr. McFADZEAN. What we have just referred to?

The CHAIRMAN. Yes—

authorize the inclusion of features with costs exceeding benefits; after the methods of cost allocations and thereby minimizing the cost attributable to electric power.

where do you find that?

Mr. McFADZEAN. On page 3, section 103. This is our interpretation of the possibilities of section 103.

The CHAIRMAN. You were here this morning when this was discussed.

Mr. McFADZEAN. Yes.

The CHAIRMAN. They say—

principles, standards, and procedures for the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water resources projects.

Mr. McFADZEAN. Yes.

The CHAIRMAN. They set up certain yardsticks but I do not find anything that says they eliminate certain costs. Do you find anything like that anywhere?

Mr. McFADZEAN. It seems to us, sir, when you start getting into the evaluation of Federal water resources projects—

The CHAIRMAN. No, these are principles, standards, and procedures for that purpose. They are not going to do any evaluating. The Congress will do the evaluating.

Mr. McFADZEAN. As I understand it, however, it would be the Council's responsibility to make the rules by which these would be set up.

The CHAIRMAN. Yes.

Mr. McFADZEAN. Therefore, within these rules it is conceivable that this could happen.

The CHAIRMAN. That is your interpretation, I guess.

Mr. McFADZEAN. All of these would constitute an undesirable weakening of presently applied administrative standards.

In fact, the bill would authorize a very broad delegation of quasi-legislative functions without any clear policy guidelines laid down by the Congress. The Council would be directed, upon receipt of a river basin plan or a revision thereof, to make "such modifications in such plan or revision, as are desirable in the national interest."

This raises questions such as whether, if a plan called for construction of electric generating facilities or electric transmission facilities by investor-owned electric companies, the Council would have the power to change the plan so as to specify construction of such generating or transmission facilities by the Federal Government.

The CHAIRMAN. Right there, have we had a situation like that recently in the transmission lines of the Colorado River? Do we have a little problem like that right now on the construction of a transmission line?

Mr. McFADZEAN. That is correct.

The CHAIRMAN. Who reached a decision on that?

Mr. McFADZEAN. I am not sure.

The CHAIRMAN. The Secretary of the Interior. Do you think it is better for the Secretary of the Interior to do it alone than to do it in conjunction with the other Secretaries mentioned in the bill, and if so, why?

Mr. McFADZEAN. I am not too sure that I would be happy having the Secretary of Interior or the others do it as a group.

The CHAIRMAN. It is not a question of whether you are happy or unhappy. That is what the facts are. The facts are we are unhappy because people die at 80 or 90, 100 years. They do and there is not much you can do about it. The Secretary of Interior makes a determination now we ought to broaden the base a bit and let other agencies come in and have a word to say about it. You prefer to leave it in the hands of the Secretary of the Interior. Tell us why?

Mr. McFADZEAN. Basically, sir, I recognize that the Secretary of Interior is doing this. I am not convinced in my own mind that by adding the other three Secretaries we would improve the situation. I feel that this is something that Congress should take upon itself to write some statutory law so that we get the thing clear.

The CHAIRMAN. If the Secretary of the Interior has made his decision do you think that Congress is likely to thwart it? If you do, go over and talk to Mr. Cannon on the House side. He is wrestling with it right now. When he is finished, Mr. Hayden will wrestle with it. When they are finished, every Member of the House and every member of the Senate will have a vote on it. How much further do you want it to go?

Mr. McFADZEAN. I think we have to depend on the process of our congressional setup and I have great faith in this. I think this is best that it be left to the discretion of the Congress to stipulate in clear language.

The CHAIRMAN. It would not have a bit more discretion if this bill passes than it has now, nor a bit less. But the Secretary of Interior will not make the decision all by himself. He will have a few other Secretaries. I am trying to find out why you prefer the single Secretary of the Interior, why you want to have a single Secretary operation rather than a broader base.

Mr. McFADZEAN. I think it was brought out in the morning session by either someone on the committee or some person testifying that the Secretaries under this bill would not necessarily be the ones who would be sitting in judgment. It would be somebody else in an administrative capacity that would make these decisions. I think that all we would be doing would be adding another group of people making these decisions, not necessarily the four top Secretaries, them-

selves. I am sure they would go along with the recommendations, but I think really, as was indicated this morning, we certainly went round and round on this matter, and I am not in favor of having necessarily the one or the four. I still maintain that if at all possible the language in the legislation would solve our problem.

The CHAIRMAN. How well does your argument hold water? If the Secretary of the Interior can delegate it now and can delegate it then, what is the difference? He has a broader base the next time. When the law says the Secretary of Agriculture, Secretary of the Interior, Secretary of the Army, Secretary of Health, Education, and Welfare, I think that means the Secretaries. I do not think it means somebody delegated by him. There are some pieces of legislation that say the Secretary, or somebody delegated by him.

Mr. MCFADZEAN. Right.

The CHAIRMAN. I introduced a bill a while ago for an October Recreation Resource Review Commission and it did provide that if these people did not want to serve they could delegate someone, but this does not say that, does it?

Mr. MCFADZEAN. No, it does not.

We strongly urge that any legislation of this type include a declaration of policy in favor of private enterprise development of natural resources so as to avoid outlays from the Public Treasury and so as to place such developments on an income-producing, tax-paying basis.

Modifications of river basin plans might also be made by the Council in such a manner as to contemplate infringements upon States rights and responsibilities in administering the water resources within their respective boundaries and infringements on private water rights as established by State authority. Therefore, we strongly urge that any legislation adopted on the subject of water resources planning should include a declaration of States' water rights by the Congress which would acknowledge the authority of the States relating to the control, appropriation, use and distribution of water within their boundaries; require that Federal agencies comply with State laws relative to the use of water; and require that Federal agencies respect private rights to use water established by State authority, recognizing that the right to use water is a property right which should not be taken from any person without due process of law and adequate compensation.

It is unfortunate that the bill, after a policy declaration and elaborate provision for the participation of State governments in the formulation of river basin plans, makes it possible, through modification by the Water Resources Council, to substitute a purely Federal judgment on every important issue involved. This unfortunate aspect is magnified by the fact that a Governor of only one State in a region can invoke the planning process. The seeds of further confusion are sown by the fact that this single Governor could ask for a commission to cover either a "region," a "major river basin" or a "group of related river basins." None of these terms are defined in the bill and they have been given varying definitions in existing literature.

The bill does not make clear whether the President would have the power to modify a river basin plan. Specific provision is made for modifications by the Council, but it is stated that the Council shall transmit such a plan to the President for his review and transmittal to the Congress.

The focus of the provisions in regard to river basin commissions also seems to be solely upon Government development of natural resources, with particular emphasis on the role of the Federal Government. The chairman of each commission would be appointed by the President, and presumably the chairman's responsibility and allegiance would be to the President.

In addition, the President would appoint one member from each Federal department or agency determined by the President to have a substantial interest in the work to be undertaken by the commission, with no stated limit on the total number of such members. These members also, of course, would owe their allegiance and responsibility to the President. The President would also appoint one or more members from each participating State. Although the Governor of the State would have the power to nominate, the President would have the power to appoint someone else. It is difficult to see why a State should not be allowed to name its own representatives.

An interstate compact agency with jurisdiction over the waters in question would be allowed to have one representative appointed by the President only when deemed appropriate by the President. This seems to be an unjustifiable downgrading of the interstate compact approach. Many thoughtful people believe that the principle of interstate compact should be encouraged in order to promote comity among the States, to preclude Federal domination of natural resources development, and to insure a sound base for basinwide multiple-purpose planning.

It is the viewpoint of our association that basinwide water and related resource development for interstate rivers, planned and executed under interstate compacts which are authorized by State legislatures and consented to by Congress as provided for in the U.S. Constitution, is the most practical way to assure maximum economic and beneficial use of valuable natural resources. These interstate compacts should be designed to safeguard States' water rights and provide means for solving water resources problems in a manner consistent with the interests and responsibilities of the citizens of the signatory States.

Interstate compact commissions should maintain close liaison with Federal Government agencies concerned with water resources, but the compact agreements should not be such as to permit the Federal Government to dominate the actions of the Commission. Participation by the Federal Government should be limited to existing powers under the interstate commerce clause.

The CHAIRMAN. How well are you satisfied with the compacts that thus far have been adopted? There is one for the Colorado River Basin composed of nine States.

Mr. McFADZEAN. It is my opinion, sir, that the compacts with which I am familiar, that our committees have studied, have shown tremendous maturity. I think that they are getting greater and greater support from the general public. I think that the public is very rapidly learning more about the water resources problems, and I think that the compacts are contributing a great deal. I think they will grow in importance.

The CHAIRMAN. Now, having given that testimony, will you tell me what in the bill would change the composition of the Interstate Compact Commission?

Mr. McFADZEAN. I feel that the Council would have a great deal of authority without the compacts being represented. Is this correct?

The CHAIRMAN. Are you familiar with what happened in the Colorado River compact, back in 1922? I do not think that the situation that existed then will be changed in the slightest by this legislation. I think I was the author of the bill that set up the upper Colorado River compact, in the upper basin States, and there is nothing in the bill that would change that. We have introduced some bills for compacts between Colorado, Texas, New Mexico on the Rio Grande. There is nothing in here that would change that. Regardless of which way I feel, feeling does not do any good in a bill. You have to have language. Can you point me out the language that would change that?

Mr. McFADZEAN. Mr. Cannon, who is a lawyer and more familiar with the wording of these things, these procedures—

The CHAIRMAN. I will be very happy to have him answer. We talk about interstate compacts and then we talk about planning. The two things are different. Now, how would this change the principle of interstate compacts where Wyoming and Nebraska and Colorado may agree on the water from the Platte River, something of that nature? Where would it change the Colorado River compact, the upper basin compact, or the compact on the Rio Grande?

Mr. CANNON. You are quite right, Senator, there is nothing in the bill which would affect interstate compact agreements.

The CHAIRMAN. What is the purpose of your language then?

Mr. CANNON. Our point is to the effect that we believe that if river basin commissions are created pursuant to this bill after it becomes legislation, that the interstate compact commissions should be entitled to representation on the river basin commissions, whereas the language in the bill says only when deemed appropriate by the President.

We feel that they should automatically be entitled to representation on any river basin commission that is going to formulate plans for the river basin over which they have jurisdiction.

The CHAIRMAN. Does a compact commission have jurisdiction over a river?

Mr. CANNON. For instance, the one for the Ohio River Valley is chiefly combating water pollution in that River Valley Basin for one thing. So that they very definitely have a lot to say with what rules are going to be applied in controlling water pollution in the Ohio River Basin.

The CHAIRMAN. On navigable streams do they have control in the States?

Mr. CANNON. I believe there was an interstate compact to agree as to the allocation of water from the Colorado River, for instance.

The CHAIRMAN. Having done that, is the commission still in existence? It does not run the stream any more. It terminated when it signed the compact in Sante Fe in 1922 with Herbert Hoover there. Mr. Hoover has not had a word to say about it since then except when he became President of the United States.

Mr. CANNON. Some commissions would be terminated after a period of years by their own terms, but others could run on for a great number of years. The Ohio River Interstate Compact Commission has been in existence since about 1948.

The CHAIRMAN. All right.

Mr. MCFADZEAN. The recent Governors' conference in Honolulu favorably referred to the interstate compact mechanism as "one of the oldest devices used to facilitate intergovernmental cooperation and coordination of effort." By contrast, the Newark News of July 30, 1961, reported that the New Jersey State CIO had announced opposition to the proposed interstate compact for the Delaware River Basin, and reported the State CIO president as stating that, instead of the compact, the union would prefer something like a "little Tennessee Valley Authority" to develop the Delaware Basin.

The Congress should not pass legislation which could pave the way for Federal valley authorities throughout the Nation, and we urge that any legislation on water resources planning include a declaration of policy encouraging the use of interstate compacts and rejecting the further use of Federal valley authorities.

Further, there is no specific provision for representation in river basin commissions of watershed associations in the affected area. It is the viewpoint of our association that community watersheds or small drainage areas are the most feasible units for conservation, development, and wise utilization of the Nation's renewable natural resources.

Senator BURDICK. Mr. Chairman, I have several questions at this point. I do not want to miss it.

You say there is no specific representation for the watershed associations. Is not that within the purview of the authority of the Secretary of Agriculture?

Mr. MCFADZEAN. The language of the bill here under membership of commissions does not specifically give the watersheds representation.

Senator BURDICK. But it gives the Secretary of Agriculture representation.

Mr. MCFADZEAN. Just on the Council, but they would not be represented in the overall program.

Senator BURDICK. Would not they have some indirect representation through him?

Mr. MCFADZEAN. I think it would be indirect, but in writing the bill we would like to see direct representation.

Senator BURDICK. That is all.

Thank you.

The CHAIRMAN. Just to supplement that point, the basic argument is that you do not trust the President. You have that right. It says—one member from each Federal Department or agency determined by the President to have a substantial interest in the work to be undertaken by the Commission.

Now, if he is the President and he will sit here and say, "I will strike this individual out, I won't have him on there, I will mark this man out, I will just have the ones I want," then, of course, you have a little different opinion of the Presidency than I have had, having seen both the Democrats and Republicans in office.

Mr. MCFADZEAN. Senator Anderson, I would never want to have in the record of any hearing that I do not trust the President, whether he be Republican or Democrat. I merely think that wherever we possibly can, it should be stipulated in the bill.

The CHAIRMAN. In one instance a watershed group may be extremely important. In another instance they may not be at all.

Mr. McFADZEAN. I would rather err on the side of the groups to make sure that they are properly represented.

We advocate that local authorities and leaders define watershed problems and determine needs by utilizing available basic information and that they obtain additional surveys where needed to define problems and develop adequate plans; that local responsibility for action be assumed by watershed associations, soil conservation districts, or other voluntary local and State groups, such responsibility giving emphasis to the rights of individuals and groups of individuals to participate in planning, developing, and maintaining their own community watershed programs; and that, after suitable and adequate community watershed planning is done, local authorities should determine and establish the kind of local organization needed to direct the operational and maintenance programs, and make full coordinated use of existing public agencies, industry groups, associations, and individuals in a position to contribute to its success. Parenthetically I would like to state my observation of recent years. I think we have sometimes gotten the idea that the people in these various watershed areas, around the country, really do not have as much interest as we would like to see. But I have been greatly pleased by the willingness of people to more and more participate in their local watershed programs and other natural resources problems. I think that we sometimes get the idea that people are not interested in their own problems.

The four Cabinet officers will be given the power to sit in judgment on the water resources planning programs of each of the 50 States. Such State programs must make "adequate provision for coordination with all Federal and State agencies having responsibilities in such fields"; must designate a State agency to administer the program; must provide that "the State agency will make such reports in such form and containing such information as the Council from time to time reasonably required"; must set forth "the procedure to be followed in carrying out the State program and in administering such program"; and must provide "such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the program."

These provisions are in sharp contrast to the philosophy expressed in the resolution adopted by this year's Governors' conference in Honolulu, in which a strong protest was made against "the tendency of Federal agencies to dictate the organizational form and structure through which the States carry out federally supported programs." The action of the Governors' conference, entitled "Resolution on Federal Interference in State Government Organization," called for an investigation of "the matter of Federal statutory and administrative requirements dealing with State organization under the various Federal grant-in-aid programs." It recited that—

Federal control is exercised by the threat, express or implied, that if any State agency does not conform to the recommendations of the Federal agency, Federal aid and assistance shall be withdrawn and terminated * * *.

The threat is clearly expressed in S. 2246. If the Council is not satisfied that a State program or its administration complies with the requirements set forth, "It shall make no further payments to such State under this title." The Congress should not enact legislation which could be used to coerce the States into a nationalized pattern of water resources policy.

It is also noted that the Water Resources Council would be authorized to hire a staff director and other personnel, and to purchase, hire, operate, and maintain passenger motor vehicles. Likewise, each river basin commission would be granted similar powers in regard to personnel and motor vehicles.

Of course, as far as the four specified departments of the Federal Government are concerned, to a great extent under this act, they would only be doing what they should be doing anyway. It is unfortunate that this coordination and planning could not be accomplished with the use of existing facilities and personnel, rather than by the creation of further duplications.

In conclusion, our general viewpoint is that there is need for greater coordination in natural resources activities among the Federal agencies themselves, and between Federal agencies and State agencies and local agencies, and that there is need for coordinated planning in the conservation and development of natural resources. However, many of these objectives can be achieved through—

1. Comprehensive revision, correlation, clarification, and improvement by the Congress of statutes relating to natural resources.

2. Use of interstate compact organizations.

3. Use of watershed associations.

4. Teamwork and cooperation among Federal agencies, preferably without creation of a new entity.

Legislation on water resources planning should include:

1. A declaration of policy in favor of private enterprise development of natural resources

2. A declaration of States' water rights.

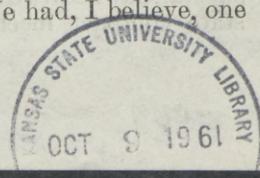
3. A declaration of policy encouraging the use of interstate compacts and rejecting the further use of Federal valley authorities.

If it is decided to create a new entity, it should include as members the Secretary of Commerce and the Director of the Bureau of the Budget.

We appreciate this opportunity to present our views on a vitally important issue.

The CHAIRMAN. I think this is a presentation of your point of view. I had in the Department of Agriculture a very fine person named Carl Farrington. If you followed this philosophy you ought to fire him and turn the management of all the local elevators over to the local people. It does not work out that way in your business and it does not work out that way in this business. This ability to withhold funds is purely to protect the situation where they would not automatically be given money to throw away. We all know that there are sometimes discussions, people take money given for one purpose and do not use it for that purpose. If the Federal Council found out somebody was asking for money for regional planning of water and was using it to pay the salary of a publicity director for the Governor of a State, they might have a chance to clamp down and say, "Stop." Maybe I have had the wrong kind of experience, but I do not believe Cabinet members try consciously to go out to find niggardly ways of treating States, undercut them.

I came in here with the Social Security Administration. I was the first person to take charge of the employment security administration in my State. I did not do it very long because I had some business responsibilities. I did try to get it established. We had, I believe, one



of the lowest cost operations in the United States. We used some punchcard systems. Later on the other States came to use them. I never had any trouble with somebody in Washington saying, "Don't save any money here. Don't try to do this well. Don't do it this way." Water planning is handled on the same basis. If the States are doing a good job, fine.

You have a couple of water associations in your State. I do not think Senator Burdick has any in his. So you would want to have your watershed represented on the Red River, but you would not want Senator Burdick to have representation because he does not have associations in his State.

Mr. McFADZEAN. I would hate to see him not have it.

The CHAIRMAN. He and his people have the right to live their lives the way they want to live them, and unfortunately the people in Minnesota can't tell them too much about it even if the banks are all headquartered in Minneapolis and St. Paul.

Mr. McFADZEAN. I am sure our banking relations in Minnesota are very good with our friends in South and North Dakota.

I would like to make a personal observation, sir, because I was in attendance this morning, and I had a little time to think over this discussion about whether or not there seems to be a great deal of similarity among a lot of the testimony. Not being a professional man in the area of associations, I feel that it is incumbent upon me as a member of some of these associations that I would feel that it would be quite derelict on the part of the professional staff people if they did not have frequent communications with any one of the organizations that have similar interests in legislation.

I got the feeling as I sat in the hearing room that there might be something wrong with association people discussing their common problems. I certainly would hate to have any of our association people, professional or laymen, to ever be fearful that we could not discuss our common interests. I have a feeling, as we review the record of what was discussed this morning, that we might have left the impression that there was something wrong with the Farm Bureau discussing water problems and philosophies and policy matters in preparation for hearing on legislation.

For the record, as a personal note, I wanted to say that I feel that anything we can do through associations of all kinds, and of private citizens that will better our water resources problems and improve our legislation, should certainly not be discouraged.

Senator BURDICK. I would like to call your attention to the sentence on page 6, the top paragraph, the last sentence of the top paragraph:

Participation by the Federal Government should be limited to existing powers under the interstate commerce clause.

Do you know of any power that is granted in this bill that does not flow from the interstate commerce clause?

Mr. McFADZEAN. No, I do not know of any.

Senator BURDICK. That is all.

Thank you.

Senator HICKEY. I am rather amazed, Mr. McFadzean, that the purport of this testimony finds practically nothing good in this bill. I have been the Governor of a State that I think had some pretty substantial fiscal responsibility. I have been a member of some interstate compact meetings. I was elected chairman of the Missouri

Basin Interagency. I am rather disturbed that an association such as yours in analyzing a bill such as this, which I think some of the people who testified here before indicate they see some merit at least on the face of it, takes such a dim view of the legislation here proposed without offering some constructive direction to the legislation.

Now, I think you know as well as I know that the reason some of the States, particularly my own, have not been able to have a watershed planning program, a complete catalog, if you please, of watersheds, is that we just did not have the money, it was economically unfeasible. When the Federal Government enacted Public Law 566 it became apparent that individuals in the communities that set up these conservation districts wanted to comply with this, and wanted to get the work done. But the reason they could not is because they did not have the technicians available to them, nor did they have the money to hire them, nor could the Federal Government get them even if they had the money. So there is more to the failure of participation in these things than the fact that the Federal Government is imposing Federal leadership.

I opposed the Federal Government imposing from the top on these people, but my concept of this, and what I think, as the chairman brought out this morning, is that it is the desire to get these people to have access to what they need to do the job at the local level. I do not see how you can disagree with that.

Mr. McFADZEAN. In your particular case, and in any case, Senator, I think that basically the policies of the National Association of Manufacturers, as you probably well know, has been to keep the States' rights wherever possible. Now, we have a different opinion, you and I, at the moment, because in the work which I have done personally with the national association and the people that I have worked with and talked with, do feel that your State should have the right to get as much assistance as possible from the Agriculture Department and the Interior Department and others who have experts to help you in your planning and research of the problems that you have involved. Now you state that they are just not available.

Senator HICKEY. We cannot get the technicians.

Mr. McFADZEAN. You cannot get the technicians. I have been under the impression in my association work and the people I have worked with, and the meetings I have attended on the subject, that there are competent people in the Departments now who are working and making themselves available, but your position is that there are not enough. From our standpoint we are not against their helping your State with your technical assistance in the planning and research that you need.

Senator HICKEY. I take it from your statement that you just do not find anything good in the proposal. I think that is a bad attitude because I tell you sincerely that I, through a State natural resources board, attempted to catalog the watersheds in the State and you just could not get the technicians to do it unless you went to the Federal Government who had trained them and had them available.

Mr. McFADZEAN. I, having studied and worked on the preparation of this, I had been hopeful that in a positive way we were stating that we felt that the whole philosophy of watershed and compact organizations were sound and that they were growing and that they are making a lot of progress, and we think this is good.

Now the problems of the economics that you bring in from your particular State are realistic, I cannot deny this because you have had the firsthand experience. But I certainly feel that oftentimes there is a tendency for States not to do quite as much as they probably should in this area because they are waiting for some assistance from Washington. Now, I realize this is a basic philosophical argument, and I do not mean to pursue it. I only try to present our viewpoint from our policy statement standpoint.

Senator HICKEY. I think your recitation, plus what the gentlemen said in conference in Honolulu, is a complete refutation of what you just said. You say in your statement here—

The recent Governors' conference in Honolulu favorably referred to the interstate commerce mechanism as "one of the oldest devices."

and you go on and say what the Governors said and did. I do not think they are standing around waiting. They either cannot get the job done because they do not have technicians or they can't get the job done because they do not have the money. Now, you have to supply them from some source.

Mr. McFADZEAN. I do not know—may I just ask a question to try to bring out a point, sir?

The CHAIRMAN. We usually ask them from up here, but you will find that what Senator Hickey says is founded on good solid experience because he was a Governor, a very good Governor, of a State that had these problems we are talking about. It is easy to sit in private business and say the way to get this is to hire a fellow to do it. I found out at one time there was an inventory expert. Mr. Hodges told me that. He came down to help me get an inventory; I had a million dollars worth of property. I did not know where it was. I knew no way of finding it. Mr. Hodges was then vice president of Marshall Field; a longtime friend. He came down. He said, "We will hire an inventory firm in Detroit." I did not know there was such a firm. They were specialists. Before long we were inventoried and it took care of the whole problem. That is something I had to learn.

These Governors in the States have limited financial resources and limited talents, they have to turn somewhere for help. They just haven't any way to turn their problems over to someone and say, "Here they are; you can leave us alone."

Mr. McFADZEAN. I am sure that the Governor of the State of Minnesota has similar problems and is much more conversant with our problems. I have lived there for 23 years and have been interested for 23 years. I sometimes feel one of the reasons we do not always have money for some of the things we want in mine is because we have not established the proper priority of programs for the money we do have. I think we sometimes do not always do the most important things first. I think this is a basic problem that we all have. We have this problem in business. We are fighting this all the time within our own organization because everyone has his own project. I do feel oftentimes, and I can say it is my opinion in the State of Minnesota that there are some projects which are not being done, they are not being done because we do not have the money. We are not necessarily waiting for the Government to do it. We just do not have the money.

I do feel we sometimes have initiated some projects and have paid for them, and if we had just put them a little farther down the road,

more important things may have been done. Certainly this is true. I think, in the last few years. Senator Kerr's study has awakened many, many people in our State, I know, to the importance of water and I think many of our water problems are gradually getting closer to the top. I think when that happens our legislature will appropriate more money, but when we do, I am sure something else will have to go.

The CHAIRMAN. It is a problem. We know that.

Thank you very much.

Mrs. Douglas?

STATEMENT OF MRS. HASKELL ROSENBLUM, MEMBER OF THE BOARD OF DIRECTORS OF THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

Mrs. ROSENBLUM. I am Mrs. Haskell Rosenblum, a member of the board of directors of the League of Women Voters of the United States. I am appearing here today in place of Mrs. Douglas. We appreciate your courtesies in acceding to the league's request to speak on the complete bill, S. 2246, whose title III now contains the provisions on which the league testified last month.

We cannot help but feel that members of these two committees must be growing weary of hearing the League of Women Voters speak on the need for better coordination of water resources on the Federal level; the importance of comprehensive planning, development, and water management on a river basin or regional basis consistent with the national interest; the necessity for procedures and machinery to promote coordination of Federal, State, and local programs and projects. You have listened patiently when directors of the League of Women Voters of the United States testified before your two committees and when representatives of State and local Leagues spoke at Senate select committee hearings. We appreciate your patience and your interest.

Though we could and did work for cleaner water by supporting the 1960 and 1961 legislation to amend the Federal Pollution Control Act, it seemed for several years that the league might never have an opportunity to support legislation to solve the basic problems in water resource development. When the Murray bill, the proposed Resources and Conservation Act of 1960, was introduced with its fresh approach to some of these problems, our organization gave it enthusiastic support. When the Interior and Insular Affairs Committee held its hearing on S. 239, the league testified in favor of this bill, virtually the same as S. 2549 so far as water is concerned.

We hope that S. 2246 will not interfere with passage of S. 239, for the need for an independent Council in the Office of the President is not obviated by the legislation under consideration today.

Members of the League of Women Voters know how, after earlier studies of national water problems, suggestions for improved coordination and comprehensive planning have faded away unrealized, almost unremembered. Therefore we are particularly pleased that the first two of the Senate select committee's recommendations have been proposed for enactment.

TITLE III.—FINANCIAL ASSISTANCE TO THE STATES

The league has already gone on record in support of the second recommendation of the Senate select committee: that through a 10-year program of grants-in-aid the Federal Government stimulate more active State participation in planning and undertaking water development and management. The first section of our statement to the Interior and Insular Affairs Committee, July 10, on S. 1629, remains the league's testimony on the almost identically worded title III of S. 2246. We hope that the questions we raised in that testimony will be considered by both Committees as you review S. 2246.

TITLE II—RIVER BASIN COMMISSIONS

We believe that the comprehensive, ordered planning for river basin or region which the League of Women Voters has been advocating can be provided by the river basin commissions authorized in title II of S. 2246. Aware that each river basin is different economically and politically, we are glad to see that title II allows great latitude in composition and organization of the river basin commissions. Just as each commission must produce a unique physical plan to fit its river basin, so no single pattern of commission will suit every basin.

While provisions have been made for a chairman and staff, representation of major Federal agencies, commission reporting, and commission use of agency data and personnel, we appreciate that S. 2246 allows great flexibility in composition of the river basin commissions and in their activities and investigations. This accords with the league's conviction that river basin planning and planning bodies must be suited to the diversity within and between river basins or regions.

In our opinion the proposed bill corrects a number of weaknesses and points of dissatisfaction in present procedures:

(1) Our Columbia River Basin leagues will particularly approve the arrangement for a permanent, full-time chairman and a capable staff, for these leagues decided to support the Columbia Basin Interagency Commission only if it could be strengthened in this way.

(2) The provision for keeping the basin plan up to date improves upon the authorization for the river basin study commissions for Texas and the Southeast. Certainly each project developed causes hydrologic and economic changes in the basin which make necessary continuous review of the basin plan.

(3) We appreciate the reiteration of and emphasis on the Federal, State, and local levels of government in preparing and keeping the coordinated comprehensive plan up to date. League members believe that State and local governments have a vital responsibility in water resource development which must be encouraged. The Columbia River Basin leagues found State participation in the Interagency Commission much too weak, for example.

(4) The requirement of intermittent reporting to the Governor by State representatives and transmittal of State comments and suggestions to the basin commission for consideration should also strengthen the State's participation throughout the planning process.

(5) We heartily approve the assurance, not only of the right to review the plan, but also that all—

views, comments, and recommendations submitted by each Federal department or agency head, Governor, interstate commission, and U.S. section of an international commission—

shall be transmitted by each river basin commission to the Council and by the Council to the President and Congress. This requirement should eliminate the recurring complaints that objections and suggestions do not reach higher echelons. We hope the provision that—

all appropriate records and papers of the Council be made available for public inspection—

will make alternative proposals available to the public. The League of Women Voters would like to stress the importance of having possible choices discussed by citizens in the early stages of basin planning.

Within their communities, league members work continually determining whether to support or oppose various issues. Perhaps it is because we take an active part in the decision process that we know so surely that local and State legislative bodies, administrators, and agencies, citizen groups, community associations, clubs, and individuals must be drawn in early in the planning stages and feel that the plan is their own if they are to accept it and work for its implementation. From their own river basins many of our members have learned that citizens will not support even a beneficial plan unless they have a feeling of participation from the beginning, unless they find it suitable to their needs and to the way in which they prefer to conduct their affairs. You surely have gotten the same impression from your constituents.

Under S. 2246, after the basin has been studied, after the engineers' recommendations have been made—or better still, while these are going on—will steps be taken to find out whether the physical plan, the way it is to be paid for, its proposed operation and administration are satisfactory to the citizens and taxpayers of the basin?

Though the league believes in the wisdom of river basin planning and the importance of keeping plans up to date, we realize that this work may have to expand slowly. The number of high quality, experienced people to do basin planning is limited. The supply of competent personnel must be shared with the States whose programs are encouraged by this bill. The complexities of river basin planning make it desirable to use social economists and geographers as well as engineers for important planning posts.

We want to be sure that carefully worked out plans already made, such as that for the Delaware River Basin, will not be discarded. Where States have already begun to cooperate on a basin or regional plan, it would be unfortunate to impose a new planning commission upon them. Under the proposed legislation, might one dissident Governor disrupt precariously balanced cooperative efforts?

The authorization to create river basin commissions appears to be permissive not mandatory under the proposed legislation. We hope

therefore that physical plans and administrative devices into which much time and thought have gone, which have been accepted by citizens as suitable to their needs and ways, will not be lightly discarded but will be judged on their adequacy to serve the region and the Nation.

If region and Nation are to benefit as they should from river basin planning, implementation must follow. It was certainly wise to exclude implementation of projects from this legislation, but our members have questioned whether title II does not also omit power to implement the plan. We would like to be convinced that this legislation is more than another noble-sounding effort at coordination and long-range comprehensive planning which will be bypassed in actual operation by conflicting agencies, interests, and levels of government.

Is there sufficient assurance that agency projects, Federal and State, can be made to conform with the overall basin plan recommended by commission and Council? Can the planning commissions disregard projects authorized but not yet started which are out of line with the commission's idea of the best use of water now and in the future?

After all the effort made to bring into existence a river basin plan for the future, it will indeed be ironic if the commission's plan must allow not only for present projects but for all those ever authorized to meet basin needs of an era past and gone. It will be equally ironic if the basin commission can arrive at no comprehension, coordinated plan because its members are bound by conflicting policies or positions of their parent agencies. We wonder whether these difficulties which league members are familiar with in the cases of the Arkansas-White-Red and the Columbia River Interagency Committees, will be solved by S. 2246?

Requiring recommendation of a long-range schedule of priorities for investigation, planning, and construction of projects is a forward step. If the public is vigilant and the Congress is firm, S. 2246 may prove to be a giant step toward coordination.

TITLE I—WATER RESOURCES COUNCIL

The League of Women Voters is well aware that there is no department nor agency nor committee in the executive branch or in Congress responsible for carrying out the duties assigned to the Water Resources Council proposed in title I.

Many league members have come to think that before the passage of much more time the ratio between water resources and requirements will be vital to our national welfare. We approve of assigning to a top level group of the President's official family the clearly stated responsibility for continuous evaluation of whether the water supply for any region is adequate in quality and quantity and whether existing programs and policies will make and keep it so. We approve of the specific instruction that the Council established by this proposed bill must make recommendations on its assigned broad responsibilities to the head of our Government and transmit specific basin plans to Congress. This Council will have the authorization and the prestige to advance the overall, long-range planning for water resource development which the country needs.

If the will to achieve coordination between Federal agencies is as real as assignment of responsibility to so high a level in the adminis-

tration suggests and as statements of the departments concerned expressed at the July 26 hearing, we will indeed have the improvement in coordination and organization at the Federal level, the elimination of inconsistencies and conflicts in basic policy among Federal agencies that the League of Women Voters has been seeking.

The League of Women Voters supports S. 2246 with high hopes, not only for its passage, but for the quality of its implementation.

The CHAIRMAN. Mrs. Rosenblum, that is a mighty fine statement. We are deeply indebted to you. We appreciate more than you ever know the wonderful support that the League of Women Voters has given us on many pieces of legislation, particularly legislation before this committee.

Thank you very much.

Mrs. ROSENBLUM. I thank you.

The CHAIRMAN. Are there any questions?

Thank you a lot.

We have appreciated it immensely, and I am sorry that you had to wait so long.

Mr. McDonald?

STATEMENT OF ANGUS McDONALD, ASSISTANT DIRECTOR, LEGISLATIVE SERVICES DIVISION, NATIONAL FARMERS UNION

Mr. McDONALD. Mr. Chairman and members of the committee. I am assistant director of Legislative Services Division in the National Farmers Union. This is the third time I have appeared during the last 2 years as a representative of the National Farmers Union in support of legislation similar to S. 2246. On January 29, 1960, I appeared in support of Senator Murray's bill which would set up a Department of Resources and Conservation as well as a Joint Congressional Committee on Natural Resources. This year, I appeared on April 13 in support of S. 239, a bill sponsored by Senator Engle and 30 other Senators. This legislation was similar to Senator Murray's bill.

In both these statements presented to this committee, we pointed out that the United States is running headlong into a water crisis. We emphasized the fact that within 20 years our people will be literally running out of water and that in order to avoid such a situation, drastic steps must be taken in the near future.

Historically, the National Farmers Union has always been in favor of full development of our natural resources. Many years before such legislation was introduced or even thought of, the National Farmers Union in resolutions and in other ways attempted to alert the Congress and other people to the need of multiple-purpose, comprehensive development of our Nation's resources. Comprehensive development is the key to the wise use of water resources in our river basins. We pointed out repeatedly that all water resources and other resources were interrelated and interdependent. It did not make sense to us to allow, for example, electric power sites of our rivers to be preempted to the neglect of resources other than power.

Our country has been plagued by floods and drought, by water shortages, by polluted streams and by haphazard piecemeal development over a long period of years. It is high time that an agency such as called for in the bill recommended by the President be set up. We believe that in certain respects this legislation is superior

to the legislation mentioned above. We like the idea, for example, of river basin commissions with adequate local representation.

We believe that the provision requiring the President's approval of the Governors' nominees will prevent the commissions from becoming political footballs and will contribute to harmony between the Executive Office and State and local agencies. As far as we can see the Council authorized in the bill together with the commissions should contribute to long-range planning and provide a blueprint for action program in every river basin of the United States.

The legislation, we hope, will restore water policy to Congress. One of the disquieting notes in this administration has been the fact that the President has not repudiated the infamous Budget Circular A-47. This document was a device authored by bureaucrats in the Budget Bureau who attempted to set up roadblocks to frustrate and negate congressional water policy. Although we have not studied this document in any great detail, we have been reliably informed that it has been one of the chief obstacles in formulating water policies. This document has been the subject of an investigation. It has elicited many objections on Capitol Hill in both the House and the Senate. Senator Engle, when he was a Member of the House of Representatives, exposed Budget Circular A-47 in March 1955. He asserted that the document sought to establish policy by executive directive rather than implementing the policies established by the Congress that the

* * * Bureau of the Budget was, in fact, setting itself up as a technical review section, and that is what this A-47 does, and that the Bureau of the Budget representatives frankly express themselves as having no confidence in the Bureau of Reclamation * * * (from House hearing before the Committee on Interior and Insular Affairs, March 15 and 30, 1955, p. 19).

Recently Senator Kerr commented that—

Congress has passed legislation during recent years that has materially amended A-47—

Adding that—

several Bureau of Reclamation projects approved by Congress have demonstrated congressional independence of Circular A-47—

Which he said—

is in a state of profound shock.

I am belaboring this usurpation of congressional policy and announced policies of the President by the Bureau of the Budget because nothing has been done, so far as we know, to throw out the old Circular A-47 policies which were followed during the administration of President Eisenhower. By inference, the President implied in his message that A-47 still was being followed. He said:

The first major task of the Water Resources Council will be to establish, subject to my approval, standards for formulating and evaluating water resources projects. These standards will replace those currently in effect.

Finally, we do not want the committee to feel that our preoccupation with Circular A-47 has in any way dampened our enthusiasm for the bill under consideration here. We urge that it be approved by the committee. We feel that it will contribute greatly to the planning and the developing of our great river basins. We feel that its enactment is long overdue.

The CHAIRMAN. We have to go to the floor to vote again. I am sorry, Mr. McDonald, there is not time for questions now.

Mr. McDONALD. I understand. We appreciate the opportunity to present our views, Mr. Chairman.

The CHAIRMAN (resuming). Mr. Wylie.

STATEMENTS OF ROBERT C. WYLIE AND RICHARD W. SMITH ON BEHALF OF THE CHAMBER OF COMMERCE OF THE UNITED STATES

Mr. WYLIE. Mr. Chairman, I assume I am the last man and, if so, I want to express my appreciation for your continuing this hearing under the pressure of your Senate duties so that we would have an opportunity to be heard even at this late hour.

I am Robert C. Wylie, of Wausau, Wis., representing the Chamber of Commerce of the United States, a federation of more than 3,000 business organizations and 25,000 business firms.

I am a member of the chamber's natural resources committee. I am here to present the views of the national chamber on S. 2246, the Water Resources Planning Act of 1961.

I am assistant vice president of the Wisconsin Valley Improvement Co., which, through the financial support of industry and under the jurisdiction of the Public Service Commission of Wisconsin, has built and now operates 21 storage reservoirs regulating the Wisconsin River. This comprehensive development provides for flood control, municipal and industrial water supply, hydroelectric power, sewage disposal, fish and recreation facilities, and weather, water, and soil research.

I have with me today Richard W. Smith, who is the manager of the natural resources department of the U.S. Chamber.

The CHAIRMAN. Are you in the insurance business up there?

Mr. WYLIE. No, I am not. I am an engineer.

The CHAIRMAN. We have had so many good people from that fine firm in Wausau.

Mr. WYLIE. Thank you.

The chamber believes that S. 2246 which appears to offer a desirable means for a coordinated and comprehensive water resource plan for the Nation will, instead, tend to nationalize all water and related land resource planning and development.

The wise conservation, development, and utilization of the water resources of the United States is of major importance. However, the development of those resources is the responsibility of all citizens, not the function solely of the Federal Government. The Federal Government should cooperate with local governments, the States, individuals, and industry in the conservation and control of waters, but should not dominate them.

I am aware that without proper management, shortages and excesses of water will hinder and stultify our social and economic development. With proper management, water can be utilized to supply our cities, to promote the development of industry, to grow crops, and to improve conditions of everyday living.

The chamber has advocated that Congress establish a consistent and progressive water and land policy which, among other things, should encourage maximum participation by industry, State and local govern-

ments, and define the scope and limitations of the duties and obligations which the Federal Government should assume.

The chamber believes, however, that S. 2246, while intended to achieve the aforementioned objectives, will create a situation in which the local and State interests will be relegated to a position of minor participation in the comprehensive planning and development of our water resources.

In our opinion this legislation will be in direct opposition to the objectives of President Kennedy as outlined in his natural resources message to the Congress of February 23, in which he stated:

* * * It is not a task which should or can be done by the Federal Government alone. Only through the fullest participation and cooperation of State and local governments and private industry can it be done wisely and effectively.

Section 2 of S. 2246 does not go far enough in specifying that the States, local governments, and private industry shall participate to the fullest extent in the planning, development, and utilization of water resources. In fact, section 2, as now written, is the only statement in this bill that in any way implies that the planning and development of water resources is not exclusively a Government function.

No workable water resources plan can be achieved unless it is developed and implemented through the full participation of the individuals, the industries, and the local and State governments which rely on the wise use and development of the water resources involved.

Related land resources: Section 2 contains the statement that the development and utilization of water and related land resources of the United States shall be planned and conducted on a comprehensive and coordinated basis. The inferences in section 2 are that the management of related land resources should also be undertaken on a watershed or river basin basis, as has been done by the Tennessee Valley Authority.

We assume these "related" resources would be soil, minerals, gas and oil, vegetative resources, including forage and timber, and fauna, including wildlife, game, and fish.

The wise management and use of all of these related resources and their contribution to society are primary affected and controlled by regulations, laws, and customs determined by political and economic boundaries, rather than by river basin boundaries. These natural resources are the concern primarily of communities, counties, and the States. Planning for their use can fall only within the political and economic boundaries, which, in turn, are important in the processing, marketing, and distribution of the resources.

The CHAIRMAN. I will have to stop you again and ask the same sort of question I have been asking. How do you so interpret the bill? What do you find in section 2 that says oil and gas exploration shall be under the river basin basis.

Mr. WYLIE. We find nothing in that, sir, that says that. Back at the bottom of page 2 I said we assume that these related resources will be that.

The CHAIRMAN. If you make your own assumption it is pretty easy to win any argument. I assume that the Washington ball club will be credited with 10 runs at the start of every game, but they aren't. Last night they lost the game by 1 run again because no one had sense to credit them with 10 runs at the start of the game.

Why do you assume this bill is designed to get oil and gas exploration done in relation to the river basin?

Mr. SMITH. What is meant by the words "and related resources"?

The CHAIRMAN. Many things, but this does not relate to a river-basin basis. This says—

in order to meet the rapidly expanding demands for water throughout the Nation, it is declared to be the policy of the Congress that the conservation, development and utilization of the water resource of the United States should be planned and conducted on a comprehensive and coordinated basis with the cooperation of all Federal agencies, States, local governments, and others concerned.

There is not a word there about river-basin basis. Why do you draw it in?

Mr. SMITH. The rest of the bill sets up functions that include planning by river basins.

The CHAIRMAN. This is the type of testimony that always bothers me because you know that is not what the bill means. But in order to try to get a newspaper story out of it, to take a slap at it, you go into something that you know is a distorted opinion of the bill. Nobody is suggesting the things you are suggesting here.

Mr. SMITH. We are glad that you don't have that in mind.

The CHAIRMAN. I have done nearly as much oil exploration, I imagine, as you have done. I think I know what needs to be done in the river basins.

Mr. SMITH. I think you do, sir.

The CHAIRMAN. Yes. Why do you always assume we don't?

Mr. SMITH. We would like to see the words "and related resources" left out in that case so that they could not be taken later to mean the coordination by river basins of all resources related to water.

The CHAIRMAN. You don't think then that the things that are related to water ought to be planned on a comprehensive and coordinated basis.

Mr. SMITH. We didn't say that.

The CHAIRMAN. Neither did we say anything about river basins but you want the privilege of interpreting what we say. You don't want anybody to interpret what you say. Now you said, leave "related land resources" out, didn't you?

Mr. SMITH. As far as anything that is to be coordinated by river basins.

The CHAIRMAN. Oh, no, you didn't. You will see the testimony when it is done. You suggested we leave out "related land resources." If we leave that out you are saying that you don't want the related land resources related to water to be planned and conducted on a comprehensive and coordinated basis.

Mr. SMITH. Senator Anderson, this bill sets up methods by which the water resources would be coordinated through basin commissions and through a Water Resources Council.

The CHAIRMAN. So the planning will be coordinated.

Mr. SMITH. That is right.

The CHAIRMAN. Not the demonstration of it or implementation of it which you mentioned earlier. I only wanted to establish that you could not find anything in here that says anybody is recommending that this be done on a river-basin basis. You assume it did but you can't find any.

You may proceed.

Mr. WYLIE. The Water Resources Council that would be created by title I of S. 2246 theoretically could serve a useful purpose by resolving conflicts between agencies and for the development of mutually compatible plans for comprehensive water development.

The chamber believes, however, that this must remain a basic function of the Congress as the most effective means of properly representing the viewpoints of the citizens of the Nation regarding matters affecting national policy.

Section 103 of S. 2245 establishes the Council as a quasi-legislative body which will usurp the responsibilities of the Congress.

The CHAIRMAN. Where do you find that in the bill? What functions of the Congress would it usurp?

Mr. WYLIE. The right of the Congress to—and this has been discussed before—establish the principle, standards, and procedures for the preparation of comprehensive regional or river-basin plans.

The CHAIRMAN. Is the Congress now doing that?

Mr. WYLIE. I believe they are. This gives them the power.

The CHAIRMAN. In what instance is the Congress now establishing the principles, standards, and procedures? Isn't the Bureau of the Budget doing that?

Mr. WYLIE. Yes, sir, I believe you are right.

The CHAIRMAN. Then why is it a usurpation of the responsibilities of the Congress?

Mr. WYLIE. I think the Congress has the right to do that.

The CHAIRMAN. I do, too.

Mr. WYLIE. Very definitely.

The CHAIRMAN. So do I.

Mr. WYLIE. That is what I mean when we say this will usurp the responsibilities of Congress.

The CHAIRMAN. So has the Executive Office the right to have something to say about these principles. Unless the President signs the bill they don't become law. So the Bureau of the Budget is not the only one laying down principles and standards and procedures for the preparation of these comprehensive reports.

Mr. WYLIE. That is correct.

The CHAIRMAN. In this bill the Council would do it instead of the Budget Bureau in the executive branch.

Mr. WYLIE. I don't believe the Congress gave them that power.

The CHAIRMAN. No. I tried my best to get it away from them unsuccessfully. Very few people have had more to say about the Bureau of the Budget in that respect. I just don't believe the Bureau of the Budget should ever have put out A-47 but it did.

Mr. WYLIE. We would not like to see that happen in this particular instance with this Water Resources Council.

The CHAIRMAN. Neither would I.

Mr. WYLIE. No, very definitely. For example, this section gives authority to the Council, with only Presidential review, to establish—principles, standards, and procedures for the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water resources projects.

Title I of S. 2246 would attempt to substitute the judgment of a small group of men for that of the combined membership of Congress. The Council will be composed of the Secretaries of the Interior, Agriculture, the Army and Health, Education, and Welfare.

Section 104, title I, will give the Water Resources Council a pre-eminent role in planning the development of the Nation's water resources. Subsections 1, 2, 3, and 4 of section 104 provide authority for the Council to develop centralized plans to achieve centralized goals which may not objectively represent the needs and legitimate desires of the citizens of the individual river basins.

The CHAIRMAN. The word is "develop." Upon receipt of a plan, they shall determine certain things about it. They are not developing any plans, are they?

Mr. WYLIE. Did I say "develop"?

The CHAIRMAN. You said "develop".

Section 104, title I will give the Water Resources Council a preeminent role in planning the development of the Nation's water resources. Subsections 1, 2, 3 and 4 of section 104 provide authority for the Council to develop centralized plans to achieve centralized goals.

Mr. WYLIE. I did read it that way. That is the way I have it here. The meaning of that is that these plans, of course, would originally come into existence in these river basin commissions and then, of course, would be forwarded up to the Water Resources Council. They very definitely have the power to change those to such an extent that they would actually be developing on the basis of data made available to them.

The CHAIRMAN. All right.

Mr. WYLIE. The Council, with the authority contained in section 104, will hold virtual veto power over any comprehensive river development plan which might be developed by the river basin commissions established under title II.

It has been stated on many occasions that there is a need for coordination, on the Federal level, of the activities of Federal agencies engaged in water resources planning and development. It seems to us that the Water Resources Council is aimed at achieving, in part, this objective.

Yet the membership of the Council will not necessarily insure that the differences among Federal agencies will be resolved. The membership will still be representing the various agencies. The same pressures from these agencies will still be present. In practice we see little opportunity for the Council to achieve the degree of objectivity envisioned by the proponents of this legislation. It is quite possible that the Council will become dominated by one agency or become so completely deadlocked that it will become impossible to provide the coordination of Federal programs which appears necessary.

RIVER BASIN COMMISSION

The river basin commissions as proposed in title II will establish precedents which we believe neither the public nor the Congress will want to see established.

The CHAIRMAN. May I interrupt you there to point out what you said about title I? Any plans that come up, no matter what the Council does with them, or what modifications they may suggest, come to the Congress for approval.

Mr. WYLIE. Very definitely. I agree with that.

The CHAIRMAN. Congress is the one that decides. This is an attempt to so schedule work that Congress does not have the sort of

thing that is going on now, where there is no systematic development at all. This does not take away from Congress the final responsibility.

Mr. WYLIE. That is very true and the bill states it must go to Congress. However, I would like to point out that the Congress does not always have a choice of plans that are brought up to them. The one brought up to them might not be the one you would like or I would like but it is the only one that has been brought to you for action.

The CHAIRMAN. All I have to do is get 50 other Senators to agree with me it should be changed and we can change it. Then we can go to the House to change it. You do have to have, however, the signature of the President of the United States. If you don't want to do it in a fashion that the Executive thinks is fitting and proper you have to get two-thirds of the Congress of both Houses and that is a bit difficult sometimes. I still think that Congress retains the power. I don't see any great hazard in this bill. I recognize you do. I just want to assure you that I do deal with irrigation and reclamation bills occasionally. We don't find that planning on it destroys the value of the bill. Sometimes we wish there had been more planning. But go ahead.

Mr. WYLIE. Since river basin areas are natural water planning areas, the chamber recognizes that river basin planning agencies should be created to develop comprehensive, integrated plans for Federal, State, local, individual, and industrial development of water resources.

Interstate compacts adopted by State legislatures and approved by Congress are the best instruments for bringing about joint action by a group of States in meeting common problems of a regional nature. They are the most effective way to insure the full participation of local and State interests without destroying individual initiative, individual responsibility, and individual property rights.

Interstate compacts such as the Klamath River Basin Compact Act of August 30, 1957, 71 Statutes 4970—entered into by the United States and the States of Oregon and California and the northeast interstate compact involving six States, and the Delaware River interstate compact involving four States, both of which are before the Congress, are good examples of methods of developing comprehensive plans for water resource conservation and development.

The CHAIRMAN. Would you want to modify the word "both"? You mentioned three and you said both.

Mr. WYLIE. "Both" refers to the northeast interstate compact and the Delaware River interstate compact.

Title II of S. 2246 does not recognize the interstate compact as an important tool for the comprehensive development of our river basins. There is not protection in S. 2246 for existing agencies engaged in the development of comprehensive plans.

Section 201(a), page 6, lines 6-11, provides that river basin commissions may be formed by the President at the request of a Governor of a State which lies wholly or partially within a region, river basin, or group of river basins for which a river basin water resources commission would be formed, or at the request of the Water Resources Council. Such action could be taken without the consent of all the States involved and without regard to what the States have accomplished toward comprehensive water resource planning.

In the opinion of the chamber the method for the establishment of the river basin commissions and the membership of the commissions will not be satisfactory from the States' point of view.

The CHAIRMAN. Do you think every State should agree? You say "such action could be taken without consent of all the States involved." Do you think all the States involved should consent each time?

Mr. WYLIE. I believe they should. I also believe that the possibility of not having membership of these States, of all the States, is also a possibility because of the wording of the bill.

The CHAIRMAN. If you had required unanimity, the Hoover Dam would not yet be built. It was built a long long time ago and it has served a very useful purpose.

Mr. WYLIE. That is not true basic planning if everybody does not feel unanimous about the plan.

The CHAIRMAN. Maybe it wasn't, but Arizona, for reasons of its own, stayed out, would not sign the compact, did not think it got enough water. They went right ahead and built the dam anyhow.

Mr. WYLIE. I know they did.

The CHAIRMAN. It is a pretty good dam. It is not bad at all. If the U.S. Chamber of Commerce had its way it would not have been built but other people saw it differently and they got it built, thank God. I don't see why it is so bad.

Mr. WYLIE. Really, though, what we are talking about here in terms of this bill are comprehensive river basin plans which involve many more things than hydroelectric power or irrigation or a combination of the two or others.

The CHAIRMAN. I know. So did the Colorado River project. It involved transmission of electricity. We had a terrible argument in my home State about what was going to happen to all of the electricity from Boulder Canyon and the dam which is now called Hoover Dam. But it was idle conversation because the power all went to California and Arizona; they were prepared to use it. They were prepared to build transmission lines. We were not. But the portion allotted to the State of New Mexico I don't expect to see in my lifetime and my children do not expect to see it in theirs, but it is there in the compact.

Mr. WYLIE. The membership of the commission will be composed of (1) a chairman appointed by the President; (2) representatives of Federal agencies determined by the President to have a substantial interest in the work to be undertaken by the commission; (3) one or more members from each State which lies wholly or partially within the region, river basin, or groups of river basins for which the commission is established; and (4) when deemed appropriate by the President, one member from any interstate or international commission involved in the basin.

The selection of the State representatives to the commissions as outlined in subsection (c) of section 202 of S. 2246, places the States and the Governors of the States in a completely subservient position. Instead of appointing, a Governor can only nominate a representative to the commission. The nominee must be "satisfactory to the President" before he is appointed to the commission by the President. If the Governor should fail to nominate a State representative within 60 days after a request by the President, the President may make his own nomination.

To us this does not truly reflect State, local, or industry representation in the planning process for a river basin. It does represent Federal determination of river basin plans with little or no recognition of the interest of the State and local groups. It is our conclusion that title I and II of S. 2246 will eventually breed a valley-authority type of Federal domination of the river basins of our Nation.

The CHAIRMAN. You understand the Governor nominates and the President appoints, do you not?

Mr. WYLIE. Definitely.

The CHAIRMAN. The Governor has no authority to appoint somebody to a Federal commission. There is no other way that it can be done.

Mr. WYLIE. There is no guarantee, however, in here that the President will accept his nomination, either.

The CHAIRMAN. That is correct.

Mr. WYLIE. Or that he will accept anyone from his State. I mean there is no guarantee that each State will have to be represented, either.

The CHAIRMAN. I make the same observation I made awhile ago. You have a pretty low opinion of the Presidency of the United States if you start with that assumption. You have to assume the President would not care a hoot for anybody or their opinion. But it just so happens that the Government does not work that way in most instances.

I believe it would not in this one. It just depends, on what concepts you have of the type of people who are elected President of the United States.

Mr. WYLIE. I don't start with any assumption concerning anyone in the Government. However, I don't think it is spelled out clearly enough here. I think it could be without any great problem.

Mr. SMITH. May I ask a question? If these river basin planning agencies were joint Federal-State planning agencies, could not the Governors of the States then appoint the State representatives and the President appoint the Federal representatives?

The CHAIRMAN. I should think so, yes.

Mr. SMITH. Don't you think that would be a better way of getting true representation from the States?

The CHAIRMAN. If we did we would put the bill that way. This has not worked badly.

Mr. SMITH. We think that would be a better way.

Mr. WYLIE. The States should make adequate evaluations of the natural resources within their boundaries and maintain their natural resource agencies, particularly those dealing with forest, water, and mineral resources, at high efficiency, staffed by well-trained personnel, and free from political domination.

We believe, however, that sections 302, 303, and 304 provide the Water Resources Council with such authority and control through grants-in-aid that eventual Federal domination of the State planning agencies will be a natural result.

The fact that the Water Resources Council will establish the regulations for the allocations of the grants-in-aid, and will approve the plans for the expenditure of Federal grants leads us to the conclusion that the State agencies will gradually reflect the thinking of

some central planning group to the detriment of the rights of the citizens of the individual States.

There are no provisions in S. 2246 to prevent the actions of the Water Resources Council or a river basin commission from completely ignoring the rights of the States to control their water as established by custom and State laws which have been recognized by previous acts of Congress and decisions of the U.S. Supreme Court.

The CHAIRMAN. Wait a minute. You say:

There are no provisions in 2246 to prevent the actions of the Water Resources Council or a river basin commission from completely ignoring the rights of the States to control their water * * *.

Mr. WYLIE. I think we are referring again—

The CHAIRMAN. There is no power in here that permits a single river planning commission or a water resources council to deal with the rights of States on water, is there? If so, where do you see it?

Mr. WYLIE. There is none that says they have the right, either. I think we are referring here to the representation—

The CHAIRMAN. Do you mean since there is nothing that says they haven't the right, you really believe they do have the right to take away the waters of the State without proper judicial action or treaty?

Mr. WYLIE. That who has the right?

The CHAIRMAN. That the Resources Council in this bill, or the river planning commission.

Do you think that the river basin planning commission could so determine without litigation between Arizona and California on how much water Arizona is going to get?

Mr. WYLIE. No, they could not.

The CHAIRMAN. Would they be able to touch it at all?

Mr. WYLIE. They can determine the plans that will be developed.

The CHAIRMAN. Will they be able to touch at all the distribution of the water?

Mr. WYLIE. The river basin commission?

The CHAIRMAN. Yes, or the Resources Council, either one. You mentioned them both. Would they be able to touch the distribution of a single drop of water from the Colorado River?

Mr. WYLIE. Isn't that the purpose of this whole bill, to give them the right to develop those plans?

The CHAIRMAN. Plans? Would you please answer the question? Under the terms of this bill would the Water Resources Council or river basin planning commission be able to change the distribution of a single drop of water between Arizona and California or any other States in the Colorado River Basin?

Mr. WYLIE. No, their action would have to go to the Congress.

The CHAIRMAN. Do you think the Congress can do it?

Mr. WYLIE. I don't know who can if they can't.

The CHAIRMAN. It is being settled in the Supreme Court right now. When the Supreme Court gets finished if anybody tries to pass a law changing the distribution of waters the Supreme Court decides upon, he will have a very strange experience. He won't get very far with it. I don't know whoever told you that the States would lose the right to control their water. Any rights they have under State law is not going to be abrogated by a council which is an advisory council in Washington.

Mr. WYLIE. I would like to ask Mr. Smith to respond to that.

Mr. SMITH. The Council is made up of representatives of the Federal agencies and some of the Federal agencies have brought up plans that I believe would change the right to allocate, to take water.

The CHAIRMAN. Just name one. You said they have. Just name one.

Mr. SMITH. I am afraid I can't, Senator.

The CHAIRMAN. I am afraid you can't either. You cannot do it this afternoon, you cannot do it tomorrow afternoon.

(Richard W. Smith, manager of the natural resources department of the Chamber of Commerce of the United States, subsequently wrote Chairman Anderson, citing two cases to support Mr. Wylie's statement. The letter was referred to the Assistant Attorney General for an analysis of the cases. The correspondence follows:)

CHAMBER OF COMMERCE OF THE UNITED STATES,
Washington, D.C., August 17, 1961.

HON. CLINTON P. ANDERSON,
Chairman, Senate Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D.C.

DEAR SENATOR ANDERSON: During the hearings on August 16 on S. 2246, the Water Resources Planning Act of 1961, the chamber's witness, Mr. Robert C. Wylie, made the statement that there are no provisions in S. 2246 to prevent the actions of the Water Resources Council or a river basin commission from completely ignoring the rights of the States to control their water as established by custom and State laws which have been recognized by previous acts of Congress and decisions of the U.S. Supreme Court. You questioned the relevancy of this statement.

Mr. Wylie responded and then asked me to comment. The following is from the transcript (pp. 260-261).

"Mr. SMITH. The Council is made up of representatives of the Federal agencies and some of the Federal agencies have brought up plans that I believe would change the right to allocate, to take water.

"The CHAIRMAN. Just name one. You said they have. Just name one.

"Mr. SMITH. I am afraid I can't, Senator.

"The CHAIRMAN. I am afraid you can't either. You cannot do it this afternoon, you cannot do it tomorrow afternoon."

Although I could not think of them at the time, there are two cases which I should have cited in illustration of actions of Federal agencies in violation of State water rights.

The first is the *Fallbrook* case in southern California in which the Navy was attempting to get an additional water supply for the Marine's Camp Pendleton. Attorneys for the Federal Government, on the basis of "paramount Federal rights," filed claims on water rights on ground water in the Santa Marguerita River Valley acquired by private citizens under the water laws of the State of California. It is my understanding that the Federal Government has now abandoned the case.

The second is the *Hawthorne* case in Nevada. The Navy had made application under Nevada State law for the beneficial use of water from six wells on the Naval Ammunition Depot at Hawthorne, Nev. Based on its understanding of the *Pelton Dam* decision, the Navy abandoned its applications, on the basis that the Federal Government had "paramount right." The State of Nevada instituted a suit to obtain declaratory judgment that the Navy must comply with Nevada's State laws. The Federal district court on August 27, 1958, dismissed Nevada's complaint and held that the United States need not comply with Nevada water law.

I request that this letter be inserted in the record of the hearings, following the testimony of the chamber's witness, Mr. Wylie.

Sincerely,

RICHARD W. SMITH,
Manager, Natural Resources Department.

U.S. SENATE,
 COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
 Washington, D.C., August 18, 1961.

HON. RAMSEY CLARK,
 Assistant Attorney General,
 Department of Justice, Washington, D.C.

DEAR MR. CLARK: At our committee hearing on August 16 on S. 2246, the Water Resources Planning Act, a witness representing the U.S. Chamber of Commerce in charging that the Federal Government could ignore State water rights asserted that "some of the Federal agencies have brought up plans that * * * would change the right to allocate, to take water."

I challenged the witness to name one such plan. He was unable to do so.

Now, however, I have a letter from the chamber citing, as examples of such "plans," the *Fallbrook* and the *Hawthorne* cases. I do not think these cases are in point as to the subject then under discussion, nor do I believe the cases stand for what the chamber asserts.

However, the chamber has requested that its letter be printed in the hearings. If it is so printed, I believe a reply or comment by the Department of Justice should be printed with it.

Therefore, would you be good enough to give the committee a statement as to the specific facts involved in the chamber's assertions regarding the *Fallbrook* and *Santa Margarita* cases. A copy of the chamber's letter is enclosed.

Sincerely yours,

CLINTON P. ANDERSON, *Chairman.*

DEPARTMENT OF JUSTICE,
 Washington, August 28, 1961.

HON. CLINTON P. ANDERSON,
 Chairman, Committee on Interior and Insular Affairs,
 U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: You have asked this Department to comment on a letter dated August 17, 1961, to you from Richard W. Smith, manager, natural resources department, Chamber of Commerce of the United States. Quoted in that letter is a statement made by Mr. Smith in hearings before the Senate Committee on Interior and Insular Affairs that "some of the Federal agencies have brought up plans that I believe would change the right to allocate, to take water." In his letter, Mr. Smith cites the *Fallbrook* case (*United States v. Fallbrook Public Utility District, et al.*, Civil No. 1247-SD-C, U.S.D.C.S.D. Cal. S.D.) and the *Hawthorne* case (*Nevada v. United States*, 165 F. Supp. 600 (U.S.D.C. Nev. 1958) affirmed 279 F. 2d 699 (C.A. 9, 1960)) to support his statements.

The precise meaning of Mr. Smith's statement is not entirely clear to me. I assume that it relates to the various laws and regulations enacted and adopted by the Western States in the exercise of their police powers in connection with the acquisition and allocation of rights to the use of water. Applying that connotation to the phrase in question, I can assure you that neither of the mentioned cases could in any way change the power of the States "to allocate, to take water," nor was either brought for such a purpose.

In the *Fallbrook* case, the United States seeks to have quieted its title to rights to the use of water purchased in the years 1942-43 from the Rancho Santa Margarita and rights it has acquired by proscription and use. There is no challenge in that case to California's power to regulate the acquisition of rights to the use of surplus waters.

The Navy was not "attempting to get an additional water supply for the Marines' Camp Pendleton." The suit is an action to quiet title, the objective of which is to have the rights of the United States adjudged. It is not possible in such an action to "acquire" rights. Accordingly, the statement that, "Attorneys for the Federal Government, on the basis of 'paramount Federal rights, filed claims on water rights on ground water in the Santa Margarita River Valley acquired by private citizens under the water laws of the State of California'" is without basis in fact. The United States has not considered abandoning the *Fallbrook* case. At present, findings of fact and conclusions of law are being formulated in preparation for the entry of the final decree.

A different factual situation prevails in the *Hawthorne* case. In summary, the court of appeals described that case as follows: "Nevada is not here seeking, either for herself or for others, the judicial establishment of any particular usufructuary right. * * * Rather, she [Nevada] seeks [as against the United States] a declaration of her sovereign, proprietary right to the corpus or control of waters in general." *Nevada v. United States*, 279 F. 2d 699, 701 (C.A. 9, 1960). Reference was made by the court of appeals to the fact that Nevada and the United States had stipulated that the development and operation of the wells there involved, did not "interfere and has at no time interfered with any vested right of any person." The water wells in question were drilled on a U.S. naval ammunition depot over which the State of Nevada had ceded exclusive jurisdiction. These lands were therefore under the exclusive political jurisdiction of the United States as provided by article I, section 8, paragraph 17 of the U.S. Constitution. The statute ceding jurisdiction was adopted by Nevada 4 years prior to the time that it had enacted the ground-water law which it sought to enforce against the United States. As a consequence, Nevada by its own laws had clearly excluded the lands in question from the operation of that law. Thus, the case did not present a question of conflict between laws of the United States and laws of Nevada; or which could change Nevada's "right to allocate, to take water."

I hope that this letter will be of assistance to you. If you desire additional information, we shall gladly furnish it.

Sincerely,

RAMSEY CLARK.

MR. SMITH. The cases I can think of have been ones under license with the Federal Power Commission and not from the—

The CHAIRMAN. We spent a day going over the *First Iowa* case and *Pelton Dam* case and things of that nature. They have not changed the States rights.

MR. SMITH. Didn't the *Pelton Dam* case change States rights?

The CHAIRMAN. No.

MR. SMITH. Many people think they did.

The CHAIRMAN. I know that. That is the unfortunate part of this sort of thing that we keep getting. There was a wholly different matter involved in that. We made a special study of it. We got Elmer Bennett doing an analysis of all these cases, first when he was counsel for the House committee, then when he was down at the Department of the Interior.

Now the Department of Justice has gone into court and filed suit in many of these instances, but that does not interfere—that does not change the rights of Congress in the slightest, and it does not change the rights of any Resources Council we put in here.

MR. SMITH. I think the last time the chamber testified before your committee was on this question of State water rights, on June 16. I think there were many others that felt the same way, that the Federal Government was claiming in some cases prior rights, and they advocated legislation by the Congress that would reassert the rights of the States to allocate waters.

The CHAIRMAN. Reassert by surrendering. The Congress can by law give away the rights of the United States. We did it in the *Tidelands* case. Congress can give away these things. I grant that. If that is what you are advocating, that Congress give away—

MR. SMITH. By long custom the States have felt that they have had that right, and many property relationships are based on that, and we advocated before your committee that the Congress should reassert those State rights.

The CHAIRMAN. I realize that. You have been advocating that now for many, many sessions of Congress, and it is in exactly the same

state it was at the time you made the first recommendation. I say this is a little difficult. You recognize I am not an attorney, but the Supreme Court has decided some of these things. When the Supreme Court has decided it, to me that is settled for a whole, at least. In the *Pelton Dam* case, let me read a bit of it; the case turned on a reservation:

In December 1951 the Federal Power Commission decided in line with recommendations of its examiner to grant the application of the Portland General Electric Co. for a license to construct and operate the Pelton project.

I skip a few words and I hope there is nothing in there that is significant.

The Commission noted that the high dam would occupy lands and a reservation of the United States; that the project probably was the most readily available source of new power in that area; that a severe shortage of power in that region was a matter of national concern.

It said the record supported the finding of the examiner that a reregulating dam downstream would protect downstream interests; that fishery interests would be protected adequately because upstream irrigation diversions already had depleted flow in the upper reaches and thereby limited the natural food present for fingerlings in that area. The opinion thus bases the license primarily on the public land and reservation aspect of the Commission's licensing power.

And that is what the plan turned on, that they had not gotten a permit from Oregon. That was also the situation in the *First Iowa* case.

In the *First Iowa* case the applicants were given some rights to build a dam on the river, but the Legislation of the State of Iowa said you can't go ahead until you get a permit from the State of Iowa.

The Supreme Court held that once the Federal Government had assumed the authority for the control of that river there was no room for a second jurisdiction. There is just a certain situation where the Federal Government has complete control, and you cannot have two complete controls. That is what they decided in the *Pelton Dam* case. The State of Oregon wanted to insist they come in and get a permit from Oregon, but there was only room for one jurisdiction. That was the jurisdiction of the Federal Government.

MR. SMITH. Thank you, Senator Anderson. I am not a lawyer. Lawyers often disagree. There are many lawyers well versed in water law that have feelings on the opposite side than you have expressed.

THE CHAIRMAN. I know it. They would not be able to get clients to take into court if they did not. But the law stays pretty much the same. We had Mr. Rankin in here. He was the Solicitor under the Eisenhower administration. I am happy to say I regard him as one of the finest lawyers, and one of the finest men to ever come up before the committee.

We had a hearing before the Select Water Resources Group and somebody said that the nonnavigability was the situation in the *Pelton Dam* case. I challenged that and wrote Mr. Rankin to see if he agreed with me. He said, as you suggest, nonnavigability was not the issue at all [reads]:

The question was simply whether Congress has, by the Federal Power Act, given to the Federal Power Commission the same exclusive authority to license projects on reserved lands of the United States as the *First Iowa* case holds has been given the Commission with respect to the licensing of projects on navigable waters. The holding was that Congress had done so and that, accordingly, "to

allow Oregon to veto such use, by requiring the State's additional permission, would result in the very duplication of regulatory control precluded by the *First Iowa* decision."

I admit that those facts are not understood very widely because I recently listened to a speech made about this in which the speaker put in the same things and said somebody invaded the States rights and tried to take the States rights away from them. Not at all. The States tried to exercise the rights they did not have. When they got to that point, the Supreme Court said, "You don't have this right. There is one exclusive jurisdiction granted and there is not room for a second."

I don't want to extend your testimony.

Mr. WYLIE. I don't want to extend it, either. I want to make a comment concerning my own home State. Our concern in that particular case would be in a situation that we feel we have a very workable water law in the State; we think we have made great strides in Wisconsin in water development and resource management in terms of water. I think it is entirely possible, a real possibility, that a river basin planning agency or commission on a larger area could encompass the major drainage basins of the State of Wisconsin. If they were to develop comprehensive plans I feel quite certain that the Federal domination in those commissions would tend to make those the primary objectives and could greatly overshadow anything that Wisconsin has done or plans on doing in the future.

That, of course, I would be very much opposed to. That, in effect, would be restricting the rights of the States to control and allocate their waters as has been their custom.

The CHAIRMAN. You read things in the bill that I do not see there at all. I think if you read some of these decisions you might come to the same conclusion. Setting up a commission, taking a look at how well people are planning, does not mean that they have any authority to come in and disturb the water programs that you might develop. We would like to have some coordinated planning. We are going to need it. We are going to need it to save the water of this country. It is tremendously important. I can never understand why when that takes place the U.S. Chamber of Commerce thinks it is a bad thing.

Mr. WYLIE. We don't think it is a bad thing at all, because we very definitely are for comprehensive planning.

Mr. SMITH. I think we disagree on methods, not on the objectives.

Mr. WYLIE. Shall I proceed?

The CHAIRMAN. Surely.

Mr. WYLIE. Thank you.

In conclusion, the chamber feels that basinwide water development is also vitally important to the future of the State, local governments, industries, and to individuals, and that they must be allowed to participate fully in the development of comprehensive water resources plans. We believe that under S. 2246 the Federal Government would become, for all practical purposes, the only planning and development agency for all water resources of the Nation. We submit that the whole area of water resources planning and development is too complex for hasty and potentially harmful legislation.

I say "hasty legislation" because S. 2246 was introduced in Congress on July 14. The first hearing for Government witnesses was

held less than 2 weeks later on July 26, and the hearings for public witnesses began on August 16, just 33 days after the introduction of the bill.

This is not time enough for information on the bill to get to interested organizations and individuals throughout the country and for them to discuss it and examine the effect the bill will have on the planning and development of the water resources of their areas.

The CHAIRMAN. I would want to call your attention to the fact that this hasty legislation, so-called, is not quite as hasty as your testimony would perhaps indicate. President Eisenhower proposed almost exactly the same bill in January. We decided not to hold hearings on that. I introduced a bill, S. 1629, which was designed solely to help the States with their water problem.

Mr. WYLIE. I have seen that bill, sir.

The CHAIRMAN. We had some hearings on that. Now we have come to this other proposal that the Government thinks is better and I say follows more nearly the lines of the Eisenhower proposal in January. We have come to the consideration of it. I think since months of pretty steady discussion of this subject, which has been under consideration for 6 years, is not too hasty. At least I want to assure you that we were not trying to cut out discussion by hurrying it too much.

Mr. WYLIE. Water resources problems vary considerably from region to region of the United States, and the views of each region as to methods of planning for and managing water resources are not alike. In the East water supply and flood control are of paramount interest and riparian water rights are the controlling factor. In the West the interest centers on irrigation and hydroelectric power and the doctrine of prior appropriation for consumptive use prevails.

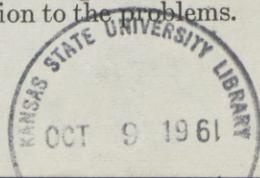
We urge, therefore, that these two committees postpone any action at this time in favor of more careful and comprehensive study by the committees, and the interested States, local governments, and water using industries to determine just what is the proper course of action which should be taken to bring about the best possible planning of the use and conservation of our water resources.

We respectfully recommend that these hearings be recessed, and that joint regional hearings be held during the recess before the second session of this Congress in at least four regions of the country, followed by final hearings here in Washington during the second session.

The CHAIRMAN. Thank you.

I only want to say to you I hope that you will have a chance to read the report of the Select Committee on Water Resources because it tries to recognize that there is a serious water problem. We know it is a simple solution to just sweep it under the rug and say "Put this away until the next session and hold regional hearings." But it does not attack the problem. I hope to see the problem vigorously attacked. We will be short of water soon in many parts of the country.

Mr. WYLIE. I have the entire Senate Select Committee report on water. I have read a great deal of it. I think it is an excellent report in terms of the collection of vital water resources data. They have done an excellent job on it. I know they spent a considerable time in doing it. However, we felt that it was primarily concerned with determining the use, availability, and problems concerning these water resources and not primarily as much with the solution to the problems.



That is why we made the suggestion that we have in the last two paragraphs. We know these problems have not occurred overnight. They cannot be solved overnight but if they are to be solved we must start now.

The CHAIRMAN. Thank you very much.

Mr. SMITH. May I make a further statement, Senator?

The CHAIRMAN. Certainly.

Mr. SMITH. I want to say that I thoroughly agree with what Mr. McFadzean said about the desirability of every one interested in these problems getting together and discussing them. That is what the Washington representatives of a number of natural resources trade associations that are interested in such problems have been doing. We have a monthly luncheon group at which we discuss the effect of current proposals and the effect they will have on the country and I think that is a very desirable aim. What we discuss there does not affect any statement made by the U.S. Chamber of Commerce, which is based on our policy declarations which are voted on by our members in a democratic process.

The CHAIRMAN. Thank you. The record will remain open for at least 10 days for further statements.

(The following statements were subsequently received:)

FERGUS FALLS, MINN., August 24, 1961.

CHAIRMAN, SENATE INTERIOR AND INSULAR AFFAIRS COMMITTEE,
Washington, D.C.:

Otter Tail Power Co. wishes to express its opposition to S. 2246. The proposed Water Resources Council would in our opinion not only destroy local control more adapted to the needs of our area but also could claim certain authority over hydroelectric developments which might be adverse to our interests.

OTTER TAIL POWER Co.,
ALBERT V. HARTL, *President*.

JEFFERSON CITY, Mo., August 24, 1961.

HON. CLINTON P. ANDERSON,
Chairman, Interior and Insular Affairs Committee,
U.S. Senate, Washington, D.C.:

Today was the first opportunity the Missouri State Chamber of Commerce Water Resources Council has had to meet and consider S. 2246, providing for a Water Resources Council, River Basin Commission, etc.

The State chamber's board of directors has had no opportunity to develop policy position on this bill as yet but we recognize that it is of vital concern to the State of Missouri as well as other States. Therefore, we would like to request that the Senate committees considering this bill not close their hearings on the bill but rather have further hearings at which the Missouri State chamber and other organizations who have not yet had an opportunity to study this bill would be permitted to testify. Preferably such hearings might take the form of regional hearings throughout the country in order to get widespread determination of public opinion as to what approach should be taken on these very important matters. We would like to very cordially extend an invitation to your committee and any other congressional committees to hold such a hearing in the State of Missouri.

JOHN R. THOMPSON,
Executive Vice President, Missouri State Chamber of Commerce.

NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS,
Washington, D.C., August 23, 1961.

HON. CLINTON P. ANDERSON,
*Chairman, Senate Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D.C.*

DEAR SENATOR ANDERSON: In connection with the committee's current consideration of the Water Resources Planning Act of 1961 (S. 2246), we are pleased to transmit herewith for the record a statement by the National Society of Professional Engineers in support of the pending legislation.

This statement was prepared for the society by Charles D. Curran, P.E., a member of the society's committee on Federal engineering and scientific activities. Mr. Curran has extensive experience in the field of water resources planning, as indicated by the attached biography which you may wish for your own information or to insert in the record following our statement as you deem appropriate.

If the National Society of Professional Engineers may be of assistance to the committee in any way in connection with the Water Resources Planning Act of 1961, or other considerations involving professional engineering aspects, we would be pleased to be of service.

Very truly yours,

PAUL H. ROBBINS, P.E.,
Executive Director.

STATEMENT OF CHARLES D. CURRAN, P.E., FOR THE NATIONAL SOCIETY OF
PROFESSIONAL ENGINEERS

The Water Resources Planning Act of 1961 is pending before the Senate in the bill S. 2246 and before the House of Representatives in H.R. 8177, introduced respectively on July 14 and July 17; they are identical and conform to draft legislation transmitted by the President on July 13, 1961.

Title I of the bill would establish a Water Resources Council composed of four Cabinet officers, title II would authorize the establishment of river basin water resources commissions throughout the Nation, and title III would provide for financial assistance to the States for water resources planning.

Policy No. 55 of the National Society of Professional Engineers points out that the society believes that the economy and efficiency resulting from the establishment of a coordinating review board for the development of water resources would serve the Nation's best interest. It states:

"The society therefore encourages consideration of legislation within the principles contained in the studies and reports of the Hoover Commission Task Force on Water Resources and Power and the Presidential Advisory Committee on Water Resources Policy, to accomplish the organizational basis and policies for the proper utilization and development of the Nation's water resources, in accordance with sound engineering principles."

The Commission on Organization of the Executive Branch of the Government (Second Hoover Commission), in its report to Congress, "Water Resources and Power," dated June 1955, recommended, "without going into details" the creation of a Water Resources Board.

Discussion of the recommendation showed that the Commission contemplated that the Presidential Advisory Committee on Water Resources, in existence at that time, and the Interagency Committee on Water Resources, established under Presidential instructions at sub-Cabinet level to carry on the efforts of a predecessor voluntary interagency group, be transformed into a Water Resources Board. It was proposed that the Board be created from among Cabinet members, together with five public members. The Board's purposes would be to determine the broad policies for recommendation to the President and, with his approval, to the Congress, and to devise methods of coordination of plans and actions of the Federal agencies, both of the Washington level and in the field.

Recommendation No. 1 of that report included the following subparagraphs:

(b) "That water resources developments should be generally undertaken by drainage areas—locally and regionally."

(c) "That the Federal Government should assume responsibility when participation or initiative is necessary to further or safeguard the national interest, or to accomplish broad national objectives where projects, because of size or complexity or potential multiple purposes or benefits, are beyond the means or the needs of local or private enterprise. Under other circumstances the responsibility for development should be discharged by State or local governments or by local organizations, or by private enterprise."

* * * * *

(e) "That the Federal Government should provide advisory assistance to those local and State agencies that are undertaking water resources and power development projects."

The Task Force on Water Resources and Power, in its report to the Commission, recommended that the Congress adopt the policy of encouraging the formation and development of non-Federal agencies to carry out operational functions of water resources projects. The task force also recommended that the Congress strengthen and expand the Federal Interagency Committee on Water Resources by establishing a Water Resources Board, to consist of Cabinet officers and public members, to coordinate the activities of Federal agencies, to eliminate competition and duplication, and to promote State and local responsibility. The Board would serve as the executive agency for coordinating Federal policy and activities. Its responsibilities would include promotion of decentralized planning by assisting in the formation of non-Federal planning organizations.

The Presidential Advisory Committee on Water Resources Policy referred to in NSPE's statement is that Cabinet committee which made a report to the President that was transmitted to Congress on January 17, 1956.

This advisory committee recommended that planning for water resources and related developments be conducted on a cooperative basis with representatives of all Federal, State, and local agencies involved. It proposed that an independent board of review be created to analyze the engineering and economic feasibility of projects, that regional or river basin water resources committees be formed with a permanent nonvoting chairman appointed by the President, and with membership composed of representatives of all Federal departments and States involved.

The National Society of Professional Engineers has also adopted a policy favoring an advance planning program to provide loans to the States and their political subdivisions to enable them to provide in advance proper plans, designs, work drawings, and specifications preliminary to the construction of public works.

The society has also recommended establishment of a Federal Board of Engineering Review to settle jurisdictional disputes and to eliminate overlapping of operations between the several Federal agencies engaged in engineering activities.

A comparison of the society's policy and the legislation under consideration presents an opportunity to point to the message of President Theodore Roosevelt sent to Congress on February 26, 1908, with the preliminary report of the Inland Waterways Commission, wherein he said:

"The various uses of waterways are now dealt with by bureaus scattered through four Federal departments. At present, therefore, it is not possible to deal with the river system as a single problem * * * Congress should provide some administrative machinery for coordinating the work of the various departments as far as it relates to waterways. Otherwise, there will not only be delay, but the people as a whole will fail to get from our streams the benefits to which they are justly entitled."

The Inland Waterways Commission itself, in its report to the President, recommended:

"* * * that the President of the United States be authorized to appoint and organize a commission to bring into coordination the Corps of Engineers of the Army, the Bureau of Soils, the Forest Service, the Bureau of Corporations, the Reclamation Service, and other branches of the public service insofar as their work relates to inland waterways, and to consider and coordinate all matters of irrigation, swamp and overflow land reclamation, clarification and purification of streams, prevention of soil waste, utilization of water power, preservation and extension of forests, regulation of flows and control of floods. * * *"

In 1926 Secretary of Commerce Herbert Hoover proposed in a public address that a commission be established in each important river basin on which each of the States concerned, each of the major Federal agencies involved, and representatives of the private development agencies be included to coordinate development. The river basin commission envisioned would not be an administrative body.

In 1949 in its report to Congress, the first Commission on Organization of the Executive Branch urged a similar river basin setup. The Water Resources Policy Commission, established by President Truman in 1950, urged the formulation of plans on a river basin basis.

Most recently the Senate Select Committee on National Water Resources has this year recommended that the Federal Government, in cooperation with the States, prepare and keep up-to-date plans for comprehensive water development and management of all major river basins of the United States. That committee also recommended that the Federal Government stimulate more active participation by the States in planning and undertaking water development and management activities.

There is no need to review every one of the reports made by commissions to Congress, by commissions to the President, by committees of Congress, or by common interest groups of members of a single profession, of conservationists, of water users, or of any other category of citizens united in a common cause. An examination of all of these studies and recommendations would show that all were generally agreed that more effective coordination was necessary, that stronger participation by the State and local governments was desirable, and that all water resources developments should be planned with full appreciation of their relationship and impact to all parts of the pertinent river basin.

Such an examination would also show that for over half a century, while every student has been aware of the major problems and needs, each group has had its own thoughts on just what kind of organization might best accomplish the objective, and what means might be developed to stimulate participation of all levels of government. If we continue to emphasize the difference in approach and insist upon pride of authorship, we can continue to gather more reports for our libraries which will only support what we already know. Insistence that our differences shall prevail can only do the whole people a disservice and jeopardize the national economy by failing to foster sound management and control of our water resources.

An effort to provide a single bill that would correct all of the conditions in our water resource development machinery that could stand improvement is too great a task to attempt at one time. But it is time for those who sincerely believe in improving the present machinery to work together to correct the major deficiencies and then later take care of the lesser problems, one or two at a time.

There appear to be five principal problems today. First, there is still the need to improve coordination of the Federal agencies with one another. This should be accomplished without establishing a new agency to report to the President or a new agency outside of the departments regularly responsible for water resource development. The Water Resources Council proposed in the pending Water Resources Planning Act of 1961 is just such an agency.

Second, means should be developed to improve coordination between the Federal agencies and the agencies of the States and local governments. A third is to assure that planning uses the river basin as a natural unit. These two objectives can be fostered by the establishment of river basin commissions such as is proposed in the legislation. These river basin commissions should be established wherever two or more Federal agencies have responsibilities for planning the water resources of the stream. While State and local government entities should participate in the planning and deliberations of such river basin commissions, improvement in Federal interagency coordination should not be allowed to languish through the failure to establish such a commission, because representatives of other levels of government do not wish to participate. Such river basin commissions should not be temporary and should not be left to orbit too freely without any coordination and supervision from the permanent and continuing agencies of the Federal Establishment responsible for water resource development. The proposed legislation would take care of these contingencies.

Fourth, many States do not today have agencies established with necessary authority under State law, sufficiently financed, with adequate staff and with public confidence, to carry on the proper responsibility of the State in planning the development of its rivers. Encouragement of the establishment of proper

planning programs will take more than example, more than exhortation, more than invitation to the States to have representatives sit on river basin commissions. The States must assume planning responsibilities and must establish minimum staffs with personnel qualified equally as well as those in the Federal Establishment. This will be possible only if funds are available to the States for such work and if the planning agencies are able to compete with the Federal agencies in recruiting personnel. The program provided in title III of the proposed legislation would move in this direction. Administration of the title should, however, be carried out in a manner to assure that it stimulates a State program and does not just establish a Federal program within a State agency; that is, there should be assurance of adequate financial participation by each of the States.

A fifth urgent problem needing solution is that of measuring the relative merit of projects with one another; to assist in this, a uniform procedure of economic evaluation should be adopted for use by all Federal agencies and the present practice of each agency using its own procedure discontinued. Such procedures should include realistic depreciation periods for structures and improvements comparable to those recognized by the Internal Revenue Service. Preferably, such procedures should not be written into law, but could, as suggested in the President's transmittal message, be an early assignment to the Water Resources Council.

The adopted policy of the National Society of Professional Engineers "encourages consideration of legislation within the principles" as stated in several recent studies. The society's policy is not rigid as to detail. The pending Water Resources Planning Act of 1961, S. 2246 and H.R. 8177, clearly comes within the policy objectives of the society. The National Society of Professional Engineers, therefore, urges and endorses enactment of the legislation.

STATEMENT OF BERNARD F. HILLENBRAND, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF COUNTY OFFICIALS

We appreciate this opportunity to comment on S. 2246, the Water Resources Planning Act of 1961.

The National Association of County Officials strongly supports this legislation which provides planning bodies and financial assistance for the development of coordinated planning for the Nation's water and related land resources.

We specifically endorse the establishment of water resources commissions to represent individual river basins, as well as the provisions providing financial assistance for developing comprehensive water resources plans.

Since one of the major purposes of the legislation is to foster better Federal, State, and local relationships, we believe that the composition of the Water Resources Council, provided for in title I, should be expanded to include individual representatives of the State, county, and municipal levels of government.

While we recognize that this Council would be primarily a policy review body for the plans developed by the river basin commissions and that final implementation would be left with the Congress, we feel that the views of the local levels of government should be represented on such a Council.

This proposal would not disturb the voting balance of this Council, nor is this our intention, since the Federal departments would still constitute a majority of its membership.

What we, at the county level of government, seek is the opportunity to share in these final deliberations. This participation would, we are certain, remove many of the misunderstandings that might develop by clarifying, during their inception, the issues involved.

In addition, participation in the developmental stages of proposed water and related land resource legislation will provide the basis for close cooperation between the several levels of government when seeking proposed legislation to implement the recommendations of the river basin commissions.

STATEMENT OF WILLIAM J. HULL, CHAIRMAN OF THE LEGISLATIVE COMMITTEE OF THE OHIO VALLEY IMPROVEMENT ASSOCIATION, INC.

My name is William J. Hull. I reside in Washington, D.C. I am chairman of the legislative committee of the Ohio Valley Improvement Association, Inc. This association, organized in 1895, is a nonprofit corporation of the State of Ohio, dedicated to the development and more effective use of water resources in the Ohio River Basin, including, particularly, improvement of navigation facilities, domestic and industrial water supply, and flood control. Its membership includes industries such as coal, oil, steel, chemicals and power, as well as chambers of commerce, shippers, banks, river operators, merchants, civic groups, and individual citizens who support its work and program.

We welcome this opportunity to present our comments concerning S. 2246.

We are in full accord with the objectives of the bill to provide for the optimum development of the Nation's natural resources through coordinated planning. We support, also, the conception of a council or similar national authority to perform functions of the type outlined in sections 102 and 103 of the bill. The Interagency Committee on Water Resources has made significant contributions toward the development of plans, procedures, and standards in this field and we believe that it is appropriate for such a coordinating agency to be given statutory standing and authority. We respectfully suggest, however, that the members of such a council or agency should not be of Cabinet rank. Cabinet officers will have neither the time nor the expertise to carry out these duties effectively. They would necessarily delegate their authority with consequent delays and confusion. The functions involved are, in large measure, technical. The Council could not act in any event without approval of the President and, for the most part, its functions are to recommend, not to act. Broad policy judgment must be supplied by the President who would, of course, be free to consult members of his Cabinet and other policy advisers. A more appropriate makeup for the Council or other coordinating agency would be such officers of the Government as the Chief of Engineers, the Commissioner of the Bureau of Reclamation, the Commissioner of Fish and Wildlife, the Chief of the Forest Service, the Administrator of the Soil Conservation Service, and the Surgeon General, rather than their respective superiors of Cabinet rank.

It is our further recommendation that the creation of river basin commissions and the definition of their areas of responsibility and the scope of their authority and functions be reserved to the Congress of the United States. The bill attempts to provide a uniform definition of the authority and responsibilities of such commissions. Such uniform definition may well be inappropriate in particular situations, failing to meet the specific needs of a particular region or to reflect local interests. It fails, we believe, to give due weight to the predominantly local nature of certain phases of water resource development.

Similarly, the bill attempts to predetermine the composition of the river basin commissions as to types of members. In this connection, it is noteworthy that the Chairman is to be chosen in the discretion of the President and that the President is to appoint one member from each Federal department or agency determined by him to have a substantial interest in the work of the commission (sec. 202(b)); while only one member is to be appointed from each affected State (sec. 202(c)). Thus, the commissions might be weighted heavily with representatives of Federal interests. Indeed, while the State representatives are to be appointed on nomination of the State Governor, the President may make the appointment without such nomination if it is not forthcoming from the Governor within 60 days after the President's request. These arrangements might, of course, be modified by changes in the bill, giving more adequate recognition to State interests. But, we firmly believe, any uniform formula of representation on the commissions will give rise to serious problems and that congressional determination of committee composition in the light of the facts of particular cases would prove a far more satisfactory technique.

In this connection, also, we invite attention to the potential difficulties involved in the provision of section 201(a) permitting the appointment of a commission

upon request of the Governor of only one of the affected States. Yet, once created, the commission would be empowered to discharge its functions, including service as the "principal agency for the coordination of Federal, State, and local plans for development of water and related land resources in its region, river basin, or group of river basins" (sec. 201(b)(1)), notwithstanding the disapproval of possibly several other States in the affected area.

These considerations lead, we respectfully submit, most strongly to the conclusion that creation of the commissions, determination of their general composition, definition of their functions, and the regions or river basins or group of river basins within their respective jurisdictions should be matters for Congress to decide based upon the particular situation and in close coordination with the State and other local interests affected, which would be able to present their views at appropriate hearings. The conflicts and controversies likely to arise from a grant of authority to the President to set up such commissions in accordance with uniformly applicable provisions are clearly foreshadowed by analysis of the subject bill. Existing procedure with respect to the establishment of such commissions has been productive. The Delaware Basin Commission and others have produced valuable reports. Clearly, the complexity and variety of regional situations are such as to call for exercise by Congress of its deliberative functions in accommodating conflicting interests and balancing Federal, State, and local concerns in establishing such commissions and defining their functions.

AMERICAN PULPWOOD ASSOCIATION,
New York, N.Y., August 24, 1961.

Hon. CLINTON P. ANDERSON,
Chairman, Senate Interior and Insular Affairs Committee,
Senate Office Building, Washington, D.C.

DEAR SENATOR ANDERSON: I regret that it was not possible for Mr. W. C. Hammerle, of our association, to appear as scheduled at the August 16, 1961, joint hearing of your committee and the Senate Public Works Committee on S. 2246, the Water Resources Planning Act of 1961.

Since the hearing, we have had an opportunity to review the statements presented by the National Lumber Manufacturers Association and the Chamber of Commerce of the United States. We are in accord with the positions taken by both of these organizations on S. 2246 and wish to advise you that the American Pulpwood Association supports their positions on this legislation.

If the record on the hearing has not been closed, we will appreciate it if you will include in the record on this legislation our support of the positions taken by the National Lumber Manufacturers Association and the Chamber of Commerce of the United States.

Sincerely yours,

W. S. BROMLEY, *Executive Secretary.*

AMERICAN WHITEWATER AFFILIATION,
Washington, D.C., August 27, 1961.

Re S. 2246, Water Resources Planning Act of 1961.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: As the national organization of river cruising canoe and kayak clubs, we have an appreciable interest in optimum development and coordinated planning of water and related land resources. For far too long a time our water resources have been subject to disorganized "development" under innumerable Federal and State agencies, each organized for diverse and often conflicting purposes. Legislation which will result in a consistent, far-sighted policy for each of our major watersheds and coordinate all important developments therewith is long overdue. We are heartily in favor of the objectives of S. 2246.

Three observations occur to me on reading the bill:

(1) Nowhere in the bill is there any reference to recreational and scientific interests, who certainly are very much concerned with whatever happens in our watersheds—not only the fast-growing clan of river cruisers but fishermen, hunters, biologists, hikers, etc., as well. At the ORRRC meeting in Jackson

Hole last August Mr. Luther Gulick stressed very strongly the importance of such interests being represented at the planning stage, so that certain exceptional areas would not be irreparably lost.

Members of the Water Resources Council or of the several watershed commissions may be oriented toward lumbering, dams, mining, or some other form of exploitation. To counterbalance the combined weight of such orientation, may I suggest that the act specify that the chairman of the Council and of the several watershed commissions shall be a representative of the public, an individual (e.g., Laurance Rockefeller) or a representative of an organization (e.g., Joseph Penfold of the Izaak Walton League) known to be concerned with recreational values. This would help protect the public interest in the watersheds against those who are concerned with economic expansion.

(2) Section 405 of the bill seems to negate all the rest. If the depredations of the Bureau of Reclamation and the Army Engineers, especially, are not to fall under the control of the Council, it would seem to me that precious little has been accomplished by this legislation beyond setting up a fine principle and a lot of machinery. A case in point is the Missouri Valley, where the Pick-Sloan program has been a conspicuous failure. I do not believe even the international commissions should be wholly exempt: what is decided for the St. John can greatly disturb the whole of the Allagash country in Maine. I am not unaware of the political complications involved, but somebody has got to rein in those two Federal agencies, and soon, before they ruin the entire countryside. This act could be the instrument thereof. It should be.

(3) A minor point of phraseology: Page 6, line 8, the phrasing would be clearer if written: As described in section 202(c) of this act, or of the Council, it would read more easily as: "upon the request of the Council, or of the Governor of one or more * * *" etc., but you may have reason to put the Governors first.

I shall probably be commenting on this legislation in the next issue of our quarterly journal. I should be glad for any clarification you may wish to make, either for my private enlightenment or for quotation, as you may indicate.

Respectfully yours,

D. K. BRADLEY,
Chairman, Conservation Committee.

STATEMENT OF EXECUTIVE COMMITTEE OF THE INTERSTATE CONFERENCE ON WATER PROBLEMS

The Interstate Conference on Water Problems, associated with the Council of State Governments, is an organization of officials concerned with all phases of water resources administration. It includes among its participants representatives of all States and of all types of State agencies with responsibility for water resources planning, regulation, conservation, development, and utilization. As a result of the broad interest of its participants, the conference has been particularly concerned with the need for coordinated, comprehensive planning for development of water resources. Recognizing that the accomplishment of this goal requires active participation by representatives of all levels of government, the conference has urged the use of interstate-Federal compacts where appropriate and such other arrangements as may be devised to produce coordination of activities. Realizing the need for strong State water resources planning programs, the conference has also recommended wider use of Federal grants to State and interstate agencies similar to those now made for water pollution control programs. To promote coordination at the Federal level, the conference has proposed the establishment of uniform standards, criteria, and procedures for sound economic and financial evaluation of water resources development projects to be used by all Federal agencies.

The several recommendations above indicate the general interest of the Interstate Conference on Water Problems in the objectives of S. 2246. The executive committee of the conference feels strongly that careful consideration must be given to all sections of the bill. This feeling is based in large part on initial correspondence from Governors and State and interstate water resources administrators in all areas of the country. The specific comments that will be made in this statement reflect this initial correspondence and the deliberations of members of the executive committee at an extraordinary meeting held August 18-19, for the purpose of considering S. 2246.

Because of the extreme importance of legislation in this area, the executive committee decided that a special procedure is justified to assure the presentation of State views as broad and comprehensive as possible. At the request of the executive committee, the Council of State Governments is preparing a questionnaire to be sent to all Governors to obtain the views of State water resources officials on all sections of S. 2246. As soon as the compilation of replies to this questionnaire can be prepared, it will be furnished to the Committee on Interior and Insular Affairs. The compilation will also be used at the next annual meeting of the conference, to be held January 15-16, 1962, which will be devoted primarily to the subject of organization and procedures for planning and coordinating water resources development among all levels of government. We assume that final policy recommendations will be evolved at this meeting. Because of the complexity and major importance of this legislation which necessitates its being considered most carefully, we are assuming further that final action will not be taken by Congress until the next session.

In the interim, the executive committee of the Interstate Conference on Water Problems would like to summarize for the the Interior and Insular Affairs Committee the major points raised by the initial correspondence mentioned above. It is believed that careful committee consideration of the points raised would result in strengthening the bill.

With respect to the statement of policy, concern was expressed over the apparent change from policy stated by Congress in the Federal Water Pollution Control Act of 1956 and the Water Supply Act of 1958. Furthermore, the statement of policy in S. 2246 differs markedly from the policy statements of bills introduced earlier in the 87th Congress, S. 1629 and S. 1778, which we understand has been displaced by S. 2246. The earlier bills provided in part that "It is hereby declared to be the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in the planning for the conservation, development, and utilization of their water and related land resources * * *."

Concerning title I, there is general acceptance of the desirability of establishing a Federal council or board to provide coordination of water resources planning provided the council is given adequate means to accomplish the objective, and provided further that there is ample opportunity for representation of the views of interested parties. As noted above, the conference is on record as supporting the establishment of uniform standards, criteria and procedures as provided for in section 103. However, concern was expressed that the bill as written would not permit the coordination that is its apparent objective. It would appear that the statutory council would not have significantly greater authority than is now exercised by the Interagency Committee on Water Resources. Can coordination be accomplished without giving to the Council authority to review individual project plans of all Federal agencies constructing water resources projects? What is the effect of section 405, as it now stands, on the objective of coordination? Can all phases of water resources administration be coordinated if control and regulatory programs and projects are not within the purview of the council? A generally similar bill introduced in the House of Representatives—H.R. 8155—in both its policy statement and in its section assigning specific responsibilities, makes reference to control as well as conservation, development and utilization. Among additional suggestions received concerning S. 2246 was the establishment of an advisory committee on which would be represented other Federal agencies and State and interstate agencies. Several correspondents suggested as an additional responsibility of the council under section 102 that it advise the President concerning statutory changes necessary to achieve more effective coordination.

Concerning title II, serious objections are voiced to the creation of a river basin water resources commission solely upon the request of the Governor of one of the affected States or the council. Similarly, it is suggested that this title be amended to protect existing agencies set up by act of Congress or an interstate compact to exercise all or some of the functions of river basin commissions as proposed in the bill. This is of particular concern to the conference in view of its stated support of interstate-Federal compacts where appropriate.

If a river basin commission is to "serve as the principal agency for the coordination of Federal, State, and local plans * * *" the bill should be amended to insure that the Governor have a stronger voice in the selection of a member to represent his State. Further matters that should be clarified relate to the number of Federal members, relative voting strengths of Federal and State members and responsibility for review of individual project plans.

With respect to title III, there is attached the statement of Sam Thompson, first vice chairman of the conference, on S. 1629, presented to this committee. July 10, 1961.¹ Views on this title will be sought in connection with the survey procedure mentioned above.

The executive committee of the Interstate Conference on Water Problems commends the Committee on Interior and Insular Affairs for giving consideration to this vital problem and wishes to express its gratitude for the opportunity to present these initial comments. It regrets that the limitation in time has precluded presentation of more detailed views. However, in anticipation of continued consideration of this legislation by Congress the procedures outlined earlier have been instituted to make a more detailed statement possible at a later date.

(Whereupon, at 5:45 p.m., the hearing was adjourned.)

¹ Mr. Thompson's statement appears at p. 217 of the Interior and Insular Affairs Committee hearings on S. 1629 published in this volume.

WATER RESOURCES PLANNING ACT OF 1961

MONDAY, JULY 10, 1961

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met at 10 a.m., pursuant to call, in room 3110, New Senate Office Building, Hon. Clinton P. Anderson (chairman) presiding.

Present: Senators Clinton P. Anderson (New Mexico), John A. Carroll (Colorado), Oren E. Long (Hawaii), Quentin N. Burdick (North Dakota), J. J. Hickey (Wyoming), and Thomas H. Kuchel (California).

Also present: Benton J. Stong, professional staff member.

Senator ANDERSON. The committee will be in order.

The hearing today is on S. 1629, a bill which 15 members of the Senate joined me in introducing, to implement one of the recommendations of the Senate Select Committee on Water Resources.

Without objection, the text of the bill, to provide financial assistance to the States for comprehensive water resources planning, and reports of the Departments of Agriculture and Interior will be put in the record at this point.

(S. 1629 is as follows:)

[S. 1629, 87th Cong., 1st sess.]

A BILL To provide financial assistance to the States for comprehensive water resources planning

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Water Resources Planning Act of 1961."

DEFINITIONS

SEC. 2. When used in this Act—

- (1) the term "Secretary" means the Secretary of the Interior; and
- (2) the term "State" means a State, the District of Columbia, Puerto Rico, or the Virgin Islands.

STATEMENT OF POLICY

SEC. 3. It is hereby declared to be the policy of the Congress, to recognize, preserve, and protect the primary responsibilities and rights of the States in the planning for the conservation, development, and utilization of their water and related land resources. In recognition of the need for increased participation by the States in water resources planning, the Secretary is hereby authorized to assist the States in improving the effectiveness of their comprehensive water resources planning activities in accordance with the provisions of this Act.

APPROPRIATIONS AUTHORIZED

SEC. 4. There is hereby authorized to be appropriated for the next fiscal year beginning after the date of enactment of this Act, and for the nine succeeding fiscal years thereafter, \$5,000,000 in each such year for grants to the States to assist them in developing comprehensive water resources plans in accordance with the provisions of this Act.

ALLOTMENTS

SEC. 5. (a) From the sums appropriated pursuant to section 4 for any fiscal year the Secretary shall from time to time make allotments to the States, in accordance with regulations on the basis of (1) the population, (2) the land area, (3) the need for comprehensive water resources planning programs, and (4) the financial need of the respective States. For the purposes of this section the population of the States shall be determined on the basis of the latest estimates available from the Department of Commerce and the land area of the States shall be determined on the basis of the official records of the United States Geological Survey.

(b) From each State's allotment under this section for any fiscal year the Secretary shall pay to such State an amount equal to its Federal share (as determined under section 8) of the cost of carrying out its State program approved under section 6, including the cost of training personnel for carrying out such program and the cost of administering such program.

STATE PROGRAMS

SEC. 6. The Secretary shall approve any program for comprehensive water resources planning which is submitted by a State, if such plan—

(1) provides for comprehensive water resources planning in such State to meet the needs of agriculture, industry, and the general public, for water and water related activities taking into account prospective demands for all purposes served through or affected by water resources development, with adequate provision for coordination with all Federal and State agencies having responsibilities in such fields;

(2) designates a State agency (hereinafter referred to as the "State agency") to administer the program;

(3) provides that the State agency will make such reports in such form and containing such information as the Secretary from time to time reasonably requires to carry out his functions under this Act;

(4) sets forth the procedure to be followed in carrying out the State program and in administering such program; and

(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the purpose and efficient administration of the program.

The Secretary shall not disapprove any program without first giving reasonable notice and opportunity for hearing to the State agency administering such program.

REVIEW

SEC. 7. Whenever the Secretary, after reasonable notice and opportunity for hearing to a State agency finds that—

(a) the plan submitted by such State and approved under section 6 has been so changed that it no longer complies with a requirement of such section; or

(b) in the administration of the plan there is a failure to comply substantially with such a requirement, the Secretary shall notify such agency that no further payments will be made to the State under this Act until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State under this Act.

FEDERAL SHARES

SEC. 8. (a) The Federal share for any State shall be 100 per centum of the cost of carrying out its approved program less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the

per capita income of the entire United States, except that (1) the Federal share shall in no case be more than 66 $\frac{2}{3}$ per centum or less than 33 $\frac{1}{3}$ per centum, (2) the Federal share for Puerto Rico and the Virgin Islands shall be 66 $\frac{2}{3}$ per centum, and (3) the Federal share for any State shall not exceed that State's allotment under section 5.

(b) The Federal shares shall be promulgated by the Secretary on the basis of the average of the per capita incomes of the States and of the entire United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. The first such promulgation shall be conclusive for the first fiscal year for which payments are made under the provisions of this Act and the succeeding fiscal year, and a promulgation shall thereafter be made for each succeeding two years and shall be conclusive for such years.

PAYMENTS

SEC. 9. The method of computing and paying amounts pursuant to this Act shall be as follows:

(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State under the provisions of this Act for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation, as the Secretary may find necessary.

(2) The Secretary shall pay to the State, from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State for any prior period under this Act was greater or less than the amount which should have been paid to such State for such prior period under this Act. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Secretary may determine.

ADMINISTRATION

SEC. 10. (a) The Secretary may prescribe such regulations as are necessary to carry out the provisions of this Act.

(b) The Secretary may, with the consent of the head of any other agency of the United States, utilize such officers and employees of such agency as are necessary to carry out the provisions of this Act.

(c) There are authorized to be appropriated such amounts as may be necessary for the administration of this Act.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 21, 1961.

HON. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate

DEAR SENATOR ANDERSON: This is in reply to your request of April 17, 1961, for the views of this Department on S. 1629, a bill to provide financial assistance to the States for comprehensive water resources planning.

The bill would authorize the Secretary of the Interior to grant \$5 million of Federal funds each year for 10 years on a matching basis to the States to assist them in developing comprehensive water resources plans. It would direct the Secretary of the Interior to make allotments to the States in accordance with regulations based on population, land area, need for comprehensive water resources planning programs, and financial need. It would require the Secretary of the Interior to approve programs for comprehensive water resources planning submitted by the States that meet specified qualifications, and to discontinue payments under them at such time as they may fail to meet these qualifications.

This Department is in accord with the objective to stimulate more active participation by the States in comprehensive water resources planning. However, it feels that the purposes of the bill can be most effectively carried out in the framework of the proposed bill being recommended by the administration.

Accordingly, the Department of Agriculture recommends enactment of the President's more comprehensive proposal contained in S. 2246 in lieu of S. 1629.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 18, 1961.

HON. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: This responds to your request for the views of this Department on S. 1629, a bill to provide financial assistance to the States for comprehensive water resources planning.

We wholeheartedly endorse the purposes of this bill, so that the States can participate fully in the comprehensive planning required to forestall approaching water crisis. We urge, however, that the grant program be enacted as a part of general legislation establishing an integrated system for multiple-purpose water resources planning, as recommended by the President in proposed legislation submitted to the Congress.

The President's proposal is designated as the "Water Resources Planning Act of 1961." It is designed to achieve the goal urged by the Senate Select Committee on National Water Resources and accepted by the President in his natural resources message to the Congress to develop comprehensive river basin plans by 1970 in cooperation with the individual States.

Title I of the President's bill establishes a Cabinet-level Water Resources Council to coordinate comprehensive water resources planning. The Council would be composed of the Secretaries of the Interior, Agriculture, the Army, and Health, Education, and Welfare, with the President empowered to designate the chairman.

Title II of the measure authorizes the President to establish river basin commissions for major river basins, for multiple basins or for various regions in the United States for which there is a demonstrated interest in comprehensive planning. These commissions, composed of representatives of interested Federal agencies, of affected States and of interstate and international commissions, would have the responsibility for the formulation of multiple-purpose plans for the conservation, development, and utilization of water and related land resources. The commissions would secure the comments of affected States and Federal agencies and report to the Council, which in turn would transmit these comprehensive plans and modifications of plans to the President for his review and submission to the Congress.

Title III of the President's proposal establishes the program envisaged by S. 1629 for Federal assistance to the States to enable them to discharge their responsibilities in water resources planning. As contemplated by S. 1629, title III authorizes annual appropriations of \$5 million for a period of 10 years to be allotted to the individual States on a basis of (1) population, (2) land area, (3) the need for comprehensive water resources planning programs and (4) financial need. The Federal payment to a State is a percentage of the determined cost of the State's necessary program. This grant-in-aid program for State planning would be administered by the Water Resources Council, which would have authority to review State plans and discontinue Federal payments under certain circumstances.

It will take no less than the combined efforts of all interested groups, intelligently organized, to satisfy the inexorable expansion of demands upon our available water and related land resources. This is the challenge which we must meet.

Accordingly, in the light of the above, the Department of the Interior recommends the enactment of the President's proposal in lieu of S. 1629.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Senator ANDERSON. In its final report, the Select Committee on Water Resources said:

The magnitude of future demands on fresh water supplies will require giving very careful attention to possible conflicts among alternative purposes as future programs for water supply developments are planned and revised from time to time. Congress, of course, should not be faced with the necessity of deciding matters that can with mutuality best be resolved locally in cooperation with the Federal and State agencies concerned. Congress has recognized the importance of this in the past by enactment of the O'Mahoney-Milikin amendment to the Flood Control Act of 1944. This has been reenacted in all subsequent rivers and

harbors and flood control legislation. It calls for State participation in planning for water resources developments prior to consideration being given to authorization. Implementation of these provisions should be strengthened, and the views of State and local agencies should be considered in connection with the formulation and operation of all Federal water resources programs.

The importance of Government policy in meeting the water resources problems ahead cannot be denied. The recommendations which follow are based on the committee's belief that future demands can be met best by finding the proper combination of (a) construction programs; (b) scientific research; (c) development of known technical methods; and (d) strengthening of Government policies affecting water development and use. Such a combination of efforts cannot be achieved overnight, and will require the combined efforts of the legislative and executive branches of the Federal Government, as well as a continuation and strengthening of work in these fields by State and local governments and private enterprise.

Without objection, there will be inserted in the record the five specific recommendations of the select committee, starting on page 17 of the select committee report which has been placed before each member of this committee this morning.

(The material referred to is as follows:)

D. RECOMMENDATIONS

In the light of the aforestated findings, and in consideration of the matters brought out more fully in the discussion contained in part II of this report, the following recommendations are made:

1. The Federal Government, in cooperation with the States, should prepare and keep up to date plans for comprehensive water development and management for all major river basins of the United States. Such plans should take into account prospective demands for all purposes served through water development giving full recognition to non-revenue-yielding purposes such as stream-flow regulation, outdoor recreation, and preservation and propagation of fish and wildlife, and keeping in mind the ultimate need for optimum development of all water resources. All practicable means of meeting demands should be considered. The executive branch should be requested to submit plans to the Congress in January 1962, for undertaking and completing such studies in all basins by 1970. Once prepared, the plans should be brought up to date periodically. Reports on individual projects submitted to the Congress for authorization should specify how the project fits into the comprehensive long-range program, and the range of alternative purposes that might be served by the resources needed for the recommended projects.

2. The Federal Government should stimulate more active participation by the States in planning and undertaking water development and management activities by setting up a 10-year program of grants to the States for water resources planning. A minimum of about \$5 million in Federal funds should be made available annually for matching by the States for use in the preparation of long-range comprehensive plans for water resources development along the lines recommended in No. 1 above.

3. The Federal Government should undertake a coordinated scientific research program on water. This should include both research into ways to increase available supplies, and ways to increase efficiency in the use of water required to produce manufactured goods and crops. The committee recommends that existing programs be strengthened by taking the following action:

(a) Expanding the programs of basic research dealing with atmospheric physics, solar activity, hydrology of groundwater movement and recharge, the physical chemistry and molecular structure of water, photosynthesis, climatic cycles, and other natural phenomena associated with water in all its forms. Such research is essential to a major breakthrough in such fields as short- and long-range weather forecasting, weather modification, efficient management of underground reservoirs, evaporation reduction, desalinization, and pollution abatement, as well as to major improvements in works for the storage and control of water.

(b) Providing for a more balanced and better constructed program of applied research for increasing water supplies through desalinization, weather modification, and evaporation and evapotranspiration reduction.

(c) Providing for an expanded program of applied research for water conservation. Special emphasis should be given to research on improved waste treatment methods, on ways of increasing efficiency in the agricultural use of water, on fish and wildlife needs, and on methods of system planning for the optimum development of water resources of river basins.

(d) Evaluating completed projects with a view to determining modifications to enable them more effectively to meet changing needs, to provide better guidelines for future projects, and to better determine their effect on the local, regional, and national economy.

The executive branch should be requested to review present research programs in the field of water and to develop a coordinated program of research designed to meet the foregoing objectives. This should be submitted to Congress in January 1962, so that it can be considered along with the budget estimates for the 1963 fiscal year.

4. The Federal Government should prepare biennially an assessment of the water supply-demand outlook for each of the water resource regions of the United States, as a means of informing the Congress and the public of current and prospective public action needed to meet future demands. The executive branch should be requested to submit the first such report to the Congress in January 1963.

5. The Federal Government in cooperation with the States should take the following steps to encourage efficiency in water development and use:

(a) Regulate flood plain use as a means of reducing flood damages whenever such regulation provides greater net benefits to the national economy than would be provided through other methods of preventing flood losses. Additional steps should be taken to delineate flood hazard areas so that the public will be aware of the risks involved in occupying flood plains.

(b) Study the emerging water problems of the areas in which water shortage will be most acute for 1980, with a view to finding ways that these water shortages can be dealt with in such manner as to minimize adverse effects on the economy of the area.

(c) Study the future needs for major storage reservoirs for river regulation for all purposes, and report to the Congress with specific recommendations as to steps that should be taken to preserve any necessary sites so that they will be available for use when needed at minimum cost.

(d) Provide for public hearings to be held in the vicinity of federally sponsored water resources facilities whenever such facilities are proposed for development or whenever any major change in works or policies is to be made. Prior to the hearings, the proposed change or development should be made public, and comments should be solicited from State and local agencies and from organizations and individuals affected.

The committee hopes that appropriate legislation to implement these recommendations will be introduced in the Senate and considered by the appropriate legislative committees.

Senator ANDERSON. S. 1629 deals entirely with recommendation No. 2 that the—

Federal Government should stimulate more active participation by the States in planning and undertaking water developments and management activities by setting up a 10-year program of grants to the States for water resources planning.

The bill authorizes the appropriation of the minimum sum recommended by the select committee—\$5 million per year for 10 years—for such grants to the States.

It was, and it remains, my hope, that we will be able to implement both the first and second recommendations of the select committee during the present session of Congress. The first recommendation is that—

the Federal Government, in cooperation with the States, should prepare and keep up to date plans for comprehensive water resources development and management for all major river basins of the United States.

When S. 1629 was introduced, I understood that the new administration was developing a plan for the implementation of this first recom-

mendation of the committee. The hearings today were set with the hope that the President's recommendations on major river basin planning would be available to us and could be considered simultaneously with S. 1629. Such recommendations are in the final stages of clearance in the executive branch. I am advised that they will be forthcoming very soon, so we will hear departmental witnesses later this month.

Several States have witnesses here today and we shall proceed to get their views on the State assistance proposal.

I have here the responses to a request for their views on S. 1629 from the Governors, or subordinate officials designated by the Governors, of 26 States. Nineteen of the 26 endorse the proposal for financial assistance to States, 16 approve the bill as proposed and 3 suggest amendment. Three of the remaining seven replies are noncommittal. Four promise an expression of views later, after consultation within the States. We are receiving three or four additional letters every day.

Without objection, all of these replies from the States will be included in the hearing record.

(The material referred to is as follows:)

ALABAMA

STATE OF ALABAMA,
PLANNING AND INDUSTRIAL DEVELOPMENT BOARD,
Montgomery, Ala., July 6, 1961.

HON. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: Your letter to Governor Patterson concerning our State's view on S. 1629 authorizing the payment of \$5 million annually to the States to undertake comprehensive water resources planning, has been turned over to this department for digest and answer.

We have read the bill and see no reason why our State cannot go on record as being in favor of this legislation. As you know, Alabama has more natural streams and rivers than any other State in the United States.

We are sorry that we will be unable to be represented at the hearing on July 10.

Sincerely yours,

LELAND H. JONES, *Director.*

ARIZONA

OFFICE OF THE GOVERNOR,
STATE HOUSE,
Phoenix, Ariz., July 3, 1961.

HON. CLINTON P. ANDERSON,
Chairman, Interior and Insular Affairs Committee,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR ANDERSON: Reference is made to your letter of recent date in which you enclosed for my comment a copy of your bill S. 1629. I have given this matter careful consideration because I feel that it has far-reaching implications in the area of Federal-State relationships as well as in water resource planning.

I am mindful of the recommendations made by the Senate Select Committee on Water Resources and of the fact that 16 Senators have joined in the introduction of this bill. However, I must say that I am doubtful about the need for this legislation and the advisability of its enactment.

For many years the State of Arizona has actively cooperated with the Federal Government in water resource planning and development. It has advanced funds for such Federal agencies as the Bureau of Reclamation and the U.S. Geological Survey. The last legislature appropriated \$150,000 for the purpose of financing Bureau of Reclamation planning studies. With the U.S. Geological Survey, the State is now engaged in a joint topographical study for water

planning purposes, spending therefor \$100,000 of State funds, matched by a like amount of Federal funds. Also with the U.S. Geological Survey, the State conducts a continuing jointly financed program of stream gaging and underground water measurement.

I mention these cooperative efforts by way of illustrating the pattern of Federal and State water planning cooperation now in effect in Arizona and I am informed that this general pattern prevails in a number of the Western States.

I am advised that S. 1629 might be construed as requiring the States to conform to administrative procedures approved by the Secretary of the Interior. I question the desirability of such resultant uniformity.

I am convinced that the urgency of the need for water resource planning is so well understood at the State level that no added incentive is necessary.

It is my opinion that the cause of Federal-State cooperation can best be served by proceeding along lines already in effect and that legislation along the lines of S. 1629 is not needed.

I appreciate this opportunity to express my views on this bill.

Sincerely,

PAUL FANNIN.

ARKANSAS

FAYETTEVILLE, ARK., July 5, 1961.

HON. CLINTON P. ANDERSON,
U.S. Senate, Washington, D.C.

DEAR SIR: Enclosed is a statement which was prepared for the Committee on Interior and Insular Affairs regarding S. 1629.

I believe that the passage of this bill will provide the necessary impetus to initiate sound water management planning on a State and local level.

Very truly yours,

LESLIE E. MACK

(For the Arkansas Water Resources Planning Committee).

STATEMENT PREPARED FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
JULY 10, 1961

My name is Leslie E. Mack, of Fayetteville, Ark. I am a water geologist submitting this statement on behalf of the Arkansas Water Resources Planning Committee, an unofficial group of representatives from all State agencies that have a primary interest in water. This committee, active for 2 years now with the approval of the Governor, also has representatives from Federal agencies who serve in an advisory capacity.

The Arkansas Water Resources Planning Committee is in favor of S. 1629, the Water Resources Planning Act of 1961, which provides for Federal assistance to States for comprehensive water resources planning.

The foundation for a comprehensive water resource plan is based on adequate data on all important aspects of the water cycle. This includes the quality and quantity of surface and ground water and their interrelationships. Not only are these data necessary but also a manner to disseminate the information quickly to those who need it and in analyzed forms useful for many purposes. Although these data are available for much of Arkansas, considerable refinement is necessary for comprehensive planning. Fortunately, much of the technical know-how is available and the administration is operative now in Arkansas but what is lacking is the financial push. The latter need, as it is understood, is one of the objectives of this bill.

Additional tools are necessary for comprehensive water resources planning. More data for pollution abatement and more permanent monitoring stations would be desirable. Studies for increasing municipal water supplies, particularly in the smaller towns, are necessary. Topographic mapping is urgently needed not only for water resources planning but also urban renewal, industrial development, highway programs, game and fish industry, and many others. Reservoir and lake temperature studies are important to determine the quantities of cold water available in the cold layer, the hypolimnion, for industrial cooling. Further refinements in water use studies will aid in spotting potential water conflicts. Research in all aspects of the hydrologic system, including water management itself, will increase efficient use and reuse of water.

The Arkansas Geological and Conservation Commission would be the most logical State agency to administer the program and make necessary reports to

the Secretary of the Interior. All members of the Arkansas Water Resources Planning Committee, including the Federal water agency advisers, would be involved in carrying out the total program. The valuable work already completed by the Arkansas-White-Red Basins Interagency Committee would be utilized.

Passage of this bill would lead the way toward sound water management planning which in turn would permit the knowledge thus gained to be available for local agricultural, industrial, and municipal decisions.

CALIFORNIA

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE,
Sacramento, June 12, 1961.

HON. CLINTON P. ANDERSON,
*U.S. Senator,
Senate Office Building,
Washington, D.C.*

DEAR CLINT: Thank you for extending to me the privilege of commenting upon S. 1629, the proposed Water Resources Planning Act of 1961. This bill authored by yourself and cosponsored by Senators Kuchel and Engle of California, appears to constitute a desirable step forward in encouraging the initiation or acceleration of water resources planning activity by the several States.

The \$5 million authorized for appropriations for each of the next 10 fiscal years is the minimum proposed by recommendation No. 2 of the Select Committee on National Water Resources. The amount of the particular grant which each State may receive under the program will be small. However, such grants may increase State water resources planning in many instances as occurred with respect to municipal construction of sewage treatment plants aided by Federal financial assistance under the Federal Water Pollution Control Act.

California, as you know, has been engaged in water resources planning activities for a great many years. Its initiative in this field has been assisted, and implemented in part, through cooperation with various agencies of the United States. This bill offers Federal cooperation to State water resources planning activity undertaken on a comprehensive, sound and orderly basis. Experience has shown cooperation to be a desirable way to accomplish Federal, State, and local water resources development in a most effective manner. I am happy to give my support to S. 1629 or comparable legislation.

Sincerely,

EDMUND G. BROWN,
Governor of California.

COLORADO

STATE OF COLORADO,
EXECUTIVE CHAMBERS,
Denver, June 20, 1961.

HON. CLINTON P. ANDERSON,
Washington, D.C.

DEAR SENATOR ANDERSON: I was pleased to receive your request to comment on S. 1629, the Water Resources Planning Act of 1961. I was happy to note that Senator Carroll, of Colorado, has joined with you in submitting this noteworthy proposal for enactment.

I have been advised many States have been unhappy with their relations with Federal agencies in basinwide planning. Each State has a sense of being overwhelmed by the preponderance of Federal planning and representation at the various interagency meetings and smaller working committees meetings. It has seldom been possible for the States to match the Federal agencies either in planning or in representation on committees and in meetings. The proposed legislation will assist in the solution of this difficulty and should promote more harmonious relations.

In many instances the States have depended upon Federal agency planning, with the net result that the State's participation has been inadequate until the final plan is submitted for approval, amendment, or rejection.

In the case of amendment of a plan, the State frequently is not sufficiently informed to make constructive amendments or propose alternate plans. As you know, Colorado has attempted to meet this difficulty and has had a high degree of participation both financially and in the development of plans.

There have been occasions, as in the present instance of the South Platte River Basin study, when Colorado has advanced moneys to the Bureau of Reclamation to speed up investigations. In every such case the State has had to sacrifice its own studies in order to make such funds available.

For example, we are interested in the Missouri River Basin Interagency Committee. But we have been restricted in our participation because of lack of funds, or because we have found it necessary to use our limited resources on project investigation and planning in other basins which we considered to be more pressing.

I was interested in the hearings of the Senate Select Committee on National Water Resources, and found the committee's report very illuminating and even startling. It is with special interest I note this proposed legislation will actually implement one of the more important recommendations of the select committee. It is one thing to talk of assistance and stimulation of participation, and it is something else to take specific steps to accomplish these desired actions.

Furthermore, I am pleased that this proposed legislation focuses the spotlight on water resource planning. This is highly desirable, and should give impetus to the individual States in furthering their own participation in such planning. It will materially assist neighboring States to work together on a more equitable basis than has been possible heretofore.

In Colorado we have been inclined to give greater financial assistance for water resources planning to the State agency responsible for water planning and development. We have not given sufficient assistance to our recreation agency to permit the development of specialists capable of devoting full time to such planning. I interpret section 6 as having such flexibility as to permit a State to include outdoor recreation and fish and wildlife in its planning "to meet the needs of * * * the general public * * * for all purposes."

In your analysis of the bill, you have drawn the same conclusion. Certainly it is now time to plan to meet the needs of the general public and to take into account prospective demands for all purposes served through or affected by water resource development.

I cannot share with you the hope, expressed when the bill was introduced, that all major comprehensive river basin planning will be completed within 10 years, and that at the termination of this program there will be no further need for Federal assistance. However, I do think that after 10 years of successful and fruitful participation, the individual States will fully realize the importance of investment in planning and will be in a better position to carry a greater portion of their responsibility.

We have more planning ahead of us than we have behind us. The Federal expenditures on past and current planning far exceed the amount to be appropriated in the proposed 10-year program. This proposal should not and must not be enacted on the precept that there will be no need for Federal expenditures in this field after the 10 years of operation of the program. Nor should it be enacted on the basis that the States will take over complete planning after the program has terminated.

The procedure established for the allocation of the Federal assistance can become a monumental headache for the Secretary of the Interior. As provided in section 5, he can readily determine the population ratio, the land area, and the relative need for comprehensive water resources planning. However, he is going to experience considerable difficulty in proportioning "the financial need of the respective States."

In this respect I suggest consideration be given to a provision which will require a State to show need and inability to meet this need before this factor is employed in the determination of the allotments to be made to each State. Otherwise this factor can be greatly abused and become a bone of contention between States and possibly jeopardize the entire program.

In conclusion, I urge an early hearing of this bill S. 1629 and its favorable consideration. It will accomplish much desired planning and produce better relations between the States and the Federal agencies, thus advancing by far our Nation's work in the crucial field of water resource development.

Sincerely,

STEVE.

CONNECTICUT

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, July 6, 1961.

Hon. CLINTON P. ANDERSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ANDERSON: I appreciate very much your letter notifying me of the hearing on S. 1629 which is scheduled for Monday morning.

Unfortunately, it is not possible to send a Connecticut representative to testify on that date. I will, however, be most grateful if the following statement which I have prepared can be made part of the record of the hearing:

The State of Connecticut is most hopeful that S. 1629 will receive the approval of the Congress. We feel that its provisions will have a wholesome effect on the future growth of this Nation. It seems obvious that the benefits Connecticut would realize from the passage of S. 1629 would accrue also to the other States.

In Connecticut we regard comprehensive planning for the conservation and development of our water resources as a vital necessity for economic and social development. Such planning, however, cannot be conducted efficiently or effectively if done on a piecemeal basis or as an isolated State project because Connecticut is an integral part of the Nation's northeastern region. The beneficial results to be achieved through planning water resources conservation and development depend, as far as Connecticut and its neighboring States are concerned, on the degree of coordinated and integrated action taken by the various political and governmental units comprising the northeastern region.

For many years Connecticut has been represented on, and has participated in, the actions of various interstate agencies and assemblies concerned with the problems of water resources planning and development. Throughout, this State has consistently advocated the strengthening of the various State water resource agencies as one of the first essential steps toward the solution of these problems. Through State water resource agencies, peculiar local needs and conditions can best be evaluated and measures adopted to fit into the needs of an area or region.

For the committee's information, I will list some of the steps Connecticut has taken to implement and strengthen its water resource agencies. It has:

1. Established a water resources commission to administer comprehensive programs of pollution control and all other related water resource projects.
2. Enabled the commission to initiate flood control, hurricane protection, and navigation programs and construct necessary remedial works.
3. Pioneered in an important phase of flood plain zoning in river valleys subject to intermittent damaging floods.
4. Established programs for controlling shore and beach erosion.
5. Assumed supervision over the safety of dams and similar structures and the building of structures in navigable waters.
6. Endeavored to control orderly dredging in navigable waters.
7. Conducted cooperative programs with the U.S. Geological Survey on surface and ground water studies.
8. Authorized a complete inventory of all surface and ground water resources in the State.

Connecticut is doing these things in the belief that there is a growing urgency to take a realistic thorough and sound look at its water resources problems and the way in which they are affected by the studies, planning, and programming of the various Federal agencies concerned with the same and similar problems.

An organization beyond the financial ability of the State alone is required, however, to support an undertaking of such scope. Connecticut stands ready and willing to share its share of the financial and administrative burden, but if a worthwhile goal is to be achieved other States in the region must undertake similar responsibilities.

By helping the States to help themselves, the provisions of S. 1629 appear to be directed toward this end. The funds proposed to be allocated to the States would serve to strengthen the respective State agencies and provide the stimulus to undertake planning on a comprehensive basis in conjunction with other appropriate regional agencies.

In allocating funds, consideration should be given to the amount of interest displayed by the respective States and to evidence of participation by the individual State. The funds should be allocated, not on a carte blanche basis, but under appropriate procedures assuring a reasonable degree of accuracy, completeness, and uniformity in the comparisons of data and information and in the formulation of sound programs for an orderly development of the Nation's water resources.

The policy set forth in S. 1629 recognizes the responsibilities and the rights of the States in planning the conservation and development of their vital resources. It recognizes also the need for Federal assistance in the tremendous program facing the Nation. A cooperative undertaking such as is proposed by S. 1629 is necessary for the States and the Nation to achieve the goal required in the development of the Nation's water resources.

I strongly urge that the committee give its early and unanimous approval to S. 1629 to permit early action by the Congress toward implementing this most important program.

Sincerely,

JOHN DEMPSEY, *Governor.*

DELAWARE¹

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT,
Dover, May 16, 1961.

HON. CLINTON P. ANDERSON,
*Chairman, Interior and Insular Affairs Committee,
U.S. Senate, Washington, D.C.*

DEAR SENATOR ANDERSON: Governor Carvel has received your letter of May 10, 1961, concerning S. 1629.

Your request has been referred for study and recommendation to our local authorities on water resources development. As soon as this report is returned Governor Carvel will submit his recommendations to your committee.

Thank you for your thoughtfulness in calling this matter to the Governor's attention.

Cordially yours,

F. EARL MCGINNES,
Administrative Assistant.

FLORIDA

STATE OF FLORIDA,
OFFICE OF THE GOVERNOR,
Tallahassee, May 23, 1961.

HON. CLINTON P. ANDERSON,
U.S. Senator, Washington, D.C.

DEAR SENATOR: Reference is made to Senate bill No. 1629 regarding assistance for comprehensive water resource planning to the various States.

I have asked my various engineering staffs to review this bill in light of our current needs. They advise me that the subject legislation has the prospect of fulfilling a need at the State level.

I therefore suggest that your committee give this measure your favorable consideration.

Sincerely,

FARRIS BRYANT, *Governor.*

¹ See testimony of Gen. Norman B. Lack for the State of Delaware.

HAWAII

STATE OF HAWAII,
EXECUTIVE CHAMBERS,
Honolulu, May 24, 1961.

Hon. CLINTON P. ANDERSON,
Chairman, Senate Interior and Insular Affairs Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: Thank you for your letter of May 10, 1961, relating to the legislation you have introduced into Congress to provide Federal assistance to the States for comprehensive planning for water resources development (S. 1629). The State of Hawaii is keenly interested in this subject, and we appreciate the opportunity to comment on this legislation.

Here in Hawaii we have just embarked upon a comprehensive program to establish long-range water development plans for each of the major islands in the Hawaiian chain. The need to provide adequately for the State's water requirements has become obvious in the face of the rapid growth in population and industry we are now experiencing. As in other States, however, the full implementation of our program for water planning has been impeded by the lack of sufficient funds to carry it out. Hence, Federal financial assistance would be highly beneficial to Hawaii because it would enable us to accelerate our water resources development program.

For this reason, I wish to advise you that both I and the State department of land and natural resources (the agency responsible for water development in Hawaii) strongly support the legislation contained in S. 1629, and hope that it will be favorably considered by the Congress.

Sincerely,

WILLIAM F. QUINN,
Governor of Hawaii.

IDAHO

STATE OF IDAHO,
OFFICE OF THE GOVERNOR,
Boise, June 19, 1961.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: We have studied the provisions of S. 1629 and now have these comments which may be included in the committee's records.

The bill is introduced as a followup of recommendations by the Senate Select Committee on Water Resources, and may be known as the Water Resources Planning Act of 1961.

We are in accord with the purposes of the act. Certainly it is time to get moving on sound plans for the ultimate development of our water resources. The problem is so beset with uncertainties as to what eventually may be deemed the most profitable use of water that the allocations which may become irrevocable must be based on the soundest judgments after consideration of all the facts. With all of this it will still be necessary to forecast and project into the future.

If I understand correctly the bill is designed to stimulate interest on the part of the States in their planning for the best use of this water resource.

I believe you stated when introducing and explaining the bill that you expected some \$200,000 per year average for 10 years would be available to the States. According to the formula for allotments to the States we can expect some deviations from the average.

In general I think the bill is good; however, I have a little misgiving as to how far the Secretary's staff will, or might, go in dictating to the States what their planning programs should comprehend. Section 6(1) might be somewhat arbitrarily construed by an administrator. I fear that there might be an effort

to fit these several State planning programs into a single groove when the various States' interests are usually quite diverse.

In the case of Idaho it would be necessary to set up a planning agency to administer the program. There is none now although I have asked two successive legislations to take such action. I would hope that if Federal funds are to be made available, Idaho would move legislatively to take advantage of the act should it find favor in the Congress.

I have the honor to be,
Sincerely yours,

ROBERT E. SMYLLIE, *Governor.*

ILLINOIS

OFFICE OF THE GOVERNOR,
Springfield, July 1, 1961.

Senator CLINTON P. ANDERSON,
U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: In reference to S. 1629 relative to comprehensive water resources planning, comes at a time when we in the State of Illinois are attempting to put together a plan within the boundaries of the State as well as asking for cooperative action among the States bordering the Great Lakes and the Provinces in Canada. This natural resource without which life cannot exist and becoming so extremely hard to find, requires planning at high level of government in order that we may utilize it more efficiently and have adequate for both domestic and industrial uses.

We in the State of Illinois are interested in water resources planning and would favor any legislation which would make it an accomplished fact.

Sincerely yours,

OTTO KERNER, *Governor.*

INDIANA

STATE OF INDIANA,
OFFICE OF THE GOVERNOR,
Indianapolis, May 16, 1961.

HON. CLINTON P. ANDERSON,
*Chairman, Interior and Insular Affairs, Committee of the U.S. Senate,
Senate Office Building, Washington, D.C.*

DEAR SENATOR ANDERSON: Your communication of May 10, 1961, on the subject of S. 1629, as introduced by you and other Senators, has been received with much interest. I appreciate greatly your kind request for comments on this legislation.

First, I wish to say that I agree entirely with your aims. There is a definite need for the stimulating of State water resources programs, as you so ably pointed out, and as listed in the historic report of the Senate Select Committee on National Water Resources.

You, of course, desire a frank discussion of the various aspects of the proposals as they would affect Indiana. I know you will recognize fully my position in seeking the best interests of our State in any water resources legislation. Therefore, it is necessary for me to designate some points on which Indiana desires a most thorough study to make certain that the interests of States east of the Mississippi River will receive their proper consideration in all water resources works.

In Indiana, all construction projects in water resources, conducted by Federal departments, are directed by the U.S. Army Corps of Engineers under authorizations from the Congress and under approval of the State. Or they are directed by the Soil Conservation Service of the U.S. Department of Agriculture under the small watershed program of the Hope-Aiken Act. The Department of the Interior has an excellent service for Indiana in its Geological Survey data-collecting activities, but it does not handle actual construction projects in water resources, such as it directs in the Western States.

Because of this situation, I wish to suggest that a board consisting of the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Health, Education, and Welfare be substituted in place of the Secretary of the Interior alone for the direction of this program and that acts of this board be made subject to review by the Appropriations Committees of the U.S. Senate and the House.

In section 5, certain points involving the regulations for State qualifications for these funds are listed. May I suggest that density of population, as related to land area of a State is a very important factor in creating the urgency for action on water resources projects and that such a condition should be included in some manner in this section.

We, in Indiana, always have counted on you as a good friend of the State during your exceptionally fine term as Secretary of Agriculture and your extensive experience in the Senate. You will understand the importance that farming holds in the economy of our State. We are 39th in area among the 50 States, yet rank among the first 8 in annual agricultural production. Water resources management for both farming and industry—as well as for all other uses—calls for the most detailed planning. We would appreciate an opportunity to participate in such a plan as you recommend, with the provision that the long-established Federal departments for water projects in this region be included on an equal basis with any other department.

We have the Indiana Flood Control and Water Resources Commission, which is working closely and regularly with the Corps of Engineers, with the Department of Agriculture, and with the Department of the Interior, in their respective fields of service.

The State commission has formulated extensive plans for basinwide projects. Some of these projects are completed, others are under construction, and we respectfully request that you help obtain funds for the start of several other major works of this kind, as now included in the Federal budget which is before the Congress for action.

We find that one of the most difficult problems for the future planning of such programs is the need for clarification of guides for determination of feasibility of projects, especially for multiple-purpose reservoirs. We hope, sincerely, that means will be found to permit more comprehensive inclusion of future benefits in engineering surveys by Federal departments. The matter of low-flow augmentation benefits is an example. We wish to suggest that Senator Robert S. Kerr has given this much attention and I am sure has very sound opinions on improvements needed in this area of legislation.

This letter is written with the intent of assuring the utmost water resources development for Indiana and the entire country.

Sincerely,

MATTHEW E. WELSH.

IOWA

STATE OF IOWA,
OFFICE OF THE GOVERNOR,
Des Moines, June 16, 1961.

Hon. CLINTON P. ANDERSON,
*U.S. Senate Office Building,
Washington, D.C.*

DEAR SENATOR ANDERSON: Thank you for sending me a copy of S. 1629 and the additional material pertinent to it indicating your position in this important phase of water resources activities.

The program incorporated in S. 1629 has considerable merit and in large part is in keeping with our thoughts here in Iowa regarding the desirability of comprehensive water resources planning. The Iowa Natural Resources Council has had this responsibility since 1949 through State legislative action. "There are several suggested changes in S. 1629 presented in the following paragraphs for your consideration.

We believe that under certain circumstances close cooperation between the State and Federal Governments is highly desirable and suggest that the following section be added, "The Secretary of the Army, the Secretary of Agriculture, and the Secretary of the Interior are each authorized, at the request of any State agency, to provide technical assistance in the preparation of such State's program to be submitted under the provisions of this section."

In many States the role played by the Department of the Interior in water resources planning, although highly important, is minor to the role of other Federal departments. I suggest, therefore, that you and your colleagues consider the possibility of having the responsibility of administering S. 1629 placed in the hands of a board rather than entirely under the Secretary of the Interior.

I concur with you that the Secretary of the Interior should be a member of the board and perhaps the chairman, but for Iowa, the Secretaries of Agriculture and Army would be among other desirable members.

It has long been our view that the States should have major responsibilities and authority in drawing up and executing statewide water resources plans. It may be more acceptable to some States if the language of S. 1629 could be such as to give a less dominate position to a Federal agency or agencies. Perhaps making funds available to States for planning on a repayment basis would be helpful in this direction. For example, Federal loans made to States for water resources planning purposes might be repaid to the Federal Government on a proportional basis project by project at the time of construction. This would not eliminate cooperation with Federal agencies in comprehensive planning.

I support your overall view with the understanding that S. 1629 will not lead to the creation of river basin commissions or similar administrative actions that may lessen the primary responsibilities of the States in water resources planning, development, and utilization.

I appreciate the opportunity to comment upon S. 1629 and your interest in getting the clarifying material to me.

Sincerely yours,

NORMAN A. ERBE, *Governor.*

KANSAS

THE STATE OF KANSAS,
WATER RESOURCES BOARD,
Topeka, June 15, 1961.

HON. CLINTON P. ANDERSON,
*Chairman, U.S. Senate Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D.C.*

DEAR SENATOR ANDERSON: Your recent letter to Governor John Anderson relative to S. 1629 was referred to this office for consideration and reply. The following comments which represent the views of the Kansas Water Resources Board make reference first to the specific situation in Kansas and second to preliminary and general thoughts on the basic concept of the proposed legislation.

With specific reference to Kansas, we would advise that during the past 5 years this State has been striving to develop a sound water resources planning program. This department of State government was created for that particular purpose and devotes full time to such activities. We believe that some significant progress has been made and that the effort has been most worthwhile. The limited and modest work to date has provided a useful guide to certain development needs, to the evaluation of the adequacy of our basic data programs, to the enactment of needed State legislation, to the administration of State laws, and to a better understanding of interstate and intergovernmental considerations. On the basis of this limited experience, we believe the establishment and maintenance of adequate State water resources planning programs is to be desired.

The basic concept, that is Federal financial assistance in the form of grants to the States for comprehensive water resources planning, of S. 1629 is an appropriate subject to place before the Congress. It would appear that a carefully conceived program might well be an effective catalyst in securing adequate appraisal of State water needs and in effecting better coordination on problems of intergovernmental concern. Certainly the report of the Senate Select Committee indicates that State efforts in this area of interest are weak at present.

Initial consideration of S. 1629 suggests there are several points about which we might subsequently wish to make specific comment but which deserve more deliberation than we have been able to give the matter to date. For this reason, we would appreciate very much being advised of any hearings that may be scheduled by your committee on this or any related legislation.

Very truly yours,

ROBERT L. SMITH,
Executive Secretary.

(The following additional statement was filed for the record, on behalf of the Kansas Water Resources Board, by Senator Andrew F. Schoepfel:)

STATEMENT OF THE KANSAS WATER RESOURCES BOARD

Chairman Anderson and members of the committee, the Kansas Water Resources Board is a department of State government which devotes full time to problems of water resources planning and the study of water resources policy. By State law the board is directed to: (a) compile information on the availability of water in Kansas, (b) work out a plan of water resources development for each area in the State, (c) study the laws of Kansas, other States, and the Federal Government for the purpose of determining the need for new or amendatory legislation in Kansas, and (d) make recommendations to the legislature, the Governor, other State agencies, and political subdivisions of the State concerning questions of water resources development. Current annual expenditures for this work, exclusive of basic data collection activities, approximate \$150,000.

The basic concept of Federal grant assistance to States for the purpose of stimulating comprehensive water resources planning at the State level of government as set forth in S. 1629 is an approximate subject to place before the Congress. The report of the U.S. Senate Select Committee on National Water Resources indicates that State efforts in this field are most weak. A carefully conceived program might well be an effective catalyst in securing adequate appraisal of State water needs and in developing better coordination in the resolution of problems of intergovernmental concern. This last thought is important as Federal-State relations in the water resources field have been of increasing concern to many. Recognition must be given to the fact that the social and economic needs of a State in a selected water resource may not be the same as those of Federal or local units of government. This is not to imply that State interests must always prevail, but rather to point out that until those needs are adequately documented and understood, the opportunity for developing a coordinated solution satisfactory to all levels of government is most limited. It is believed that better definition of the State position through adequate State planning could assist in resolving some of the State-Federal problems now being encountered throughout the Nation.

On the basis of the limited work undertaken in Kansas during the past 5 years, we believe State water resources planning represents a most worthwhile endeavor. We have found that through our planning program it has been possible to provide a useful guide to certain development needs, to evaluate the adequacy of our basic data programs, to secure the enactment of needed State legislation, to crystallize certain basic future policy questions for legislative consideration, and to obtain a better understanding of interstate and intergovernmental problems.

The success or failure of a program such as envisioned in S. 1629 cannot be legislated. Success will be most dependent on the administrative policies set forth and how such policies are actually implemented. We believe the primary intent is to develop an adequate appraisal of State water problems and needs, and we feel any such legislation should provide the State agencies a good deal of leeway in formulating an approved program.

S. 1629 provides that the Federal funds made available to the States can be applied to the cost of training personnel. This is an appropriate provision. One of the most difficult tasks facing States embarking on a water resources planning program is that of obtaining adequately trained personnel.

S. 1629 provides that administration of the grant program shall rest with the Secretary of Interior. We are informed of a similar bill which would provide for program administration by a Federal Water Resources Board to be composed of representatives from several Federal departments. There is merit in both proposals and there are arguments against each. The diversity of problems from State to State and the present fragmentation of responsibility at both the State and Federal level indicates the need for some interdepartmental and intergovernmental coordinating mechanism. However, the placing

of primary responsibility within some existing department would appear to be preferable to the creation of still another agency to handle only this portion of Federal water resources activity. In this regard, it would appear that S. 1629 might well be amended to provide for an administrative advisory board to be composed of representatives of those Federal water programs not handled by the department assigned primary responsibility. It would be equally appropriate to provide some State representation on the advisory board.

Thank you, Mr. Chairman, for this opportunity to comment on S. 1629.

MARYLAND

EXECUTIVE DEPARTMENT,
Annapolis, Md., May 29, 1961.

HON. CLINTON P. ANDERSON,
Chairman, Senate Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D.C.

DEAR SENATOR ANDERSON: This is in reply to your letter of May 10 in which you requested my comments relative to the program incorporated in S. 1629.

We have completed our review of this proposed legislation and I am indeed gratified to note that both its policy and program content are entirely consistent with the water resources development objectives of the State of Maryland.

So far as Maryland is concerned, S. 1629 is particularly timely. Our State planning department is completing preparations for the initiation of a study which will inventory the State's water resources and provide projections of future needs. Such a study logically preceded the type of State program envisaged by S. 1629. Further, I now have under advisement a proposal for the reorganization of the State's water resources agencies which I believe will greatly enhance our administrative opportunities for multiple-purpose water resources planning and development on a comprehensive basis.

Clearly, the State of Maryland has a vital interest in the legislation which you and your colleagues are sponsoring and I wish to go on record as strongly urging its passage.

With kindest personal regards, I am,
Sincerely yours,

J. MILLARD TAWES, *Governor.*

MASSACHUSETTS

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT,
Boston, July 5, 1961.

HON. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: Governor Volpe has referred your most recent correspondence relative to S. 1629, which would provide financial assistance to the various States for comprehensive water resources planning, to me as his legislative secretary.

It would appear at this time we will not have a representative at the public hearing to be held on July 10, 1961. However, I would appreciate it if you would furnish me with further information relative to the progress of this very important bill.

Governor Volpe has shown a vital interest in the conservation of our water supply and I am sure that your bill is in keeping with his program.

Very truly yours,

FRANCIS L. LAPPIN,
Legislative Secretary.

MINNESOTA

STATE OF MINNESOTA,
EXECUTIVE OFFICE,
St. Paul, June 5, 1961.

Senator CLINTON P. ANDERSON,
Chairman, Interior and Insular Affairs Committee,
Senate Office Building, Washington, D.C.

DEAR SENATOR ANDERSON: This is in response to your letter of May 10. The proposed program offers the stimulus of Federal aid, with the usual disadvantages inherent in these programs, in the area where Minnesota's program, as well as that of other States, appears to be weakest.

In this State our activities in the administration of public waters and the enforcement of water laws are adequate. The collection of basic data on surface water and ground water is continuing at a satisfactory level, although additional information is needed.

The need for comprehensive long-range planning has already been recognized, as evidenced by the publication of the "Hydrologic Atlas of Minnesota" by the division of waters in 1959. The division is also preparing studies of individual watershed units, appraising the water resources, water needs present and future, and possibilities for water development in each. An interim legislative commission has recently reported on the Minnesota River Valley and the Federal reservoirs at the headquarters of the Mississippi.

The pressure of administrative functions does not, however, permit the present small staff of the division of waters to make the rapid progress which changing conditions appear to demand, in analyzing the large amount of basic data now on hand and in formulating long-range statewide and regional plans for the better management of water resources. I am sure your proposal for Federal aid to the State governments will provide impetus to water resource planning, provided the legislatures of the States see fit to make funds available for matching purposes.

Cordially yours,

ELMER L. ANDERSEN, *Governor.*

MONTANA

STATE OF MONTANA,
OFFICE OF THE GOVERNOR,
Helena, June 23, 1961.

Hon. CLINTON P. ANDERSON,
Chairman, Interior and Insular Affairs Committee,
U.S., Senate, Washington, D.C.

DEAR MR. ANDERSON: Although Mr. E. W. Rising presented a statement in behalf of the Montana Water Conservation Board at recent hearings in Washington, D.C., nevertheless, I wanted to reply to your letter of May 10 regarding proposed S. 1629.

This bill has been introduced for the purpose of carrying out the second recommendation made by the Senate Select Committee on Natural Resources which is stated on page 18 of the select committee's report, Senate Report No. 29, 87th Congress.

At the time that the Senate select committee was gathering data, we made a report covering the features in Montana as requested. This Montana report received very favorable comments from the chairman of the Senate select committee. Of course, our report was necessarily an overall picture of the water resources of the State and did not cover detailed planning of ultimate water uses. A program of this type would be a major undertaking.

We, in Montana, realize the necessity for a detailed coordinated plan of water uses. A great deal of the water resources of both the Columbia and Missouri River Basins originate in Montana, and a large share of it flows out of the

State. We are very apprehensive here in Montana that the time will come when all of the water of these two major basins will be put to use, and we appreciate the fact that if the lower basin States should acquire water rights prior to those of Montana, we could not withhold the water from those rights for use in the State. Major developments within a basin will eventually acquire priority rights in the same order in which the projects are built regardless of State lines. Therefore, if we in Montana sit idly by and let the lower States develop these water supplies, we may find ourselves having quantities of water originating and flowing through our State for prior uses downstream.

A study of this situation reveals that it could very easily happen. I think it is very essential that Montana begin planning immediately for its maximum use of the water supply running out of the State, and S. 1629, if passed by the Congress, will give Montana an opportunity to prepare overall plans to meet this contingency.

The State of Montana has a water conservation board which constructs projects on about the same basis as the highway commission constructs highways. It has been operating since 1943, and has built many irrigation projects in the State and has the engineering ability and facilities to initiate and carry on such a program as proposed in S. 1629.

Sincerely yours,

DONALD G. NUTTER, *Governor.*

NEBRASKA

STATE OF NEBRASKA,
Lincoln, June 16, 1961.

In re S. 1629.

Senator CLINTON P. ANDERSON,
Chairman, Interior and Insular Affairs Committee,
Senate Office Building, Washington, D.C.

DEAR SENATOR ANDERSON: The delay in replying to your letter of May 10 was occasioned by the fact that I wanted to make a thorough study of this important subject.

As I understand it, the bill would provide \$5 million in each year for the next 10 years to be made available to the States to carry out a water resources planning program approved by the Secretary of the Interior. A certain percentage of the cost of the program would be borne by the State with the Federal share in no case being no more than two-thirds of the cost. In determining the share for each State the population, the land area, the need for comprehensive water resources planning, and a financial need of the State is taken into account.

I note that one of the requirements of the bill is that a State agency be designated as the "State agency" to administer the program and such State agency will be required to make such reports as required by the Secretary and provide necessary accounting, budgeting, and other things necessary to carry out the program. One of the primary purposes of the program shall be the coordinating of the programs of Federal, State, and local agencies having responsibilities in the water resources field.

There is considerable sentiment in favor of the development of a State water resources program.

I shall appreciate your keeping me informed on the progress of this bill.

Sincerely yours,

FRANK B. MORRISON,
Governor.

NEVADA

STATE OF NEVADA,
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES,
Carson City, June 30, 1961.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: This letter is being written in reference to S. 1629 introduced in the Senate by yourself and a number of other Senators.

I have made a detailed study of this bill and I feel that it would be very acceptable to Nevada. We feel that S. 1629 would strengthen our operations in comprehensive planning for our water resources. At the present time we are carrying on a few programs that would fit into the intent of S. 1629.

I have only a couple of suggestions to offer, the first one being that it might be desirable for the bill to include both the Interior and Agriculture Departments, with the administrative functions remaining with Interior. I have in mind such programs that are being carried out by the U.S. Department of Agriculture such as under section 6 of Public Law 566, which is now underway in Nevada in the Humboldt River drainage basin. We feel this program constitutes a comprehensive program under the intent of S. 1629.

In your letter to Governor Sawyer of the 21st, you ask if our statement would like to be heard at the hearing set for July 10. In reply will state that it will be impossible for me to be in Washington on that date but I do want you to know we are very much impressed with the intent of this bill.

Kind personal regards.

HUGH A. SHAMBERGER, *Director.*

NEW JERSEY

STATE OF NEW JERSEY,
OFFICE OF THE GOVERNOR,
Trenton.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: The material you sent me on S. 1629 was directed to the department of conservation and economic development for review by its interested agencies and particularly its division of water policy and supply. I have just returned from the Governors' conference in Hawaii to find your message concerning the hearing to be held July 10 on this bill.

We are prepared to support S. 1629 and would like the opportunity to have a representative at the hearings. I am asking Mr. H. Mat Adams, acting commissioner of the department of conservation and economic development, to appear as a witness.

We are assuming Mr. Adams should arrive at the New Senate Office Building at 10 a.m. on July 10. Should there be any change, please advise.

Sincerely yours,

ROBERT B. MEYNER, *Governor.*

JULY 3, 1961.

NEW MEXICO

EXECUTIVE OFFICE,
STATE OF NEW MEXICO,
Santa Fe, June 20, 1961.

HON. CLINTON P. ANDERSON,
U.S. Senate,
Chairman, Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR ANDERSON: Enclosed are some comments relative to S. 1629, together with a rundown of amounts spent by various agencies on ground water surveys.

Certainly Steve's statement concerning the location and proper use of ground water are of prime importance.

We also have to consider in this connection the potential for saline and brackish water development and make some plans for planning in this field.

The intent of the municipalities and some of our institutions of higher learning and other State institutions need careful attention.

Sincerely,

EDWIN L. MECHEM.

MEMORANDUM, JUNE 14, 1961

To: Hon. Edwin L. Mechem, Governor of New Mexico, Santa Fe.

From: S. E. Reynolds, State Engineer.

Subject: State engineer and Interstate Stream Commission¹ contributions to U.S. Geological Survey cooperative programs, 39th to 50th fiscal years. (Includes funds from local agencies given to State engineer office or Interstate Stream Commission for matching with U.S. Geological Survey on projects sponsored by State engineer office or Interstate Stream Commission.)

Herewith are the data requested:

Fiscal year:	Amount
39th, 1950-51.....	\$43,659.04
40th, 1951-52.....	63,671.30
41st, 1952-53.....	91,675.97
42d, 1953-54.....	103,811.87
43d, 1954-55.....	127,490.80
44th, 1955-56.....	155,119.20
45th, 1956-57.....	164,698.58
46th, 1957-58.....	161,534.00
47th, 1958-59.....	190,990.99
48th, 1959-60.....	209,143.22
49th, 1960-61.....	¹ 214,122.00
50th, 1961-62.....	¹ 211,800.00

Respectfully submitted.

S. E. REYNOLDS.

¹ Estimated.

MEMORANDUM JUNE 9, 1961

To: Hon. Edwin L. Mechem, Governor of New Mexico, Santa Fe.

From: S. E. Reynolds, State engineer.

Subject: S. 1629, a bill to provide financial assistance to the States for comprehensive water resources planning, introduced by Senator Anderson and others.

Consideration of the subject bill invites attention to presently available Federal assistance for water resources planning. Major works for most of the surface drainage basins in New Mexico are already constructed, planned, or being actively studied in basinwide investigations financed from Federal funds. The concepts involved in the planning completed and being carried out appear to be adequate at present levels of scientific achievement; advancements in such fields as weather modification, evaporation control, increased watershed yields, and more efficient irrigation practices, would probably require further compre-

¹ Includes amounts of State funds, from ISC, spent in Pecos River Commission-U.S. Geological Survey cooperative agreements.

hensive planning but none of the existing or proposed major works seem incompatible with any reasonably foreseeable circumstances.

Water resources planning and administration will continue to demand the collection of basic data related to surface water flows and quality to an extent greater than the State can afford. Matching funds are available from the U.S. Geological Survey for this work. The State has been spending as much as it possibly can, taking into account other financial commitments, in this program for several years. In the next fiscal year we will spend about \$123,400 which will be matched by the U.S. Geological Survey, for the collection of basic data on surface water.

Also, the Bureau of Reclamation can make investigations not included in their regular programs at the request of the State if the State pays one-half of the cost of the investigation requested. There is great need for comprehensive investigation of the ground-water resources of the State. The construction of comprehensive works for the utilization of the ground water is not generally contemplated; full development of the ground-water resources by individual enterprise is usually feasible, but comprehensive investigations are needed to permit wise individual decisions, and to make possible the administration of the ground water in the public interest. Matching funds are available from the U.S. Geological Survey for such comprehensive investigations and the State has taken the fullest possible advantage of these funds. We will spend approximately \$88,400 in cooperative ground-water investigation in the forthcoming fiscal year.

The State legislature has recognized the need for comprehensive planning in which investigations of all of the resources of the State, including the water resources, are coordinated (ch. 255, Laws of 1959, as amended). The State planning office has outlined a program under which basic data related to all of our resources would be compiled, the future economy of the State would be projected, and transportation, water resources, and other needs would be estimated for future points in time. The program would culminate in the preparation of a report which would describe a general, long-term, comprehensive State development plan within the framework of existing water resource development plans. This general development plan would be submitted for consideration by the State legislature.

I contemplate that further comprehensive water development planning will be essential in the preparation of the plan to be submitted to the legislature in that it will be necessary to take into consideration such items as possibilities and opportunities for the change of place and purpose of existing water uses (e.g., from agricultural to municipal and industrial usage), with due regard to the quantity and quality of available surface and ground-water resources; also it may be necessary to consider the extension of current plans to provide works for distributing water to implement development opportunities.

The planning work outlined by the State planning office has been approved for cost sharing by the Housing and Home Finance Administration. It is contemplated that the first phase of this planning work will cost approximately \$410,000 and will require about 3 years. Of this amount \$77,500 would be spent through the State engineer office in work on water resources; of this latter amount \$27,500 would be matching funds of the U.S. Geological Survey. It is my understanding that under an act presently being considered by the Congress the HHFA would be able to advance \$2 for each \$1 spent by the State. I assume that the HHFA would also give financial assistance in subsequent phases of this planning work, including that portion of the work related to water resources.

The State spends a considerable amount of money each year coordinating the planning activities of the various Federal agencies interested in water resources, and in reviewing and commenting on reports of these agencies concerning water development in New Mexico or in other States where the development might affect New Mexico's interests. We also spend some money each year attending meetings of the Pacific-Southwest-Interagency Committee and the Arkansas-White-Red River Interagency Committee, and participating in the activities of those committees. Financial limitations have not permitted us to participate fully in the activities of these committees. These committees are not authorized to take actions which affect our interests, and we have found that our time and money yield more when expended in direct contacts with the Federal agencies involved in work affecting New Mexico. We have attempted to keep abreast of the activities of these committees by reading their minutes and reports, and by indirect contacts. Financial assistance in activities such as those described in this paragraph would be helpful, but I doubt that such financial assistance is within the intent of S. 1629.

The foregoing comments are not intended to reflect the opinion that the enactment of S. 1629 is not desirable. I believe that the provisions of S. 1629 would be of great advantage to those States which presently have little or nothing in the way of agencies responsible for water resources investigation and administration, and to States which do not have a properly constituted planning office, and, therefore, are not eligible for financial assistance from the HHFA. Furthermore, more mature consideration or future developments may reveal considerable advantages to New Mexico from the provisions of the bill. However, at this moment it does not appear that New Mexico could get much advantage from S. 1629—at least for several years.

Please advise me if some further discussion of this proposed legislation would be helpful to you.

Respectfully submitted.

S. E. REYNOLDS.

NORTH CAROLINA

STATE OF NORTH CAROLINA,
GOVERNOR'S OFFICE,
Raleigh, June 9, 1961.

Hon. CLINTON P. ANDERSON,
Chairman, Interior and Insular Affairs Committee,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I appreciate having the opportunity of commenting on S. 1629, the Water Resources Planning Act of 1961, as requested in your letter of May 10, 1961.

The economic growth of North Carolina, as in other areas, is dependent upon the availability of an adequate supply of water of suitable quality at the right place at the right time. Fortunately, our State has ample water to insure the continued advancement of its economy provided this vital natural resource is conserved, developed, and wisely managed. This requires the preparation of plans for comprehensive development and management of all water resources—surface and underground—of the 16 major river basins of North Carolina.

The State, through its department of water resources, is actively engaged in planning its water resources development. This work is being accomplished to a large extent in cooperation with the Corps of Engineers, Department of the Army, the Tennessee Valley Authority, and the U.S. Geological Survey. However, due to a limitation of funds, at both the Federal and State level, these plans are not progressing as rapidly as desired.

The enactment of S. 1629 would make it possible for our State to recruit and train additional personnel in sufficient depth to complete our comprehensive water resources planning within the duration of the program. Its provisions appear to be broad enough to permit the State to proceed with its program for comprehensive water resources planning.

I am pleased that the act states the policy of the Congress is to recognize, preserve, and protect the primary responsibilities and rights of the States in the planning for the conservation, development, and utilization of their water and related land resources. North Carolina recognizes its responsibility in this area and with the assistance of the Federal Government, as provided in S. 1629, will meet that responsibility.

With best wishes always,

Sincerely,

TERRY SANFORD.

NORTH DAKOTA

STATE OF NORTH DAKOTA,
OFFICE OF THE GOVERNOR,
Bismarck, July 7, 1961.

HON. CLINTON P. ANDERSON,
*Chairman, Interior and Insular Affairs Committee,
Washington, D.C.*

DEAR SENATOR ANDERSON: I had hoped to discuss S. 1629 with you in Washington, D.C. on June 21, at which time I appeared before your Subcommittee on Irrigation and Reclamation regarding the Garrison diversion unit. Senator Burdick who presided at the Garrison diversion unit hearing on June 21 informed us that pressure of other official business made it impossible for you to be present. Senator Burdick did conduct a most excellent hearing, which I am certain was in accordance with your procedure for hearings of this type.

North Dakota is vitally interested in developing its water resources in order that it can keep astride with the developments of our Nation. Generally some area within the State is confronted with a drought period which greatly curtails production and thereby adversely affects the local economy. This year my State is confronted with a drought which has made it necessary for me to request that the entire State be classed as a disaster area. The Department of Agriculture has recognized that such condition exists in all but two counties in North Dakota.

The long range planning program stated in S. 1629 suggests to me that this bill will be of much merit in planning ways of modifying the severe effects that drought is currently having on the economy of North Dakota. The growth of many of the cities within North Dakota will be curtailed unless we are able through proper planning to transport water from reliable supplies to those cities. Long range plans made by competent technicians from the State and Federal governments will be needed to accomplish this objective. A well coordinated water resources program will eliminate duplication and provide a concerted effort to meet such problems as we now have confronting us.

As chairman of the Missouri River States Committee, I have become familiar with the needs of some of the other States in our basin and their needs in many ways parallel our needs. There is an urgent need for such planning in many of those States.

I therefore urge that S. 1629 be enacted during the 87th Congress in order that financial assistance be made available for a comprehensive water resources program which can function at the State level.

Sincerely yours,

WILLIAM L. GUY, *Governor.*

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION,
Bismarck, N. Dak., July 7, 1961.

HON. CLINTON P. ANDERSON,
Chairman, Interior and Insular Affairs Committee, Washington, D.C.

DEAR SENATOR ANDERSON: Gov. William L. Guy, chairman of the North Dakota State Water Conservation Commission, has called my attention to S. 1629 in regard to the possibilities which may be afforded North Dakota in water resources planning.

I have reviewed the bill and find that it is definitely compatible with the functions of the North Dakota State Water Conservation Commission and would greatly implement our ability to plan and develop our water for the best interest of our State.

The North Dakota State Water Conservation Commission was created during the drought of the thirties by legislative action in 1937. It has developed several much needed irrigation projects and constructed and repaired several hundred dams throughout the State for use in connection with municipal water supplies, irrigation, and recreation. The commission also cooperates with various Federal agencies, such as the Hydrographic, Ground Water, and Topographic Branch of the U.S. Geological Survey, the Corps of Engineers, the Bureau of Reclamation, and the Department of Agriculture. The comprehensive plan as proposed, which includes partial financing by the Federal Government, would aid in establishing definite avenues of authority for all agencies interested in water resources.

I have been a member of the Association of Western State Engineers since 1954 and I am currently serving as president of this group. Discussions with other State engineers from time to time has indicated to me that numerous other States could be benefited by the passage of S. 1629.

I wish to lend my support to this bill and hope that you see fit to use the support indicated in this letter in any way which may benefit S. 1629.

Sincerely yours,

MILW. HOISVEEN,
Chief Engineer-State Engineer.

OHIO

STATE OF OHIO,
OFFICE OF THE GOVERNOR,
Columbus, May 24, 1961.

HON. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: You requested in your letter of May 10, my comments on S. 1629, Water Resources Planning Act of 1961. I am highly in favor of the intent of the bill.

In 1955 the Ohio General Assembly amended chapter 1521, Revised Code of Ohio by the addition of the following:

"(The division of water shall) Have authority to conduct basic inventories of the water and related natural resources in each drainage basin the State; to develop a plan on a watershed basis which will recognize the variety of uses to which water may be put and the need for its retention and control."

You will thus note that it is already realized in Ohio that water planning by river basins is needed to meet the needs of agriculture, industry, and the general public. It is, therefore, of great interest to me that such a program is envisioned on a national scale through coordination and assistance of the Federal Government.

The water inventories which Ohio is preparing is not "comprehensive water resources planning" as proposed in S. 1629, but this program will be an indispensable tool in comprehensive planning.

There are some deficiencies in our program which are in part due to insufficient appropriations and some to other inadequacies.

The underground water resources require extensive drilling and geophysical surveys which have not been undertaken sufficiently under present appropriations.

The delineation and volumetric determination of proposed reservoir sites has been by necessity from inadequate topographic maps. New topographic mapping of the State is rapidly being completed which will greatly facilitate this program.

Some of Ohio's river basins extend into adjacent States, and until some coordination is effected as proposed in S. 1629 these basins are not completely inventoried.

As an example of our program we are sending you a copy of "Water Inventory of the Maumee River Basin."

Please be assured of my interest and cooperation in your efforts in obtaining comprehensive water planning.

Sincerely,

MICHAEL V. DI SALLE, *Governor.*

OKLAHOMA

STATE OF OKLAHOMA,
EXECUTIVE CHAMBERS,
Oklahoma City, June 1, 1961.

HON. CLINTON P. ANDERSON,
Chairman, Interior and Insular Affairs Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: This will acknowledge your letter of May 10, 1961, transmitting to this Department a copy of your bill S. 1629 together with your remarks on April 14, in the Congressional Record with reference to the bill, and also, a copy of Report No. 29 by the Select Committee on National Water Resources.

I have reviewed your bill S. 1629 and feel that this legislation would implement the recommendations made by the Select Committee on National Water Resources. I believe that your bill would provide the necessary vehicle for obtaining an orderly development of the Nation's water resources and would do much to bring about the absolute necessity for full coordination of all agencies of Government in the planning and construction of water resources projects. Therefore, I want to commend you on this fine legislation and most certainly endorse the provisions and objectives of the bill.

Oklahoma is fully aware that its No. 1 problem is the control, conservation, and development of its water resources. Again, we commend you for your outstanding contribution to the Nation in its water resources development and pledge our full cooperation and assistance.

Very truly yours,

J. HOWARD EDMONDSON, Governor.

OREGON

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Salem, July 26, 1961.

HON. CLINTON P. ANDERSON,
Chairman, Interior and Insular Affairs Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: Reference is made to our recent correspondence on S. 1629, which you introduced to provide financial assistance to the States for comprehensive water resources planning.

While it is my understanding that you have now delayed consideration of this bill in favor of S. 2246, I thought you would be interested in the views of this State and its water resources board.

We recognize that there is a very serious need for additional data, investigation, and planning for water resource development. However, we do not believe that S. 1629 would be entirely satisfactory or desirable as a means of meeting this need. This feeling is based primarily on the fact that receipt of Federal financial assistance would require State confirmation to Federal administrative requirements.

As you may know, I have repeatedly endorsed the need for clarification of State sovereignty over waters, and Oregon's representatives have appeared before Congressional committees to testify as to this need. In addition to State authority for administering its waters through issuance of State water rights, there is also a definite need for State independence in carrying out its own planning. Experience has shown that an active State planning agency can be an effective instrument, not only on the local level, but in guiding and influencing regional and Federal agencies. We clearly recognize the need for additional coordination at the Federal level, such as we are attempting to implement in this State. While I have not studied S. 2246, I would hope that this bill contains features that will permit maintenance of an independent State position. We would be pleased to support this type legislation.

Sincerely,

MARK O. HATFIELD, Governor.

PENNSYLVANIA

Harrisburg, Pa., July 7, 1961.

HON. CLINTON P. ANDERSON,
Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.:

Pennsylvania is very interested in S. 1629; however, I will be unable to express our views on this important legislation, Monday, July 10. You should receive in several days the views of this commonwealth on the bill. I view water resource planning as one of the vital essentials for future economic development in Pennsylvania as well as the rest of the Nation.

DAVID L. LAWRENCE, *Governor.*

RHODE ISLAND

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
 EXECUTIVE CHAMBER,
 Providence, May 23, 1961.

HON. CLINTON P. ANDERSON,
Chairman, Interior and Insular Affairs Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: I appreciate very much the receipt of your letter of May 10, 1961, forwarding a copy of S. 1629, a bill to provide financial assistance to the States for comprehensive water resources planning.

As you may know, an act of the Rhode Island State Legislature in 1955 established a permanent board to deal with water resources planning; the board is named the "State Water Resources Coordinating Board." Since its establishment, the board has accomplished a substantial amount of future planning of water resources. At the present time, the State legislature is considering a bill sponsored by the board providing for the acquisition of future water supply reservoir sites. In short, it is felt that water resources planning in Rhode Island has been proceeding for some years at a reasonable level of adequacy.

The financial aid provided in S. 1629 would permit the expansion of the State's water resources planning program. Perhaps the need for this expansion may be greater in other States where the water resource problems are much more critical than in Rhode Island, a well-watered area.

I regret that my lack of familiarity with countrywide needs in this matter do not permit me to adopt a strong position either in support of or in opposition to S. 1629.

Yours very truly,

JOHN A. NOTTE, Jr., *Governor.*

SOUTH DAKOTA

SOUTH DAKOTA,
 OFFICE OF THE GOVERNOR,
 Pierre, July 7, 1961.

HON. CLINTON P. ANDERSON,
Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D.C.

DEAR SENATOR ANDERSON: Your letters of May 10 and June 21, 1961, request my views on S. 1629 authorizing the payment of \$5 million annually to the States to undertake comprehensive water resources planning.

Due to pressure of internal State business, a representative from South Dakota will not appear at your committee hearings on July 10, 1961. However, the following comments express the views of my water resources staff concerning the provisions of S. 1629.

The objective of S. 1629, apparently, is preparation of a "master" water resources development plan for each of the States within which plan coordination of the interests of all Federal and State agencies may be incorporated. This, in effect, is the objective of South Dakota State government and its subdivisions. The language of this bill provides for Federal matching funds; not more than 66 $\frac{2}{3}$ percent nor less than 33 $\frac{1}{3}$ percent of the estimated cost of the water re-

sources planning work to be done by the State. The cost of the planning work, to which these percentages apply, is to be determined by the Secretary of the Interior based upon such records and information from the designated State agency as the Secretary may require. However, should the record or information workload offset the advantages of the additional funds, the State is not bound to participate in the program.

S. 1629 does not correct the problem of coordinating the separate plans of various Federal agencies, working in the same area with the same water resources, which we have experienced in South Dakota, although the additional technical help may lessen this problem. Without minimizing the coordination efforts of these Federal agencies, each of their separate plans are essentially single-purpose project developments with inclusion of miscellaneous other purposes only to the extent that such other purposes can be achieved by the single-purpose project facilities. These plans are not the "master" multiple-purpose comprehensive plan to serve all of the anticipated water resource needs in an area nor are these plans available for local sponsorship consideration at the same time. Getting these separate Federal plans worked into the best overall plan for the area, as determined by the willingness of the people to organize taxing power special improvement districts, and accept the sponsorship obligations, is a big planning job in itself. This phase of planning work is the sphere that the South Dakota water resources agency concerns itself in the field of comprehensive multiple-purpose water resources development. As stated, the additional Federal funds which would be available under provisions of S. 1629 would add additional technical personnel and may help solve some of these coordination problems associated with proposed Federal projects. Better still would be Federal grants with authority in reasonable degree for State government insistence that one "master" coordinated, multiple-purpose, single plan be developed among all Federal and State agencies having an interest in the same area and in the same water resource.

It is suggested that an additional sub-subsection (5) be added to section 5 providing for a factor governing allotments to a State based upon the amount of Federal appropriations for water resources development work in such States. Money needs by the States are reflected in part by such Federal activities.

I hope that these comments are helpful.

Sincerely,

ARCHIE GUBBRUD, *Governor.*

VIRGINIA

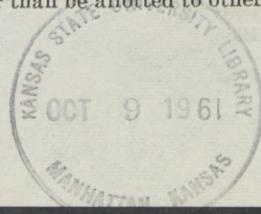
COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT,
DIVISION OF WATER RESOURCES,
Richmond, Va., May 18, 1961.

HON. CLINTON P. ANDERSON,
Chairman, Interior and Insular Affairs Committee, U.S. Senate,
Washington, D.C.

DEAR SENATOR ANDERSON: Reference is made to your letter of May 10, 1961, to Governor Almond requesting his comments and recommendations concerning S. 1629. As you know, the Governor has asked that we reply to your letter.

Officials and representatives of the Commonwealth of Virginia have opposed, and still oppose, Federal grants for such purposes. However if the bill is passed it is probable that, as visualized by the Senate Select Committee on National Water Resources, active participation by some States in planning for and undertaking water resources developments will be stimulated by the proposals appearing in S. 1629. As is the case in Virginia, it is also probable that participation by individual States will depend on the readiness of the people for the development of suitable plans and the availability of the funds needed to meet State obligations under the program. This subject has not been before the General Assembly of Virginia.

From our point of view, if such legislation is enacted it would be improved if (1) the Federal responsibilities for the Eastern States are carried out by the Secretary of the Army (through the Chief of Engineers) and (2) there is included a provision under which Federal funds which are not expended by States to which allotted will revert to the U.S. Treasury rather than be allotted to other States.



The first suggested change is made since, in Virginia as in other non-Western States, the Corps of Engineers, U.S. Army, has been the Federal agency to which we look for guidance in water resources development on the basis of a river basin. Its representatives have insured coordination of all interested agencies, both Federal and State. Better results would be insured if the present relationship is maintained. This we consider to be very important.

The reason for the second suggested change seems to be obvious.

Thank you very much for the opportunity to comment.

With kind regards, I am

Sincerely,

H. B. HOLMES, Jr., *Commissioner.*

UTAH

THE UTAH WATER AND POWER BOARD,
Salt Lake City, Utah, July 12, 1961.

Hon. FRANK E. MOSS,
U.S. Senate, Washington, D.C.

DEAR SENATOR: I have carefully reviewed Senate bill 1629. I have discussed this legislation with the Board, and I think I can say that it has their wholehearted support, and concurrence of the Governor.

We are keenly aware that in the field of water development the States can, and should, make a greater contribution. As you know, for a 14-year period we have carried out a State program of water development which has been extremely helpful. This participation has served to demonstrate the need for a comprehensive plan for all development in the field of water. The incentive provided by this legislation would offer a means of developing a needed water plan, and still protect the States' primary responsibilities. The States would be interested in making suggestions and reviewing the regulations which would be developed by the Secretary.

S. 1629, the Water Resources Planning Act of 1961, will be of inestimable value in meeting the problems of comprehensive water planning and development. We strongly urge your support of this legislation.

Very truly yours,

JAY R. BINGHAM, *Executive Director.*

WASHINGTON

STATEMENT OF HON. ALBERT D. ROSELLINI, GOVERNOR, STATE OF WASHINGTON

Mr. Chairman, we appreciate this opportunity to present the views of the State of Washington, in support of S. 1629, the proposed Water Resources Planning Act.

If enacted, the State of Washington is prepared immediately to qualify under the provisions of section 6 of S. 1629 and to submit a program for comprehensive water resources planning, through our department of conservation, the State agency charged with responsibilities in this field.

We have long recognized the need for such comprehensive water resource planning and in 1959 initiated a water inventory program for each river drainage basin of the State. To date, we have completed 1 river basin survey of 52 which have been planned. A second river basin report will be completed this year.

The program outlined by S. 1629 would greatly accelerate the water inventories we have undertaken to meet the needs of agriculture, industry, and the general public. These needs have been outlined in a statement submitted to the Senate Select Committee on National Water Resources a year ago.

Briefly, by 1980, the State's population is expected to increase to 4,430,000, from the present 2,883,000, a 57 percent gain. In the same period, water requirements for irrigation will increase by 1 million acre-feet as additional lands are reclaimed.

Development of economic hydroelectric power sites must keep pace with the demand for low-cost power. Present demands in the State of 27 billion kilowatt-hours annually are expected to increase to 106 billion kilowatt-hours by 1985.

Industrial uses of water, now 1,200 million gallons per day, are expected to increase to 2,200 million gallons daily by 1980.

To assist in meeting these water resource planning needs in the State of Washington, I wish to urge that the committee give favorable consideration to S. 1629.

WYOMING

WYOMING,
EXECUTIVE DEPARTMENT,
Cheyenne, July 3, 1961.

HON. CLINTON P. ANDERSON,
Chairman, Interior and Insular Affairs Committee,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ANDERSON: Thank you for your letter of June 21 advising that hearings are scheduled on S. 1629, a bill to authorize the payment of \$5 million annually to the States to undertake comprehensive water resources planning.

I am sending a memorandum to Senators McGee and Hickey, cosponsors of the measure, today.

Sincerely yours,

JACK R. GAGE, *Governor.*

(The memorandum referred to by Governor Gage follows:)

STATE OF WYOMING,
STATE ENGINEER'S OFFICE,
Cheyenne, June 30, 1961.

MEMORANDUM

To: Zan Lewis.

From: Earl Lloyd and E. Bruce Jones.

Subject: S. 1629, Water Resource Planning Act of 1961.

This bill was introduced on April 14, 1961, and the comments in introduction by Senator Anderson appear on pages 5556, 5557, and 5558 of the Congressional Record of the same date.

It in general, makes provisions for the financial assistance to the States for comprehensive water planning over a 10-year period. In general, such water planning is needed but the manner in which a plan such as this is implemented is of prime importance.

This bill, as stated by Senator Anderson, carries out the second recommendation of the Senate Select Committee on National Water Resources. This recommendation reads as follows:

"The Federal Government should stimulate more active participation by the States in planning and undertaking water development and management activities by setting up a 10-year program of grants to the States for water resources planning. A minimum of about \$5 million in Federal funds should be made available annually for matching by the States for use in the preparation of long-range comprehensive plans for water resources development along the lines recommended in No. 1 above."

"Recommendation No. 1 referred to calls for the Federal Government, in cooperation with the States, to prepare and keep up-to-date plans for comprehensive water resources development and management for all major river basins of the United States, taking into account perspective demands for all purposes served or affected by water development, including full recognition of such purposes as stream flow regulation, outdoor recreation, and fish and wildlife preservation and propagation."

In going through the bill, attention is especially called to section 3 which is a statement of policy.

"It is hereby declared to be the policy of the Congress, to recognize, preserve, and protect the primary responsibilities and rights of the States in the planning for the conservation, development, and utilization of their water and related land resources."

Such a statement we feel is necessary and vital to the conducting of such a program.

Section 4 authorizes a \$5 million a year grant to the States on a matching-fund basis, and section 5 discusses the method in which the allotments are made

to the States. Although several criteria are listed, such as population, land area and need, no formula is set forth for determining for exact allocations for any given State.

Section 6 sets forth the basis for the Secretary of the Interior approving a State plan for comprehensive water resources planning.

Section 7 is a review section which gives the Secretary of the Interior the power to make no further payments to such State under the act, if he is dissatisfied with the State's activities.

Section 8 sets forth the Federal cost-sharing percentages of the program and in this section the following is stated:

"The Federal share shall in no case, be more than 66 $\frac{2}{3}$ percentum or less than 33 $\frac{1}{3}$ percentum."

Section 10 under the head of administration, paragraph (a) states that "the Secretary may prescribe such regulations as are necessary to carry out provisions of this act."

Under this act, it is highly possible that the State will be footing more of the bill than will the Federal Government. However, the final control rests with the Federal Government. There are no provisions which were immediately recognized as giving the States any major control over the program, except in section 3. Even with section 3, it could possibly be nullified by section 10, which states "the Secretary may prescribe such regulations that are necessary to carry out provisions of the act."

The second problem is the fact that the program is over a 10-year period, and in order to insure continuity of the program, there would have to be appropriations set up by five separate State legislatures to insure the continuation of the program on a uniform and continuing basis. As a very rough estimate, the State would probably have to contribute about \$100,000 a year to the program for 10 years.

In general, the bill has merit, but again the importance is stressed that the program, to be fully effective as we see it, should be under the control of the State with broad general guidelines established by the Federal Government. These investigations would be of great value to such a report, especially if it were prepared by Wyoming people (consulting engineers, etc.).

If you have any further questions we should be happy to discuss this matter with you.

Senator ANDERSON. Improvement of State and local planning and decisionmaking in the water resources field is discussed beginning at page 47 of the report of the Select Committee on National Water Resources.

In that discussion, the committee commented that "many States appear to have poor organization for long-range planning and their water resource agencies lack financial support."

The letters from the Governors substantiate that comment, and they commend the select committee and S. 1629 for attempting to stimulate and assist in improvement of State water resources planning efforts.

I am especially gratified that the Governors of Eastern States appear to be concerned about water problems as are those in Western States, where water has always been a precious substance.

This Nation need never suffer from water shortage. But whether we do or not depends on how wisely we use the abundant supply available to us.

In the drought-stricken Missouri Basin the riverboats would be piled up on sandbars and riverbanks today if it had not been for the foresight of officials 30 years ago who started planning and building dams to store and conserve destructive floodwaters for use in years like this.

In some western areas we are going to be down to our last drop of water by 1975 or 1980 unless, in the meantime, we learn to conserve and use our supplies more efficiently, get more out of the clouds, and develop economic methods of converting saline and brackish waters to useful quality.

In the East, we are right now working out a compact to conserve and divide the waters of the Delaware River.

And here, in the District of Columbia, we live beside a river and creeks so polluted they are a menace to health.

The select committee wisely reported that complacency on water problems must be replaced by positive action.

We are here today to initiate some of that positive action.

In addition to the communications from the Governors or their spokesmen, we have a statement for the record from Leslie E. Mack on behalf of the Arkansas Water Resources Planning Committee endorsing S. 1629. Without objection it will be included with the State responses.

We also have letters from Angus McDonald, of the National Farmers Union, who is listed as a witness this morning but cannot be present, and from the U.S. Chamber of Commerce.

Mr. McDonald favors the bill.

The chamber of commerce is opposed to it as unnecessary and cites California and Kansas as two States which have developed excellent water resources plans and programs.

The witness who is here from California may be interested in getting a copy of that endorsement of the California plan. Governor Brown has advised of his support of S. 1629 as a "desirable step forward in encouraging the initiation or acceleration of water resources planning activity by the several States."

The Governor of Kansas has had his executive secretary write us, reviewing their "limited and modest work" in the water resources planning field. He says:

* * * on the basis of this limited experience we believe the establishment and maintenance of adequate State water resources planning programs is to be desired.* * * It would appear that a carefully conceived program might well be an effective catalyst in securing adequate appraisal of State water needs and in effecting better coordination on problems of intergovernmental concern.

Without objection, the statements of Mr. McDonald and the Chamber of Commerce will be included in the record.

(The material referred to is as follows:)

NATIONAL FARMERS UNION,
LEGISLATIVE SERVICES,
Washington, D.C., June 22, 1961.

HON. CLINTON P. ANDERSON,
Chairman, Senate Interior and Insular Affairs Committee,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ANDERSON: Thank you for calling our attention to the hearings on S. 1629, which will be held on July 10, 1961. Unfortunately, I will be on vacation at that time and will not be able to appear.

I would therefore appreciate it if you would make this brief letter a part of the hearings.

The National Farmers Union approves the proposed legislation which will authorize the appropriation of funds to substantiate more active participation by the States in planning and undertaking water development, provided such cooperative activity or such projects met all the requirements of Federal law. I am referring particularly to the 160-acre limitation and to the so-called preference law which provides that cooperatives and other nonprofit groups be afforded the opportunity to buy electric power generated at Federal installations.

We feel strongly that if the Government contributes 50 percent in the form of a loan or a grant of the funds necessary to construct the project that all of the Federal standards should be applied. We feel that this is true of any joint

project, such as the San Luis project approved by the Congress last year. We have long been at a loss to understand the opposition of a group within a State who fight the 160-acre limitation "tooth and nail." We can only conclude that opposition emanates from large landowners who are hoping to benefit from subsidies provided by the general taxpayers.

Sincerely,

ANGUS McDONALD, *Assistant Director.*

CHAMBER OF COMMERCE OF THE UNITED STATES,
Washington, D.C., July 7, 1961.

Senator CLINTON P. ANDERSON,
Chairman, Senate Interior and Insular Affairs Committee,
Washington, D.C.

DEAR SENATOR ANDERSON: The Chamber of Commerce of the United States heartily endorses the declaration of congressional policy in section 3 of S. 1629, "* * * to recognize, preserve, and protect the primary responsibilities and rights of the States in the planning for the conservation, development, and utilization of their water and related land resources * * *."

However, it appears that S. 1629 would nullify its own declaration of congressional policy and would transfer the primary responsibility and decision-making process to the Federal Government. Sections 5, 6, and 7 contain language which provides for a degree of Federal control that will lead to Federal domination.

A system of Federal grants-in-aid, and other controls, rules, and regulations prescribed by Congress or an executive department of the Federal Government will replace local and State decisionmaking processes.

For example, a State would receive a Federal grant for water resources plans only if the Secretary of the Interior decided a State's program met Federal standards on reports and procedures, and on meeting the needs of agriculture, industry, and the general public "for water and water related activities."

Today such States as California and Kansas have developed excellent water resources plans and programs. The Senate Select Committee on Water Resources has been most helpful in alerting the Nation to this important need. The continued dissemination of the select committee's findings is helping to achieve public understanding and financial support for State and local water resource planning.

The national chamber will continue its efforts to encourage State and local chambers of commerce to take an active part in encouraging the development of State comprehensive water resources plans.

The national chamber, therefore, believes that S. 1629 is unnecessary and should not be approved.

We would appreciate your making this letter a part of the record of the hearings on S. 1629.

Cordially yours,

CLARENCE R. MILES,
Manager, Legislative Department.

Senator ANDERSON. Senator Hickey?

STATEMENT OF HON. J. J. HICKEY, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator HICKEY. As Governor of Wyoming I was an ex officio member of the Wyoming Natural Resource Board. My interest in the work of that board, particularly with respect to water development, went far beyond this ex officio standing. In this connection I learned in detail the challenge of water resource planning. I also discovered some of the limitations imposed by financial stringency. For these reasons I was glad to join Senator Anderson in the introduction of S. 1629 to provide financial assistance to the States for comprehensive water resource planning.

I am a firm believer that it is necessary that planning for projects be kept as close to home as possible. I am also a firm believer in the idea that proper use of water is not totally a matter of stupendous undertakings such as the Central Valley project in California or the upper Colorado project in Wyoming, Colorado, and Utah. Numerous local watershed projects, nothing to get excited about in themselves as engineering marvels, in the aggregate can make a contribution as effective as the great projects of which we are so justly proud. It follows that planning for these local and statewide projects can best be done nearest the locale.

This being so, a normal question is, "Why not finance them at the local level?" The hard fact of this, as with so many other cases, is that the Federal Government has preempted the best sources of revenue in a highly organized urban industrial society. The States and local units must rely upon the property tax and to an extent a sales tax, both of which are strained to keep up with the day-to-day demands of operation without much left over for planning.

S. 1629 permits local and State planning with financial assistance from the Federal Government with its richer tax harvest. I shall listen to the testimony with a great deal of interest. Doubtless the detailed knowledge of the witnesses as set forth in the testimony will make it desirable to secure rephrasing of the language, but I endorse the principle set forth here.

Senator ANDERSON. Thank you, Senator Hickey.

Senator McGee.

STATEMENT OF HON. GALE W. MCGEE, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator MCGEE. S. 1629 is one of the legislative measures which was proposed in the report of the Senate Select Committee on National Water Resources. I consider myself fortunate in having been a member of that committee, and having had the opportunity to work intimately for almost 2 years to assess the Nation's water needs in relation to the future of our economy and to the national interest. This study led the committee to many recommendations, some of which have already been introduced by members of the committee and others as bills in the Senate.

Reporting to our committee, the Business and Defense Services Administration of the Department of Commerce estimated that the total investment needed on all levels between 1958 and 1980 for water resources facilities would be \$228 billion. The report of the Census Bureau and other Federal agencies made it plain to us why this investment need is so large.

Our population is growing rapidly: it is estimated that it may well double by the end of the century. Our industry is growing to meet the demand, not only of our increasing population, but of maintaining the American standard of living while supplying goods and services and developmental stimulus to new nations in every sector of the globe. Even our agriculture, much maligned of late by those who fear the accretion of surpluses, is going to have to grow in its capacity to produce just to meet our domestic requirements within a very few years.

All of these activities necessarily depend upon a dramatic growth in our capacity to produce, conserve, and wisely use tremendous additional quantities of water. Putting all of the figures available to us together, the committee reached estimates of our need which, because of the modesty of the economic growth assumptions used to prepare the figures, are probably low. In any case, demands for water withdrawals are projected to increase by over 550 billion gallons a day by 1980 and by almost 900 billion gallons a day by the year 2000.

This will mean that we will need to undertake a tremendous effort to construct water use facilities, to distribute our water more efficiently, to protect its quality, and to make it available for many new uses.

We estimated conservatively that the objectives would require the new capital investments in water facility construction of \$12 billion by 1980 and \$18 billion by the year 2000. We estimated that new investments in pollution abatement facilities would require over \$42 billion by 1980 and an additional \$39.4 billion between 1980 and 2000.

We pointed out in our report that at a very modest—all too modest, in my opinion, if we are to meet the challenge of world communism and our commitments to new nations, while maintaining our own standard of living—rate of national economic growth of $3\frac{3}{4}$ percent per year the gross national product would reach \$1,060 billion by 1980 and \$2.2 trillion by the year 2000. These figures make the sum required for water resource investments seem puny, but the trouble is that without these investments in water resources even these modest growth figures cannot possibly be reached.

This stark fact makes it absolutely imperative that we begin right now to plan these investments for the most effective, the most economical, and the most productive water resource development possible. And it further requires that while we do so, we keep constantly in mind that if these investments are not expeditiously made, not only will we be unable to meet our commitments to other peoples or to protect the free world from the ravages of Communist economic aggression, but we will be unable to protect our own children against the ravages of crippling and debilitating diseases which like hepatitis, which is spreading so rapidly now and which may be the result of inadequate water quality control, will drag down the level of the Nation's health and vitality.

This bill is a start in the direction of making available some of the funds which are necessary to plan the investment I have been discussing. It should be obvious to all, as it is obvious to those of us who served on the committee, that we cannot undertake this gigantic task in a helter-skelter, patch-on-patch fashion.

The size of the task makes it obvious that the cooperation of every level of government as well as of private industry and the individual citizen will be required to build this necessary underpinning to our future economic and physical well-being. Thus, it is particularly significant that this bill would make available funds to the States to help finance comprehensive programs of water resource planning to be undertaken and administered by the States themselves through their own administrative agencies. This stimulus to State action by State agencies is recognition both of the State's traditional role in the development of their natural resources and of the urgent necessity that the States act.

If the results of the Water Committee study could be stated in one sentence it would be this: that unless we do this job of water resource planning, development, and construction, we will have placed a limit upon our own capacity to grow which is many times more suffocating and restrictive than any limit which could be imposed by such external forces as the rise of world communism. It is with these thoughts in mind that this bill to provide the Federal stimulation necessary to get the States started in planning the ways in which these goals will be met was introduced. I was proud to cosponsor it with the distinguished chairman of this committee. I know he realizes, as do I, that it will not by any means do the whole job, but I know he also realizes as does every member of the committee, and as must every citizen of the United States, that it is imperative that we should begin somewhere now. This is the beginning.

The CHAIRMAN. Thank you, Senator McGee.

Senator ANDERSON. Senator Moss has been detained in Utah. A statement he has prepared for this hearing will be put in the record.

STATEMENT OF HON. FRANK E. MOSS, A U.S. SENATOR FROM THE STATE OF
UTAH

Mr. Chairman, it is my pleasure to join with you in sponsoring S. 1629, a bill to provide financial assistance to the States for comprehensive water resources planning, and I appreciate the privilege of recording my views.

This bill implements the second recommendation made by the Select Committee on National Water Resources, on which I had the honor and distinction of serving, along with the chairman and some of the other members of this committee.

The water committee's first recommendation was that the Federal Government, in cooperation with the States, should prepare and keep up-to-date plans for comprehensive water development and management for all major river basins of the United States, taking into account prospective demands for all purposes served by water development. The President endorsed this recommendation in his message to the Congress of February 23, 1961, on natural resources, in which he outlined a vigorous and forward-looking program for the conservation and development of our water and other natural resources. He urged the Congress to authorize planning commissions for all major river basins where adequate coordinated plans are not already in existence—the members of the commission to consist of representatives from interested agencies of all levels of government. S. 1629 is designed to assist the States in carrying out their share of this expanded planning effort which must be exerted if we are to meet our tremendously increased need for water in the future.

We have made considerable progress toward achieving comprehensive river basin planning in recent years. For example, in 1950 the Congress authorized the voluminous studies and reports which were undertaken by the Arkansas-White and Red River Basins Interagency Committee and the New England-New York Interagency Committee. These groups, which were composed of representatives of the Federal agencies concerned and the States, submitted reports to the Congress, setting forth inventories of the potential water resource development in their basin. Even earlier, in 1946, a similar inventory was prepared for the Colorado River Basin by the Bureau of Reclamation. This inventory provided the factual basis for the negotiation of the Upper Colorado River compact in 1948 and the 1956 authorization of the Colorado River storage project, which was developed cooperatively by the Bureau of Reclamation and the States of the Upper Colorado River Basin, and which is so important to my State of Utah.

Generally, one of the reasons for the time lag between the completion of an inventory and the authorization of the comprehensive plan has been the inability of the States in many cases to adequately finance their share of the cost of comprehensive planning.

In addition to the joint Federal-State inventories which have been prepared by groups of this type, interagency committees have been established, under Presidential authority, on a more or less permanent basis, to help carry on the

continuing work of coordination of Federal and State construction and planning activities in the water resources field. Such committees are set up in the Missouri River Basin, the Columbia River Basin, the Pacific Southwest (which includes the whole of the Colorado River Basin), as well as in the Arkansas-White-Red Basins, and the New England area.

Still further action has been taken to foster comprehensive river basin planning on a coordinated Federal-State basis by the establishment, through legislation enacted in 1958, of the Texas River Basins Study Commission and the Southeast River Basins Study Commission. The work of these groups is underway. A bill to set up such a planning commission for the Wabash River Basin is now under consideration in the Senate, having been favorably reported by the Public Works Committee on June 6 of this year.

To make all of these efforts truly effective, in my opinion, and to speed up comprehensive planning to a fast enough pace to achieve the goals discussed in the report of the Select Committee on National Water Resources, the States must step up their activity so that they can function on an equal basis with the Federal agencies. One of the basic deficiencies in our basin planning to date has been the inability of some of the States to participate fully in the comprehensive river basin planning work carried out by the interagency committees and the study commissions because they lacked adequate staff support. Each Federal representative can call on the very substantial resources of the Federal agency which he represents, whereas the State representatives, in many cases, have little or no staff support. Furthermore, the States have not always been in a position to develop a coordinated stand on the many-faceted problems of river basin development.

S. 1629 is now proposed in an attempt to improve State activity in this field by setting up a matching Federal-State grant-in-aid program to assist the States in developing and staffing adequate organizational structures to carry on their share of the coordinated river basin planning efforts.

Such an approach has worked in the past in planning pollution abatement programs. The program I refer to was established by section 5 of the 1956 Water Pollution Control Act, and it has proven to be very successful in stimulating the States to carry out their responsibilities in this field.

I believe the details of the bill and the way in which the program would operate are almost self-explanatory, and they are also covered in the statement made by the chairman when he introduced the bill on April 14. Therefore, I am not going into these aspects.

Officials of the State of Utah, with whom I have discussed the problem, have registered their strong endorsement of the approach taken by this bill. Since I do not have a specific statement of support to file at this time from the State of Utah I would like to have an opportunity at a later date to bring up any perfecting amendments which State officials may believe necessary to make the bill more effective.

Thank you.

Senator ANDERSON. Mr. B. Abbott Goldberg, deputy director of water resources and special counsel to Governor Edmund G. Brown of California, will be presented, I understand by Mr. Phillip T. Dickinson.

Senator CARROLL. Mr. Chairman, may I be recognized? We have a meeting of the Senate Judiciary Committee on some very important prospective criminal statutes that the Attorney General has recommended. I will have to leave here within the next 10 or 15 minutes. But I cannot pass this opportunity to pay tribute to the very able chairman of this Select Committee, Senator Kerr of Oklahoma, and Senator Kuchel of California, the vice chairman, and all the committee.

I think this is one of the most important hearings and investigations that have been conducted in a long period of time. Senator Kerr traveled all over the Nation, came into Colorado and held hearings at the State capitol, and we had some really brilliant testimony, not only on water resources but on the future efforts in desalination.

**STATEMENT OF HON. THOMAS H. KUCHEL, A U.S. SENATOR FROM
THE STATE OF CALIFORNIA**

Senator KUCHEL. First, I want to thank the Senator from Colorado for his comments on the work of the Water Resources Committee. I concur with him that the report was an excellent job. We did, as the Senator from Colorado says, hold hearings all across the country, and I do sincerely believe that many of the recommendations of the committee are greatly in the public interest and indicate a way by which the Congress may better coordinate the responsibilities of the States and of the Federal Government in developing water resources.

I wish to express my support for S. 1629, the Water Resources Planning Act of 1961, which I have the honor to coauthor with you, Mr. Chairman, and several of our colleagues. This bill is derived from a recommendation of the Senate Select Committee on National Water Resources, on which I had the honor to serve as vice chairman. The intent of S. 1629 is to stimulate more diligent State participation in the planning and development of our water resources through a matching grant-in-aid program.

As a member of that committee, which held 22 hearings in 19 States, I am keenly aware that adequate development of our water resources is essential for our security and for the continuing growth and development of our Nation. This is true in each and every State in the Union, but it is particularly applicable to my own State of California, where our water problems grow with our dynamically expanding population and economy.

For the Nation as a whole, the select committee found that our water needs will double in the next 20 years and triple in the next 40 years. As a result, planning today for the most efficient use of our water resources tomorrow is mandatory. We must have knowledge of our water resources, plan for their development, and initiate projects for fulfillment at the least possible expense to the taxpayer. Under our historic system of dual Federal-State sovereignty, we should not and we cannot depend on the Federal Government alone to accomplish all these ends. It is a State responsibility as well, and I am happy and proud that California has been a leader in assuming its responsibilities. The people of the Golden State have taken the initiative and assumed the burdens.

Although, speaking generally, some progress has already been made by the individual States toward water resources planning, nevertheless, the States have been handicapped in their endeavors by lack of comprehensive technical knowledge. With the enactment of a 10-year program of \$5 million annually, such as proposed in S. 1629, States will be able to come to grips with their water problems on a long term, large scale, basis. The necessary assistance from professional engineers, economists, and planners will be available to them. Once this activity is well established, I am hopeful that the States will carry on this worthwhile program without the need for further Federal assistance.

Therefore, I urge rapid approval by this committee of this significant, new approach envisioned in the legislative proposal set forth in S. 1629 so that the Senate may have the opportunity to act favorably on it before the close of this session.

The CHAIRMAN. Thank you, Senator Kuchel.

Senator ANDERSON. All right, Mr. Dickinson, you may introduce Mr. Goldberg.

**STATEMENT OF PHILLIP T. DICKINSON, TECHNICAL ASSISTANT
TO SENATOR ENGLE**

Mr. DICKINSON. Mr. Chairman, I am Phillip T. Dickinson, technical assistant to Senator Engle, who is a cosponsor of this bill, S. 1629, and as such intended to appear today to introduce the representative of Governor Brown. Senator Engle has been in California for the weekend and is not yet back and has asked me to come over here to present Mr. Goldberg and to say just a word or two, if I may, on his own position on this legislation.

Fundamentally, it is that as far as Senator Engle's long experience in water resource development is concerned, he wants to give special emphasis to the urgency and importance of the river basin approach.

He has long felt that comprehensive multiple-purpose planning, which we hear so much about, is fine, but it is not enough by itself. The many functions that we know of, water resource conservation for irrigation, for electric power development, for flood control, for municipal and industrial use, salinity control, recreation, and so on—all of these functions must be considered. They all require consideration. But they must be considered collectively, in relation to the overall conditions of water supply and water requirements and the impact of the various project developments in every part of a given river basin, including the main stream and all its tributaries.

In other words, functional coordination of the various purposes should and must be accompanied by geographical coordination, which gets to the function of this bill.

Rivers, of course, follow geographical boundaries rather than political boundaries. They run unimpeded across State and Provincial lines, and for that reason water resource development should properly be planned along natural river basin lines rather than manmade political lines.

The geographic river basin, including every tributary from the mountains to the sea, is the proper unit for planning water resource development. That being the case, and if that is accepted as the case, it naturally comes to the requirement for Federal-State cooperation and coordination in river basin development—because most river basins cover more than one State—as well as to interstate coordination, and naturally, in many cases, some Federal aid and assistance to the States in this type of planning.

Now, that, fundamentally, is Senator Engle's view as to why he is on this bill and why he is for it, and I am sorry he is not here to say that to you himself.

I am also sorry that he is not able to present the distinguished official of the State of California, Mr. B. Abbott Goldberg, who is a deputy director of the Department of Water Resources of the State of California, with a long history of participation in water resource matters in California, speaking here today on behalf of Governor Brown.

Mr. Goldberg.

STATEMENT OF B. ABBOTT GOLDBERG, DEPUTY DIRECTOR, CONTRACTS, CALIFORNIA DEPARTMENT OF WATER RESOURCES

Mr. GOLDBERG. Mr. Chairman, members of the committee, my name is Abbott Goldberg. I am deputy director of the Department of Water Resources of the State of California, and special counsel to the Governor on water problems. I am appearing today at the direction of Governor Brown in response to the invitation which Senator Anderson sent to the Governor on June 21. The State of California supports S. 1629 and hopes that the area of Federal-State cooperation will be enlarged, as the bill proposes, to include comprehensive water resources planning.

Senator Anderson noted upon introduction of S. 1629 that it is intended to carry out the second recommendation made by the Select Committee on National Water Resources: Senate Report No. 29, 87th Congress, page 18:

The Federal Government should stimulate more active participation by the States in planning and undertaking water development and management activities by setting up a 10-year program of grants to the States for water resources planning. A minimum of about \$5 million in Federal funds should be made available annually for matching by the States for use in the preparation of long-range, comprehensive plans for water resources development along the lines recommended in No. 1 above.

The need for carrying out this recommendation appears at page 49 of the report.

Recommendation No. 1 calls for the Federal Government, in cooperation with the States, to prepare and keep up to date plans for comprehensive water resources development and management for all major river basins of the United States, taking into account prospective demands for all purposes served or affected by water development, including full recognition of such purposes as streamflow regulation, outdoor recreation, and fish and wildlife preservation and propagation.

California has for many years engaged in comprehensive water resources planning activities. Although the State has taken large initiative in comprehensive planning, State law for many years has hopefully anticipated that the Federal Government would participate in this work. Thus section 133 of the California Water Code, for example, authorizes the department to cooperate and contract with any agency of the United States in order to carry out its purposes and powers.

More specifically, section 12616 of the California Water Code authorizes the department to conduct investigations of the water resources of the State and to formulate plans for the control, conservation, protection and utilization of such waters resources. In the exercise of this authority the department has prepared a generalized blueprint for water resources development in California entitled "The California Water Plan," a copy of which I will exhibit to the committee and, if I may, have placed in the committee file. It is much too large for reproduction.

Senator ANDERSON. The committee will receive it and place it in the files in connection with this bill.

Mr. GOLDBERG. The California Water Code also authorizes the department of water resources to participate and cooperate with the

United States in the more detailed but still comprehensive planning of construction, operation, maintenance, financing, of projects that are in substantial conformity with the State water plan which is embodied in the document which I have just presented to the committee.

Senator ANDERSON. I want to say, Mr. Goldberg, I have seen this California water plan before. There is a description on one of the buildings here in Washington that starts off "Make no little plans." I never see this without thinking that California took that into consideration very literally. It is a wonderful piece of work, and has given the State the courage to face an investment of billions of dollars, and not just millions of dollars, in water resources projects.

Mr. GOLDBERG. Thank you, Senator Anderson. To some of us, that gets to be like Shakespeare. It gets better every time you read it.

Senator ANDERSON. I will have to look at it again.

Mr. GOLDBERG. The program embodied in S. 1629 is a necessary and welcome addition to the scheme of particular cooperative Federal and State water development and protection activities authorized by Congress and the legislature in California.

Such particular cooperative activities, already being carried out, include experimentation and research in the production and control of rainfall by artificial means, water development project investigations, topographic surveys, and investigations relating to hydrography, hydroeconomics, and the use and distribution of water for agricultural purposes. At the present time, a program for observation of key wells is being conducted cooperatively with the U.S. Geological Survey to determine ground water levels in central and northern California. For several years, snow surveys have been conducted in cooperation with the U.S. Forest Service to gather and correlate information and data pertinent to an annual forecast of seasonal water crop. An agreement has been made between the department and the U.S. Office of Saline Water covering mutual responsibilities for the design and construction of the Point Loma, San Diego County, sea water conversion plant. A cooperative mapping program is being pursued on a continuing basis to provide basic data through the production of topographic maps. This is a program which has been in effect for a good many years.

Cooperative Federal and State activity is also conducted with respect to financial assistance given by the United States in water pollution control. State payment of costs of local cooperation in federally authorized flood control projects have been made for many years.

To further actual water project construction activity, the department has entered into contracts with the Bureau of Reclamation to underwrite the repayment of conservation storage costs at the Federal New Hogan and Black Butte projects to enable the early provision of flood control benefits by such projects. It is cooperating with the United States in the construction of the joint use facilities of the San Luis project which is a common feature of the Federal Central Valley project and the State water resources development system. This cooperation is not a one-way street: the State has already advanced \$600,000 and has agreed to advance another \$200,000 to the United States for preliminary work in connection with the San Luis project in July.

What will be advanced is \$200,000 in July, and thereafter I think another \$200,000, either in August or in September.

Senator ANDERSON. It is proper to say that the San Luis project is one that this committee is very familiar with. I am glad to know it is going ahead and going to have the full help of the State.

Mr. GOLDBERG. Thank you, Senator.

We just want to point out that when California speaks about cooperation, we are within the limits of State financial ability seeking to cooperate, not merely to accept the benefits of Federal financing, but also to contribute something on our own behalf.

S. 1629 would require the Secretary of the Interior to allot the \$5 million annually made available by the bill to the States on the basis of population, land area, need for comprehensive water resources planning programs, and financial need. From each State's allotment for any fiscal year the Secretary would pay an amount equal to the Federal share of such allotment, section 5. The Federal share would be determined by deducting from the allotment the percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of the entire United States, section 8(a).

The Secretary of the Interior would be given broad discretion in section 5 of the bill to apply the four basic factors to determine the allotment which should be made to each State. It is not possible, therefore, to even approximate what the allotment to a particular State might be. Assuming that the Secretary makes an allotment to California, the percentage of the cost of the comprehensive program which will be paid by the United States to California can be determined through application of the formula provided in section 8 of the bill. The per capita income figures for California and the United States for the years 1957, 1958, and 1959 are as follows:

	United States	California
1957	\$2,052	\$2,469
1958	2,069	2,493
1959	2,166	2,661

Application of the ratios for the years 1957, 1958, and 1959 with respect to California and national per capita income indicates that the Secretary would pay from California's allotment approximately 40 percent of the cost of carrying out a planning program approved by the Secretary under section 6 of the bill. In the 1961-62 fiscal year the department will expend approximately \$7 million for water resources planning. If the Secretary would make such an allotment to California under the bill, the State would receive Federal assistance in the amount of \$2,800,000.

Senator KUCHEL. May I interrupt you there to inquire: The water resources planning would include more than simply the Feather River project, I assume.

Mr. GOLDBERG. Oh, yes, Senator Kuchel. By way of illustrating what this includes, I have brought with me a copy of the State budget, where you will find the readiest explanation of what the planning activities will include next year. It includes planning for major projects, including north coastal developments, which will be, I would say, 15 to 20 years in the planning stage.

Also Upper Sacramento River Basin developments, and possible developments on the Yuba and Bear Rivers. These are all parts of the

major program, or related to the major program, Senator Kuchel. A study on the salinity control barrier, the so-called Delta project; studies of water requirements; studies of pollution; studies of drainage in the San Joaquin Valley.

This is an extremely important problem, because as more water is brought into that valley both by the San Luis project and by the State project, the drainage problem which already exists there will become increasingly acute.

It includes a study of flood plain zoning, which is actually outside the State water facilities program. It includes studies in cooperation with the United States already, that is, the review of Federal reports. It includes the study of applied nuclear engineering for power purposes, pumping on State projects. It includes the study of electronic data processing; a beach erosion investigation, a geologic study on crustal strain and fault movements, bearing in mind that our aqueducts will have to cross some of the famous geologic faults with which the California earthquakes have been associated.

It includes the Federal-State sea water conversion plant which I have already mentioned; forest management research; sediment investigations; and so on. A wide variety of activities, all related to one form or another of water development, in which the State and the United States have a mutual interest.

Senator KUCHEL. I recall when we had the San Luis legislation before this committee the chairman indicated a considerable interest in a study proposal, which was a part of the San Luis legislation, under which the water contents of the Santa Clara Valley would be analyzed, with the possible view of diverting waters in the San Joaquin through the Pacheco Pass. That I assume is a part of the study that the State will consider.

Mr. GOLDBERG. No, I do not think that that is. We already have the South Bay aqueduct under construction, Senator Kuchel. The State is not studying the Pacheco Pass aqueduct. We are in the process of constructing the so-called South Bay aqueduct, which is somewhat to the north of Pacheco Pass aqueduct, and the Pacheco Pass aqueduct, if it is built, will be a part, as I now understand it, of the Federal San Luis project.

Senator KUCHEL. You would not say that the State is abandoning interest in that?

Mr. GOLDBERG. No, but we have made a division of interest. The State is proceeding with what is called the South Bay aqueduct, and the United States is continuing to work on the Pacheco Pass aqueduct.

Mr. Dickinson tells me it is called the Pacheco Pass Division of the Central Valley project, which will bring water not only to the southern end of the Santa Clara Valley, but also as far west as the Salinas Valley.

Senator KUCHEL. Under the legislation we have before us, there would be no question would there, that the State could participate in its own investigation of the feasibility of the Pacheco Pass Division, utilizing the contribution which the Federal Government will make?

Mr. GOLDBERG. There is no question about the State's ability to do that.

Senator KUCHEL. Because before anything were accomplished, in the Congress, the State would be required to give its views. I remember that particularly, and mention it here because of the chairman's interest.

Senator ANDERSON. I remember also that I went around the back side of the Pacheco Pass site. I was very interested because it paralleled the visit to a site in connection with the Yukon River, where we are going to dam the Yukon River and let it build up a long ways back in the valley and then take it out the back end of the reservoir and bring it down to Skagway on a water power project. Ordinarily the power is taken out of the front side of the dam and not the back side of the lake. And that is why I was interested in this Pacheco Pass project, because it did seem to be a very sensible, easy project to accomplish.

Mr. GOLDBERG. Yes, if you could get the water high enough, you would save all pumping costs and simply have it go by gravity through the tunnel.

Senator ANDERSON. It would be much cheaper to fill the reservoir of the San Luis project and drop it down the back way to Pacheco Pass than probably to bring it from some other location. So I am glad to hear it hasn't been completely abandoned.

Mr. GOLDBERG. Oh, I did not mean to imply that it has been abandoned. The point that I am making, Senator Anderson and gentlemen of the committee, is that there is enough work in California to keep both the United States and the State very busy.

We are proceeding with the South Bay aqueduct, because the State legislature authorized it either 4 or 6 years ago, actually authorized construction of that facility, and we are at the point now where we are getting ready to contract with the using agencies in Santa Clara and Alameda and perhaps Contra Costa Counties.

The reason for emphasis on the South Bay as distinguished from Pacheco Pass is not to cast any invidious comparison at Pacheco at all. It is simply that South Bay is with us. It is an immediate problem. And Pacheco is a little way off yet.

Senator ANDERSON. Well, taking your figures here, if California would be in a position to receive as much as \$2,800,000, that is 56 percent of all the money that could be appropriated for a single year. And I take it your testimony is to show we have not asked for too much. We may have asked for too little.

Mr. GOLDBERG. No, later in this statement, Senator Anderson, I will refer to S. 1629 as an appropriate initial step.

Senator ANDERSON. Yes. That is fine.

Senator CARROLL. Mr. Chairman, may I interrupt here for one question? Then I must leave for another committee.

I have read your statement, and will study it very carefully. I am glad to have the record clear that we are not laboring under the misapprehension that California is about to get \$2,800,000.

Mr. GOLDBERG. No, sir.

Senator CARROLL. You have read the section-by-section analysis presented by our chairman, Senator Anderson?

Mr. GOLDBERG. No, I have not, Senator Carroll. I have read the bill, of course.

Senator CARROLL. I think it is appropriate following your remarks, here, that I read from the Congressional Record, on page 5558, of April 14:

Appropriations authorized up to \$5 million each year in Federal funds to be used for grants to assist States in comprehensive water resource planning. With equal matching this would provide an average—

I repeat that:

With equal matching this would provide an average of almost \$200,000 for each State for carrying out comprehensive water resources planning, which should finance an average of about 10 professional engineers, necessary administration, and supporting facilities.

I do not mean to say it should be limited to \$200,000, but there is no real definition here of the weight factors and the criteria that have been set up. And I think it would be bad for California and bad for the record to have the slightest inference left that one State would get 50 percent or more.

Mr. GOLDBERG. As I said, Senator Carroll, this was performed as an illustrative rather than an indicative calculation, and to give some idea of the magnitudes of the amount of money spent in California on planning.

Senator CARROLL. Since I came in here this morning, I received a copy of a letter that was sent to the chairman by the Governor of Colorado, and he also raises this question of the weight factor that may be given to need. So I am indebted to you for raising this point for the record.

Mr. GOLDBERG. The real importance of the bill, sir, is that there must be further cooperation between the States and the United States. There must be the development of a pattern of working together.

Senator CARROLL. There must be a beginning.

Mr. GOLDBERG. Yes. And this bill we think is an appropriate beginning.

Senator CARROLL. Thank you, Mr. Chairman.

Senator ANDERSON. If you do not mind, I want to go back to the portion of the record where I referred to the responses received from the various States. We have received additional replies which I would like to put in the record: A letter from Governor Edmondson of Oklahoma favoring the bill; one from Leland H. Jones, Alabama Planning and Industrial Development Board, one from the office of the Governor of North Dakota, Mr. William L. Guy, also in favor of the bill; one from the North Dakota State Water Conservation Commission, Milo W. Hoisveen, chief engineer-State engineer, favoring it; a letter from Senator Chavez, who is a joint sponsor of the bill, in favor of it; a letter from Sydney Howe, a citizen of the State of Connecticut, in support; a letter from Archie Gubbrud, Governor of the State of South Dakota, favoring the bill, if it is amended. And he suggests some possible change in it.

Also a letter from the Governor of Arizona, which is not in favor of the bill, because of other resource considerations and the fear that it might be construed as requiring the States to conform to administrative procedure approved by the Secretary of the Interior; which I question, but nonetheless this will all be placed in the record at the same point as the other letters from the States.

(The letters from Senator Chavez and Mr. Howe are as follows:)

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
July 7, 1961.

HON. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate,
Washington, D.C.

DEAR CLINT: Thank you for your letter dated July 5, 1961, inviting my attention to the fact that you will soon hold hearings on S. 1629, a bill to provide financial assistance to the States for comprehensive water resources planning.

I believe that such a program as that which would be carried forward under S. 1629, would be most helpful in advancing the program of our national water resources development and I am very much in accord with its purposes.

As you know, we have a similar bill (S. 1778), which is before the Public Works Committee. S. 1778 does provide for a board which would administer the grant program rather than only the Secretary of the Interior.

Sincerely yours,

DENNIS CHAVEZ, *Chairman.*

GRANBY, CONN., July 7, 1961.

HON. SENATOR CLINTON P. ANDERSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ANDERSON: This is to register my hearty support of your bill S. 1629, on which I understand a hearing is to be held on July 10.

It is also my hope that funds which S. 1629 would authorize to assist States in comprehensive water resources planning will be appropriated in the current session.

We have great and immediate needs for such planning in Connecticut.

Very truly yours,

SYDNEY HOWE.

Senator ANDERSON. Thank you.

Go right ahead.

Mr. GOLDBERG. To conclude, very briefly, the State of California supports the enactment of Senate 1629 or comparable legislation. Although it has engaged in water resources planning activities for many years, it is keenly aware that all financial resources possible must be utilized to accomplish the planning, construction, and operation of projects which are and will be required by its rapidly expanding population and economy. Much planning has been done. But much planning remains to be accomplished.

Even the relatively modest amounts which the bill would provide would be a welcome addition to the State's delicately balanced budget. The proposed legislation before you is an appropriate initial vehicle to assist the State in its endeavor to accomplish comprehensive water resources development planning which will satisfy the needs of the citizens of the State of California and be also in the national interest.

Thank you very much.

Senator ANDERSON. I thank you very much. I thank you for coming. I hope you will express to Governor Brown our appreciation for your coming here.

I say that because California has done a very fine job in planning, and I have complimented both Senator Engle and Senator Kuchel in representing that State that is doing that very fine job with its water resources.

Senator KUCHEL. Let me say before you leave that I am delighted to see you.

I have had the pleasure of knowing this gentleman for a long time. I think your statement is most helpful. I would like the record to so indicate.

Mr. GOLDBERG. Thank you very much, Senator.

Senator ANDERSON. Without objection, I shall place in the record a statement from Dr. Spencer M. Smith, Jr., for the Citizens Committee on Natural Resources.

(The statement referred to follows:)

STATEMENT OF DR. SPENCER M. SMITH, JR., SECRETARY OF CITIZENS COMMITTEE ON NATURAL RESOURCES

Mr. Chairman, I am Dr. Spencer M. Smith, Jr., secretary of the Citizens Committee on Natural Resources, a national conservation organization, with offices in Washington, D.C.

The Citizens Committee on Natural Resources is pleased to support S. 1629. We do feel however, that certain observations might be helpful to the committee in order to better carry out the context of the proposals, as we see it.

There has been much discussion for some period of time on the need for more comprehensive water resources planning. The general discussion has been to establish some sort of committee or commission, or both, as a proper political entity that would undertake this action. It was our general thought that the Federal Government would take the leading role, especially in river basin planning, and that its planning would be facilitated by various State and/or regional commissions.

With this background, we would therefore tentatively question the bill in its statement of policy, section 3, page 2, line 9, wherein it states: "it is hereby declared to be the policy of the Congress to regulate, preserve, and protect the primary responsibilities and rights of the States in planning for the conservation development and utilization of their water and related land resources."

The succeeding sentences in this statement seem to indicate that the bill is to help the States in their participation in this planning and to improve their effectiveness in the whole scheme of water resources. It would therefore be our suggestion that the word "primary responsibilities and rights of the States" be dropped from the statement of policy. It would be our thought that the Federal Government could be the only agency that would have the primary responsibility in water resources planning. It should therefore be the Federal Government that has the responsibility to coordinate the actions of the several States, and the burden of the remainder of the bill seems to bear this out. While our criticism of the statement may be one of interpretation and may not be at odds with intent of the framers of this legislation, it is important in our judgment to discuss this aspect, if for no other means than to achieve a proper interpretation as to the meaning and implication.

Certainly the Federal Government would be hard pressed to initiate all actions in the country for proper water resources utilization. It is not suggested that they do so, it is suggested however, that they maintain their fundamental responsibilities in these matters and serve as a basis for final coordination. It is most appropriate therefore, that the present bill give the Federal Government additional responsibilities, which is to improve the facilities of the respective States, in order to meet these problems. Even if the Federal Government is a sound and appropriate place for coordination, it must have something to coordinate. It would also be a place of informational service which could well serve for a proper orientation to State organizations.

It is hoped that the future will find the Federal Government with appropriate legislation that will enable it to take the responsibility for fundamental overall river basins and water resources planning, in addition to the roll that we feel the present legislation envisages, that of encouragement and supporting the States in their efforts to proper water resources management.

Senator ANDERSON. Mr. Adams?

STATEMENT OF H. MAT ADAMS, ACTING COMMISSIONER, NEW JERSEY DEPARTMENT OF CONSERVATION AND ECONOMIC DEVELOPMENT

Mr. ADAMS. Mr. Chairman, I am H. Mat Adams, acting commissioner of the New Jersey Department of Conservation and Economic Development. I am here today to represent Gov. Robert B. Meyner, in whose cabinet I serve.

Comprehensive water resources development cannot be achieved unless sound planning for multiple-purpose uses of our water resources is implemented wherever possible. Extravagantly used and poorly managed natural resources in time rob any society of its full development potential. Single-purpose development and usage of our water resources without forethought for other possible uses is an ill-afforded luxury in a nation which proposes to scale new heights of national growth and prosperity.

We must face the fact that water is a raw resource which is becoming an increasingly important input into the machinery of our economic productivity. Its scarcity can hamper growth. Uncontrolled in periods of abundant rainfall, it can cause millions of dollars in flood damages. Certain areas of the Nation have suffered the consequences of unsound water resources planning for years. In many instances planning as a part of water resources development has been almost totally nonexistent.

The objective of the Water Resources Planning Act of 1961 is to promote sound long-range planning in water resources development. It is timely and important legislation. It is a right and responsibility of the States to plan for the conservation, development, and utilization of their water and related land resources. S. 1629 would promote long-range planning for multiple-purpose use of our water resources through Federal financial assistance to the States. It affirms the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States.

The State of New Jersey is fully cognizant of the value and urgent need for long-range comprehensive water resources development. On two recent occasions, New Jersey has reaffirmed her responsibilities in this field through legislative action. In 1958 the legislature enacted legislation directing the State to undertake immediately a long-range water program to assure the availability of adequate supplies of water as required by the growth needs of the State.

New Jersey is now engaged in a 10-year, long-range ground water program to accelerate the provision of technical data needed for the protection and sound development of its ground water resources. This year the legislature also voiced its approval of the interstate-Federal compact which was formulated to provide for coordination of long-range planning and multiple-purpose development of the water and related resources of the proposed interstate Delaware River Basin.

Senator ANDERSON. May I stop you there to say that one of the interesting things to me was when the saline water plant was built upon the east coast, or was under consideration, and the Department

of Interior was looking for possible areas where it might be located, it surveyed the eastern coast of the United States, and found that there was a request from a spot in North Carolina, and one in Virginia, and one in Florida. Sixteen, as I remember, very fine prospectives came in from the State of New Jersey, indicating the tremendous interest of that State in the development of this water resource.

I was almost unable to understand it. You would not realize that a State that you regard as pretty well blessed with water—although I recognize it may not be—would have 15 communities that would go to the trouble to make a good presentation, a good, scientific presentation, why that plant should be located there. And I was very much impressed by it. I think it was a fine thing.

Mr. ADAMS. Yes, sir. We have been very water cognizant for some years in our State. We need it.

Experience has shown us that water resources development should not be done on a crash-program one-shot basis. We believe it should be a continuous process, geared to the needs of the area it is meant to serve. It is best and most economically done through sound State and Federal planning.

New Jersey is now experiencing water problems that will face the rest of the Nation in the future. Our population has increased 50 percent in the past 30 years. Between 1950 and 1960, while the national average population increase was 18.5 percent, we in New Jersey experienced a 25.5-percent increase over the same period.

We are adding about 125,000 people every year to our nearly 6½ million population. Our average of more than 800 people per square mile makes us the most densely populated of any State. More than 75 percent of our population lives under urban conditions (2,000 or more people per square mile).

Significant factors which point toward substantial future increases in demand for water already have appeared in the economy of New Jersey. We have and are facing one of the most explosive upsurges in industrial, commercial, and residential development in the Nation—an upsurge considerably above the national average.

Unless New Jersey meets these challenging demands upon its water resources, it cannot maintain a favorable growth climate.

We believe Senate 1629 is a step in the right direction in planning for long-range water needs. The government of the State of New Jersey strongly supports this bill.

Senator ANDERSON. Are there questions from members of the committee?

May I just say that I regret I did not ask the other members of the committee if there are questions they want to ask the California Representative. If you do have, he will be back to answer them.

Thank you very much, sir. I appreciate the interest New Jersey has in this legislation.

Senator KUCHEL. I think I would like to make this comment to the gentleman from New Jersey. This is a pretty clear example of the fact that the problem of a sufficient supply of water is not restricted in area to the semiarid West. Here, this gentleman represents a State on the eastern seaboard which has precisely the same kind of problem, perhaps in different degree, than we do in the State from which I come. I think it demonstrates that this sort of legislation as developed

by our Select Committee on Water Resources performed a service to the people of the entire country in making this sort of recommendation.

Mr. ADAMS. We certainly think so.

Senator KUCHEL. Thank you very much, sir.

Mr. ADAMS. Thank you, sir.

Senator ANDERSON. General Lack?

You are the representative of the State of Delaware, I believe.

STATEMENT OF GEN. NORMAN B. LACK, STATE OF DELAWARE

General LACK. Mr. Chairman, I represent Governor Carvel, of Delaware.

I want to say that we would like to express our deep appreciation to you and your cosponsors of this bill. We need help, and we appreciate the nationwide help that this bill will give to the various States.

We realize that each State has its own problems, and we in Delaware have just as much, percentagewise, as most other people do. In our little State, our population will probably double by the year 2000, and we will need twice as much water then as we do now. And there is nothing in sight unless we go out to our neighbors and neighboring States.

We are the only State in the Delaware River Basin that lives entirely on bad water. All the other States enjoy good water, good fresh mountain water. The Army Engineers just completed a \$2 million comprehensive survey in which they helped the States that had fresh water, but when it came down to Delaware, the only recommendation they made was long pipelines, underneath the city of Philadelphia or over the Susquehanna or various other places.

These, based on fresh water needs, would be entirely—the cost must be borne by the State of Delaware. In one instance to give us water to the year 2000 would cost the State of Delaware \$210 million. I know that is not much, as compared with California, but, gentlemen, it is an awful lot to the State of Delaware.

So we must look for other means. There are other means. We live in the greatest complex of water in the Eastern United States. The middle of our highway running north and south from Delaware is only 18 miles from the Susquehanna Flats, which is the largest river in the Eastern United States with the exception of the St. Lawrence River. The daily flow of the Susquehanna River for the past 26 years has been 231½ billion gallons a day.

As a yardstick, New York City and its five boroughs use 1 billion gallons a day.

And here we are, 18 miles from the greatest output of water in the Eastern United States, which goes to waste. Maryland cannot use it. They cannot dig a hole and put it in the ground. Pennsylvania cannot use it. So it goes to waste into Chesapeake Bay.

These are the kinds of studies on which Delaware needs help. We have got to find water in large quantities, because in the State of Delaware there is only one city, one community, that gets its water from the surface, and that is Wilmington. The rest use well waters.

The Atlantic Ocean is not kind to us. It is rising steadily, at the rate of 22 inches every hundred years, increasing the salinity problem.

The Federal Government has not been kind to us. They have scratched a canal across our State, the Chesapeake & Delaware Canal, which is now only 23 feet deep. You have made plans to deepen it to 45 feet, to widen the bottom from 200 to 400 feet. This will cut into the water aquifers that flow south from the State of Pennsylvania to our lower wells. So we are desperately in need of this kind of help.

Unfortunately, our per capita, taxwise, does not give us much in matching dollars, and our funds demands are not going to be anything like the \$200,000 one gentleman mentioned. It is going to be a very modest amount. But even so, we appreciate deeply this bill, and we are back of it, not only for us, but for all our neighbors, as well.

Thank you.

Senator ANDERSON. Thank you, General. That was a fine statement. I think that statement is complete. If you, however, desire to file anything more, we will be happy to have it for the record.

Are there questions?

Thank you very much, General.

General LACK. Thank you.

The CHAIRMAN. Mr. Robinson.

STATEMENT OF CHARLES A. ROBINSON, STAFF ENGINEER AND STAFF COUNSEL, NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION

Mr. ROBINSON. Mr. Chairman and gentlemen of the committee, my name is Charles A. Robinson, Jr. I am the staff engineer and staff counsel of the National Rural Electric Cooperative Association, the national service organization of rural electric systems throughout the United States. NRECA is a voluntary membership organization to which over 92 percent of all REA electric-type borrowers belong.

The National Rural Electric Cooperative Association, pursuant to the purpose for which it was incorporated, and by virtue of membership resolutions, has continuously and actively supported the construction of Federal multiple-purpose water resource development projects. Approximately 475 rural electric systems throughout the United States purchase hydroelectric power marketed from such projects. During the fiscal year ending June 30, 1960, these systems purchased some 11.5 billion kilowatt-hours of electric energy from the Government for which they paid some \$55.6 million to the U.S. Treasury. We calculate that during fiscal 1960, the availability of that Federal power resulted in savings to rural electric system consumers of approximately \$44 million as measured by what they would have paid for the same power had it been obtained at average rates charged during the same period by investor-owned companies.

Our interest in multiple-purpose river basin development is therefore abundantly clear and very substantial. It is the reason for our appearance in connection with these hearings on S. 1629.

The statement of congressional policy expressed by S. 1629 in section 3, line 8, page 2, of the proposed bill reads in part as follows:

It is hereby declared to be the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in the planning for the conservation, development, and utilization of their water and related land resources * * *.

This statement of policy immediately creates in our mind a question as to what responsibilities and rights in the field of water resource development are primarily reserved to the several States, as distinguished from the rights, powers, and responsibilities of the Federal Government. Do these primary rights and responsibilities of the States extend to navigable streams which would embrace nearly all major waterways, or do they merely extend to minor watersheds and local pollution abatement, water supply, and recreation activities not involving navigable waterways? For instance, what would be the primary responsibilities and rights of the States in planning the Colorado River storage and similar undertakings? Certainly, the Bureau of Reclamation, in formulating plans for that project, obtained the advice of the several States involved. We are wondering what primary rights and responsibilities beyond those which are already recognized by the Federal Government are contemplated by section 3 of the proposed legislation. It is our position that abundant Federal power and Federal leadership are indispensable elements of our national water resources policy.

The case for Federal leadership in the field of water resource development is ably stated beginning on page 21 of the "Report of the Select Committee on National Water Resources" (S. Rept. 29, 87th Cong., 1st sess.). It reads in part as follows:

1. FEDERAL RESPONSIBILITY

Federal responsibilities in the field of water resources stem directly from the Constitution. The power of Congress to exercise its responsibilities in this field has been upheld, beginning as early as 1824, by a long series of court decisions, first under the commerce clause, later under the property, defense, and general welfare clauses of the Constitution. * * * Other Federal responsibilities in the water resources field are placed by the Constitution in the Supreme Court, which has jurisdiction over disputes between two or more States over water, among other things, and in the Congress which must consent to any agreement or compact between two or more States * * *.

In the early years of the Nation's history, there was little need for the exercise of these Federal responsibilities, and, in fact, there was a reluctance on the part of many to accept them. As water resources development needs and problems increased in scope and magnitude, they began to exceed the abilities of private interests and State and local government, and the Federal Government was called upon to exercise its responsibilities, first in the field of navigation, then later in reclamation of arid lands, flood control, hydroelectric power, recreation, fish and wildlife conservation, municipal and industrial water supplies, and occasionally in other areas. * * *

In the future, the increasing trend toward urbanization may bring about needs for Federal participation in ways that cannot be foreseen at this time * * *.



Senators Engle, Hart, McGee, and Moss, in submitting their supplemental views in the "Report of the Select Committee on National Water Resources," stated on page 144 of that report:

If the urgent requirements for water development and management are to be met, vigorous and enlightened leadership must be provided by the executive branch of the Federal Government. A major need is to improve the mechanisms of government to provide coordination of natural resource programs, to provide useful evaluation of needs and progress toward meeting them, and to inform the people and their executive and legislative officials about these facts in understandable terms.

By contrast with this recognition of the need for Federal leadership in water resource development, the provisions of S. 1629 would seem to constitute a policy determination by the Congress of the desirability for initiative at the State level in the planning of a rather wide variety of comprehensive water resource projects.

The problem which concerns us is one of definition. To what extent does S. 1629 recognize the dominance of State governments in the field of water resources. We believe that any relinquishment by the Federal Government of its own initiative in water resource development should be carefully defined and appropriately limited.

Senate bill 1629 is apparently designed to effectuate recommendation No. 2 of the Select Committee on National Water Resources. This recommendation appears on page 18 of the committee's report and reads in part:

The Federal Government should stimulate more active participation by the States in planning and undertaking water development and management activities by setting up a 10-year program of grants to the States for water resources planning. A minimum of about \$5 million in Federal funds should be made available annually for matching by the States for use in the preparation of long-range comprehensive plans for water resources development along the lines recommended in No. 1 above.

It should be carefully noted that the recommendation "No. 1" referred to, which appears on page 17 of the select committee's report, emphasizes Federal responsibility and initiative for comprehensive water resource development and management. It reads in part:

The Federal Government, in cooperation with the States, should prepare and keep up-to-date plans for comprehensive water development and management for all major river basins of the United States. * * * The executive branch should be requested to submit plans to Congress in January 1962 for undertaking and completing such studies in all basins by 1970. * * * Reports on individual projects submitted to the Congress for authorization should specify how the project fits into the comprehensive, long-range program * * *.

If, therefore, S. 1629 is in fact to effectuate recommendation No. 2 of the select committee, it should be preceded or accompanied by parallel legislation, providing for an expanded program of Federal multiple-purpose project planning; or appropriately amended to achieve that purpose.

The President, in his special message on natural resources of February 23, 1961, stated in respect to this problem:

This administration accepts the goal urged by the Senate select committee to develop comprehensive river basin plans by 1970, in cooperation with the individual States. I urge the Congress to authorize the establishment of planning commissions for all major river basins where adequate coordination plans are not already in existence * * *.

To us it is clear that the President, in his special message on natural resources, and the select committee, in its report, both contemplated Federal leadership in water resource development planning.

The need for an expanded Federal program of natural resource project planning is abundantly clear. The distinguished chairman of this committee referred to that need during hearings on S. 239. At that time, the chairman reiterated his view that the executive branch should maintain a "shelf" of multiple-purpose project plans capable of rapid execution should the occasion arise.

Executive branch agency heads, including the Director of the Bureau of the Budget, have, in discussions with our own staff members, frankly admitted that the "pipeline" of planned Federal multiple-purpose projects is empty. We are convinced that additional authority and additional funds are needed at the Federal level to insure the type of water resource development program that is envisioned by the report of the select committee, which, at page 16, states that some \$81.6 billion will have to be spent for a minimum cost water resource development program between now and the year 2000. In addition, the supplemental views of Senators Engle, Hart, McGee, and Moss, contained in the same report, refer to the Department of Commerce figures which estimate that between now and 1980, that is, within 20 years, the Nation will have to invest the sum of \$200 billion for development of water resources—\$10 billion per year.

In view of this widely recognized need for Federal leadership and additional Federal planning activity in water resource development, we suggest that S. 1629 is incomplete without a clear statement defining the scope of the projects it contemplates. We also suggest the urgency of companion legislation providing for a proportionately larger parallel program of Federal water resource development planning.

Therefore, in the event the committee should decide to send S. 1629 forward we strongly urge that there be added to the bill language carefully defining the scope of the water resource project planning which it is desired to confer on the separate States as distinguished from the role of the Federal Government. Without such safeguards we fear that passage of this type of legislation would be interpreted as or cited as a precedent for the principle that the role of the Federal Government in water resource development should be lessened, and that the Congress is surrendering a portion of its rights, powers, privileges, or prerogatives in this field.

In making this request, we are merely suggesting that this committee retain its existing control of major water resource development projects, and that any departure from the established procedure by which this committee has maintained and exercised such control be carefully defined in scope and thoroughly understood in effect. The leadership of the Federal Government in water resource development should not be diluted. It should be strengthened.

Thank you very much, Mr. Chairman.

Senator ANDERSON. Let me just say to you that I am quite sure that the purpose of the bill is not to dilute in any way the responsibilities of the Federal Government. I think what most of us had in mind, and the very thing the select committee realized, was the inadequacy of the reports of the various States, as well as the inadequacy of

the Federal Government. We tried to suggest in the first part of the report that there be river basin development by the Federal Government. The Federal Government is struggling with some language and some recommendations it wants to produce. We are ready when they get ready. But the Federal Government is not ready now.

On the other hand, I would call your attention to what comment was made when the bill was introduced. I presented a section-by-section analysis, and I said on page 5558 of the Congressional Record for April 14:

SECTION 3. Statement of policy, which the Congress recognizes, preserves, and protects the primary responsibilities and rights of the States, in conservation, development, and use of their water. The statement of policy is important to emphasize that the Congress does not intend in any way to change Federal powers or responsibilities or those of the States in this field. By authorizing the Secretary of the Interior to assist the States financially in carrying out their prime responsibilities and functions, it is hoped that the cause of sound water resource development would be promoted.

I had in mind, for example, the fact that in my own State we have 11-plus percent of the water of the Colorado River allotted to the State. But the Federal Government has no responsibility of deciding where that 11-plus percent will be used. It merely is responsible for the construction of the dams, the reservoirs, the channels, and making that money available to us. The State of New Mexico then has to decide what it wants to do with the water.

Now the State has very little money thus far for any planning. I thought, and I am sure the select committee thought, that it would be useful to let the States have some planning money so that they could make the best possible use of their water once they got it.

There are many illustrations of what at least I had in mind. I remarked the other day that with reference to Glen Canyon Dam, which is going to cost \$400 million or more, the Federal Government could go out and survey the locations as to where the dam should be constructed, whether it should be up the river 5 miles or down the river some more, be responsible for the core foundations of that site, decide just how many sacks of cement go into it, just what the mix ought to be, just how many feet high it should be, and decide how many turbines might be there, and all about it, but it could not decide how to use the dam after it got it finished.

And we are bogged down now in a battle over filling criteria, which I think ought to have been settled in advance. Had there been some planning, it might have been settled in advance. But now the States of California and Arizona and Nevada have some ideas about how Glen Canyon Dam ought to be filled, and the States of Colorado and Wyoming and Utah and New Mexico have different ideas as to how it should be filled.

There is no use in arguing about this thing, which might have been settled before the dam was started, if there had been better planning available in various States.

So I only interpret this bill as an effort to make sure that we are able better to utilize the water that is obtained in these projects, to better utilize the water that falls on that land, but not to diminish or change the rights of the Federal Government.

I am very glad you brought the question up, because I want to early establish in the record that there is no desire to increase the

responsibilities of the State which would conflict with those responsibilities of the Federal Government.

We now have before us a proposal for legislation in that field, as well. You recognize that the Barrett bill was before this committee many, many times. Now, that did deal with the responsibilities of the States, and the increasing of those responsibilities and the redefining of those responsibilities.

That is not contemplated under this bill.

Mr. ROBINSON. Mr. Chairman, we appreciate those clarifying remarks very much. We certainly do not want to in any way convey the idea that we are attempting to interfere with the use by the several States of their water supply.

But from our reading of the bill itself, at section 3, that is, we were somewhat uncertain as to exactly what it did mean. We very much appreciate your remarks.

Senator ANDERSON. That raises a question, because it is an important question. If that is what was contemplated by the bill, then it ought to be clearly set out in the hearings. But I am sure Senator Kuchel, who is the vice chairman of the select committee that made the study, knows that he and I argued that other point, relating to States rights, and so forth, to water, at considerable length in the committee hearings. But we are completely in agreement on the desirability of helping the States plan so that when water is made available to them, they can make the best possible use of it.

We hope that the development of saline water, the utilization of saline waters and brackish waters, will considerably change the water picture in many of these States. We hope if that is so, the States will be in a position to use it to the greatest possible advantage. And that is what is contemplated by this.

You correctly quoted me in saying that I wished there might be such projects. That came from experiences that I had perhaps in 1935 or 1936, when I was a field representative of the Federal Emergency Relief Administration, trying to stir up projects of real value and validity in these States. These States had no shelf projects, and neither did the Federal Government.

You might sometime go back and look at the starting of the Grand Coulee Dam. It was not so carefully engineered in the first steps as some of us would have liked. The main thing was to provide some employment. We had teams and shovels to do some work in there. If we had better planning in advance, I am sure a better job might have been done.

Are there questions?

Senator KUCHEL. Mr. Chairman, I want to concur in what you have said. And speaking for myself, so far as the legislative intent of the bill before us is concerned, I completely approve the comments which you made at the time the bill was introduced, when I became, with you, one of the several coauthors. This legislation is designed simply to assist the States in carrying out their planning responsibilities and functions.

I quote from your statement :

The statement of policy is important to emphasize that the Congress does not intend in any way to change Federal powers or responsibilities or those of the States in this field.

Again, I will say to you, Mr. Robinson, using my State as an example, we would not be in the position we are today were it not for the great undertakings by the Federal Government in the water field, so far as California is concerned.

But by the same token, there is a large sphere, which I think the Congress, any Congress, would feel was primarily a State responsibility, and it is to the credit of the people of our State that they have approved the expenditure of a prodigious amount of money, some \$1,750 million, of a total State water plan which would run, so the people in the State government say, between \$10 and \$15 billion.

But having said that, there continues to be, I think, a Federal responsibility in the solution of water problems in California, and I use California simply as an example, since we have today here testimony from representatives of States across the Union which indicates their hope that we will give them some assistance in their planning.

So with that statement of what the intention of the bill is, by the chairman and by me—and I have no doubt that that statement will be accepted by all members of this committee, Republican and Democratic—I would hope that your apprehension might be allayed to the point where not simply the statement of policy but the desire of the committee to stimulate and assist the States in planning water projects might indicate a different view.

Mr. ROBINSON. We appreciate your statement, Senator Kuchel. And as I say, we have no desire whatever to interfere in any way whatever with the needs of the States to exercise their proper functions in the field of water utilization.

The only thing that occurred to us is that the first recommendation of the select committee dealt with an increased program of Federal planning, and we were a little bit surprised to see a bill recognizing the State role come ahead, or not simultaneously with, a bill recognizing and providing for an increased Federal project planning device.

We are very much reassured by your statement, Senator.

Senator KUCHEL. I want to say that just a few weeks ago we did hold some hearings before our reclamation subcommittee in which this problem of State versus Federal water jurisdiction was raised. And that hearing, to the credit of the chairman, was held in the absence of any specific piece of legislation before us, because it is our desire, on this committee, to try to fashion legislation that will give us some "first step" bill to lay at rest a part of the controversy between the States and the Federal Government, which is going on and which will continue to go on.

And in that connection, I would ask permission that there appear in our record here the language of the report of our Subcommittee on Water Resources, beginning on page 66, in the part starting "Senate Resolution 48 directs," and so forth, over through the next page, down to (d), which does indicate that we do have this controversy, and we are attempting to solve it.

(The excerpt is as follows:)

Senate Resolution 48 directs the committee to "make exhaustive studies of the extent to which water resources activities in the United States are related to the national interests." Clearly, Federal-State conflicts, if they retard water resource development, are "water resource activities related to the national interest."

The broadening pattern of these conflicts is conclusive proof of the urgent need for clear-cut, definitive action on the part of Congress to work out with the States a redefining of Federal-State powers and responsibilities for control, use, and development of water resources. The Federal Government should not hamstring the States in the States' efforts to develop their water resources to meet the needs of their people. Neither should the States hamstring the Federal Government in its efforts to fulfill its functions within the Constitution.

Among clearly Federal responsibilities are flood control and maintenance of navigability where navigability is an economic fact and not merely a convenient legal fiction for assertion of the doctrine of "paramount rights" for other purposes. In the creation of great multipurpose dams on interstate rivers, such as the Hoover, Parker, Garrison, and Fort Peck Dams, the Federal Government must continue to take the lead. Clearly, too, in the case of international rivers, such as the St. Lawrence, the Columbia, or the Rio Grande, only the Federal Government can negotiate treaties with foreign powers respecting the apportionment and use of their waters.

In such spheres the National Government is and must continue to be sovereign.

However, in our 184 years as a Nation, the citizens of the individual States philosophically and historically have had recognized powers and responsibilities for the control, use, and development of the water resources within their State boundaries in accordance with local needs and conditions.

Precedents for Federal-State relationships in water resource development have been set in section 8 of the Reclamation Act of 1902 (32 Stat. 388, 399) and in the Flood Control Act of 1944 (58 Stat. 887). These far-sighted Federal laws have stood the test of time and experience. Patently, however, they are not the final answer.

The U.S. Department of Justice clearly recognized the problem when in 1956 it cited, with approval, the following statement:

"It follows that the preservation of the integrity of State water laws cannot be accomplished if efforts for that purpose are confined to the insertion in various acts of Congress of a provision requiring that Federal agencies constructing and operating Federal projects shall observe the State laws respecting appropriation, use, and distribution of water. It is evident that the solution lies largely in the integration of the operation of physical facilities and the coordination in an appropriate manner of jurisdictions in a dual form of government."

The problem of Federal-State water rights is one that calls for broad objective inquiry, and for statesmanship of the highest caliber on the part of both the Congress and the States in its solution. A solution must be worked out, and worked out promptly, for the preservation of the historic pattern under which our people have grown great.

(d) *Need for further study and continuing appraisal.*—The breadth of need for water resources development as part of the Nation's total economy affects all other aspects of the economy. As water demands grow, the already complex interrelationships between water resources development and other developments will become even more intertwined. It obviously is not possible for a committee such as the Select Committee on National Water Resources, in the short period of 18 months, to come to grips with and propose solutions in all of the problem areas, nor does Senate Resolution 48 contemplate that it would. Almost any one of them could justify a detailed study of greater magnitude even, than all of the select committee's efforts.

I said to Mr. Robinson at one time that I did not want the Federal Government to hamstring the States, nor did I want the States to hamstring the Federal Government. That is an oversimplification. But if we can proceed in our dual historic roles under our historic system, we will, I think, be undertaking to abide by the public interest in water resource development. And in this bill our attempt is I think only to generate additional interest in the States to do their own planning. As a result of that planning, then, whatever Federal interest was involved would, I take it, be the result of potential additional legislation.

¹ Hearings, S. 863, 84th Cong., Senate Interior Committee, p. 281.

Senator ANDERSON. Are there other questions?

Thank you very much.

Mr. ROBINSON. Thank you, Mr. Chairman.

Senator ANDERSON. Back at the beginning of the hearing, where we were putting in statements, Senator Schoeppel, who was a member of the Select Committee and a very good member of it, asked to have inserted in the record the statement of Robert L. Smith, executive secretary of the Kansas Water Resources Board. Without objection, that will also be inserted at that portion of the record that contains the States' viewpoints.

I will submit for the record the statement of the American Farm Bureau Federation with respect to S. 1629 and other bills.

(The statement of the American Farm Bureau Federation follows:)

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., July 6, 1961.

Re S. 1629, S. 1778, S. 239, and S. 1415.

HON. CLINTON P. ANDERSON,
Chairman, Senate Interior Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR ANDERSON: It is our understanding that a hearing is to be held on S. 1629 on July 10.

Inasmuch as all of these bills deal with similar subject matter we would like to consider them together and offer some suggestions for improving these measures.

The American Farm Bureau Federation, consisting of 1,600,792 farm families, organized into 2,674 county and 49 State farm bureaus and the Farm Bureau of Puerto Rico, is very much interested in the comprehensive study of our water resources and the promulgation of a sound plan or plans for their development.

Three of the above-named bills; S. 1629, S. 239, and S. 1415, were referred to the Senate Interior Committee while the fourth, S. 1778, was referred to the Senate Public Works Committee.

Our reasons for taking this means for transmitting our recommendations are as follows:

- (a) Generally, all of these bills deal with the handling of water resources.
- (b) They all provide for a committee or board or general authority for administration.
- (c) They all contemplate either study or investigation or assistance to States.
- (d) We feel that the good ideas might be combined in one effort. We are sure the one board could handle this program.

At our latest annual meeting held in Denver, Colo., last December, our voting delegates adopted the following policy:

"We further recommend the creation of an independent advisory agency to Congress to analyze economic and technical data and present its recommendations to Congress with respect to Federal participation in water development projects and programs. This agency should be established so as to assure impartial and objective analysis of proposals."

The delegates further said:

"We favor the maximum participation of individuals, local agencies, and local government in the development of water projects. Federal participation in water development projects should be only upon the request of and in cooperation with State and local interests. We are opposed to Federal domination of water resource development."

In line with these policies we suggest consideration of the following general principles in establishing an agency for water resource development.

1. It is our view that an independent board for this purpose would be desirable—of three to five members. We stress the word independent as we believe this to be important. It should not be one man or the head of any agency. It should not be composed of any present agency personnel nor should it be a part of any agency currently doing work in this field.

2. We would hope that such a board would be responsible to the Congress; however, we would not object to their appointment by the President and their reporting jointly to the President and the Congress.

3. In the declaration of policy, we believe a combination of those expressed in all four bills could be used.

(a) As in these bills, the policy statement could include—

1. A survey of present conditions.
2. A study of current and foreseeable trends.
3. The adequacy of available natural resources.
4. A review of all conservation programs and agencies—local, State, and Federal.
5. A program for action.

As well as—

6. The protecting of the primary responsibilities and rights of the States.
7. Recognizing the need for increased participation by the States.
8. Providing cost-sharing funds for program development by the States.

(b) We suggest the elimination of the language “continuing policy and responsibility of the Federal Government.”

4. This board could advise the President and the Congress of its findings and recommendations and also could work directly with the States on the one hand and with the action agencies of Government on the other.

5. It is Farm Bureau's view that water resource development is everybody's job—especially it should interest local people. We are confident the more local people become interested in it or are drawn into it—by the use of their time, ideas, money, and supervision—the more water resources will be developed—and the more value the country will receive for the dollars spent.

In your consideration, therefore, of S. 1629, we would urge your consideration of these principles and develop a program or agency which will have a real constructive impact on water resource development as indicated above.

We shall be happy to cooperate with you and the staffs of the committees in developing legislation to reflect these views.

We hope you will make this letter a part of the record of this hearing.

Sincerely,

JOHN I. TAYLOR,
Assistant Legislative Director.

Senator ANDERSON. All right, Dr. Miller.

STATEMENT OF DR. ALBERT R. MILLER, CHIEF OF RESEARCH AND SPECIAL STUDIES, MARYLAND STATE PLANNING DEPARTMENT

Dr. MILLER. Mr. Chairman, I am Albert R. Miller, Jr., the chief of research and special studies of the Maryland State Planning Department. I have been requested by Governor Tawes to speak on behalf of the State of Maryland.

The State of Maryland is deeply interested in the policy and program content of Senate bill 1629 and its provisions for assisting the States in planning for the development of their water resources on a comprehensive basis.

Senate bill 1629 is particularly timely insofar as the State of Maryland is concerned. The State planning department has recently transmitted a report to the Governor calling for a reorganization of the State water resources agencies, which it is believed will greatly enhance the State's administrative opportunities for multiple-purpose water resources planning and development on a comprehensive basis.

This report recommends that the State of Maryland should plan for the use of water and regulate water development on the basis of the integrated considerations of an entire watershed, or where appropriate a group of adjacent watersheds. To carry out this State policy objective, the report calls for the establishment of a new agency, the department of water resources, which would be generally responsible for supervising and planning for the multiple-purpose development of the inland surface waters and ground water resources of the State. A principal responsibility of this agency would be the timely preparation of advance plans which will permit water development to go forward as needed in a manner compatible with multiple-pur-

pose management on a watershed basis. The mission of the proposed new department of water resources would thus appear to be entirely in conformity with the objectives of Senate bill 1629.

The report is being transmitted by the Governor to the State legislative council with a request that it be given an early and careful study for proper implementation by the next legislative session.

Of parallel significance is the fact that the State planning department now is completing preparations for the initiation of a broad-scale study of the State's water resources intended to bring into sharp focus future availabilities in relation to anticipated future needs. Such a study logically precedes the type of State program envisaged by Senate bill 1629. That is, water resource planning activity on the part of the State.

Clearly, the State of Maryland has a vital interest in the Water Resources Planning Act of 1961, and urges its favorable consideration by this committee.

That is the end of my statement, Mr. Chairman.

Senator ANDERSON. Thank you very much.

Are there questions?

Thank you very much for being here.

Mrs. Rosenblum?

STATEMENT OF MRS. HASKELL ROSENBLUM, MEMBER OF THE BOARD OF DIRECTORS OF THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

Mrs. ROSENBLUM. I am Mrs. Haskell Rosenblum, a member of the Board of Directors of the League of Women Voters of the United States. The league has over 130,000 members in 1,120 leagues in the 50 States and the District of Columbia. It is a nonpartisan organization and works only in the field of government.

Members of the League of Women Voters, as a result of their study of the use and development of the Nation's water resources, have come to believe strongly that a continued supply of suitable and adequate water depends on planning.

When the thinking of our individual members was put together—in 1960 after 4 years of water study—there was general agreement too that all three levels of government—Federal, State, and local—must work toward and participate in paying for planning and development of water resources.

The league has expressed its support of basinwide planning and shared responsibility a number of times in testimony before this committee and before some of its members sitting as the Senate select committee. We have also told you how, through the 5 years that the League of Women Voters has been working on water resources development, many of our members have grown to know and admire the work of men in State water agencies and to appreciate the role of the States in water resource development.

I would like to say at this point that although all of the State leagues can work within their own States to effectuate State planning, 17 States have separate study items along this line, because they have felt the need not only for cooperation between the States and the Federal Government, but many of them had started on planning for improved water resources within their own States, and that was how, when they

became unable to accomplish a great deal on their own, they urged the members of the league to adopt the water item 5 years ago.

Strong, well-planned water development programs in all States would serve the Federal interests. We see good State programs as basic in solving the U.S. water problem, the problem of distribution and quality, for with good State programs the available water will be developed and put to optimum use.

Incentive payments to encourage State spending for water planning seem to the league an effective use of Federal funds which can well bring benefits to the Nation far in excess of the Federal share expended.

We recognize that the grant-in-aid program proposed in S. 1629 and S. 1778 will implement the second recommendation of the Senate select committee. Members of women voters, testified at the Senate select committee hearings in every State describing conditions and needs in their basins. The league therefore is delighted that the recommendations of the select committee have good prospects of being enacted into law, thus avoiding the bleak fate which has overtaken the reports of earlier committees set up to study the Nation's water problems.

Although the League of Women Voters supports the principle of the proposal contained in the bill (S. 1629) under consideration today and also on S. 1778 before the Public Works Committee, we would like to know more specifically how (1) the State's need for a planning program and (2) the adequacy of a State planning program will be judged. We would like to see included in the final bill provisions for standards which States must meet in order to qualify for Federal grants-in-aid under this program.

We want to encourage State participation in plans for comprehensive water development and management which take into account water supply and water quality control, the non-revenue-yielding uses such as stream-flow regulations, outdoor recreation, and preservation of fish and wildlife, as well as the customary Federal interests of irrigation, navigation, and flood control. But most members of the League of Women Voters like to think themselves as shrewd shoppers. When we pay our taxes for this grant-in-aid program, we want to be as sure as we possibly can be that the Federal aid is going to States which need help and that these States in their "comprehensive" planning consider all water uses.

League members examining this proposed legislation will be glad to see that to be approved under the provisions of these bills a State water planning program must make adequate provision for coordination with all Federal and State agencies with responsibilities in the water field.

We like the requirement that the program for planning must include ways of carrying out and administering the State planning program. We think it would be better if there were also a requirement that the plan made under this proposed grant-in-aid program must contain recommendations of ways in which that plan could be implemented. If alternative physical plans and choices in methods of administration were required, this would be best of all. League members are quite content to leave the physical planning to professionals, but as informed citizens we want a chance to study the proposals, an

opportunity for citizens to suggest or object when they think values important to them have been overlooked.

Early in their study of water, the members of the League of Women Voters came to the conclusion that, to be successful, planning for water must be in accord with the natural physical unity of the drainage in a watershed. We saw that successful planning must be basinwide. A proposal which will help States develop comprehensive programs is good, but it is not enough. Many States share streams with other States. There must be coordination between the planning programs of the States which lie in the same basin. The proposal in the bills before us today will be satisfactory to members of the League of Women Voters only if there is a second part of this legislation, a second part which encourages and implements river basin planning.

Many of our members have been watching for the administration's proposals for "establishment of planning commissions for all major river basins where adequate coordinated plans are not already in existence," proposed in President Kennedy's special message on natural resources, February 23, 1961. We understand that the administration's proposals are expected this week. Members of the League of Women Voters will read them with great interest. We hope that there will be further hearings before this committee when proposals for river basin planning have been incorporated into the legislation now before you.

With grants-in-aid for State programs for water resource planning as title I and a program for planning comprehensive river basin development as title II, the bill presently before the committee will truly merit its short titles of "Water Resources Planning Act of 1961."

If hearings are held later on the complete bill or on the part dealing with river basin planning, the League of Women Voters would appreciate the opportunity to speak to the provisions of the bill after having time to study it. If there are no further hearings, could the record be held open for a reasonable period after the full bill is available and the league be permitted to file a further statement during that time?

Senator ANDERSON. I will ask the staff to look into that.

Mrs. ROSENBLUM. Thank you, sir.

I understand from what you said a little earlier that this is one of your concerns.

I appreciate your courtesy. Thank you.

Senator ANDERSON. Thank you for your statement, particularly that first paragraph at the top of page 2, where you say: "Incentive payments to encourage State spending for water planning seem to the league an effective use of Federal funds which can well bring benefits to the Nation far in excess of the Federal share expended." I thoroughly agree that that is so, and I am happy to have that expression from the League of Women Voters.

Are there questions?

Senator BURDICK. Mr. Chairman, I would like to compliment Mrs. Rosenblum for a fine statement. I know something of the work of the league in the water development field, because you have a very active group in North Dakota. As a matter of fact, I attended the meeting of the select committee in Bismarck, and Miss Carolyn Moore from Fargo presented your case very, very well.

I would like to compliment you in general for the work you have done on water resource development.

Mrs. ROSENBLUM. Thank you, Mr. Burdick.

Senator ANDERSON. Senator Long, you had a statement, I believe, for the record.

Senator LONG. Thank you, Mr. Chairman.

I raised the question as to whether the bill should not be amended at page 2, line 6, by dropping the fourth word in that line, "or," changing the period at the end of the line to a comma, and adding the words "or Guam."

I discussed this briefly with a member of the staff and learned, Mr. Chairman, that there was no particular attention given to Guam when the bill was being prepared. It is a little difficult for me to see why the Virgin Islands would be included and Guam not included. I have been to both places. The economy in Guam, of course, is considerably greater than it is in the Virgin Islands.

I must admit that I have never made any study of the need in Guam as compared with the Virgin Islands, but I would hope that the staff would look into it, if they have time, to see whether or not that change should not be made.

That is a thriving community there, and any recognition that we give to them I think would be most helpful.

Senator ANDERSON. We are going to do that. I can say as far as the inclusion of the Virgin Islands was concerned, that this committee has been concerned right along with the things we have had to appropriate money for in an attempt to develop a water supply in the Virgin Islands. And now we are working with a saline water plant that is being constructed down there, and perhaps that fact might have brought the Virgin Islands to the attention of the committee a little more than Guam, where we have not had that problem. But in any event, it will be checked, and checked carefully.

The last witness is Mr. Sam Thompson.

STATEMENT OF SAM THOMPSON, FIRST VICE CHAIRMAN, EXECUTIVE COMMITTEE OF THE INTERSTATE CONFERENCE ON WATER PROBLEMS, COUNCIL OF STATE GOVERNMENTS

Mr. THOMPSON. Senators, we appreciate your giving us this opportunity to express the views of the Council of State Governments.

The Interstate Conference on Water Problems, an arm of the Council of State Governments, is an organization of State officials concerned with all phases of water resource administration. It includes among its participants, representatives of all types of State agencies charged with various activities that are essential for comprehensive State water resource planning. In consequence, S. 1629 and S. 1778, designed to promote comprehensive water resources planning by the States, and to provide financial assistance for that purpose, are of great interest to the conference.

The subject of State water resource planning will occupy a prominent place on the program of the next meeting of the conference to be held January 15-16, 1962. Specifically, the conference will have before it a resolution dealing with Federal support for State water programs which was deferred at its last meeting in order that more time could be devoted to a consideration of the policy issues involved. Among other considerations, the deferred resolution recommended a Federal program to provide financial assistance to the States and

interstate water resources agencies in developing and improving the effectiveness of comprehensive State water resources planning activities.

If I might deviate from my statement here, Mr. Chairman: The conference has a policy that no policy will be made by resolution in a policy area unless it is first circulated to the States, all 50 of them comprising the conference, at least 30 days in advance of its meeting. This is to be sure that every State has the opportunity to scrutinize closely those matters of policy that will be taken up.

This area was brought to the attention of the conference from one of the four group discussions, but since it had not been circulated, and the other three groups of the conference had not had an opportunity to discuss it, it was deferred and will be a major item on the program at the next conference in January.

Past proceedings of the conference have given emphasis to the need for programs of comprehensive water resource planning undertaken by the States. There has been emphasis on the need for States to develop their own long-range plans.

The reports of the water policy committee of the Interstate Conference on Water Problems have also emphasized this need, stating, for example, that there was a need for effective action by the States in programming the development of their water resources on a broad, comprehensive basis to meet the potential future demands.

The conference adopted a resolution recommending that each State water resource program should include among other elements mentioned:

A continuing program of interpretation and analysis of basic data and the utilization of the results thereof in a comprehensive long-range plan for the control, conservation, protection, distribution, and utilization of the State's water resources as necessary to provide an adequate guide for the State in its administration of water use and in the coordination of plans and activities of all agencies and organizations engaged in the development of the State's water resources.

The conference has not had an opportunity to analyze the specific issues raised by S. 1629 and S. 1778 and develop a policy position regarding them. However, in view of the marked interest of the conference in this problem, the executive committee, acting in the period between meetings, has considered the question and developed this statement.

Examples of the congressional policy encouraging State activity in water resource administration are numerous. The recent report of the Senate Select Committee on National Water Resources mentions congressional recognition of the desirability of deciding matters that can best be resolved locally at a level of government below the Federal level. Congress has recognized the importance of this in the past by enactment of amendments to flood control acts, rivers and harbors acts, and reclamation legislation calling for State participation in planning for water resources development prior to congressional consideration being given to specific authorizations.

The committee concludes that the implementation of these provisions should be strengthened and the views of States and local agencies should be considered in connection with the formulation and operation of all Federal water resources programs. Other Federal legislation reflecting a congressional policy of strengthening State participation in water resource programs could be cited—the

Small Watershed Act, water pollution control legislation, and the Water Supply Act of 1958—all of which provide for State approval of plans or for direct State participation.

For the States to provide leadership in the development of the water resources of the Nation, it is essential that they be equipped to carry on effective water resource planning programs. Only then can they be assured that adequate attention will be paid to the needs and interests of the States in the development of projects. Only then can there be assurance that the opportunities for participation in planning offered by congressional policy will afford a meaningful method for strengthening the Federal system by assuring the vitality of the States in this area.

Water resource assets are of much more immediate, intense and compelling interest to the people located in their immediate vicinity. These are the people who should have first call in determining the policy for their development and administration and first responsibility for their regulation. An adequate basis for the making of such policy is necessarily a set of programs which can gather relevant data, analyze their meaning, and relate them in a comprehensive fashion to the needs of the people in the State or region. This is just another way of saying that water resource planning is of first rank importance. In this field as in most others the availability of funds with which to do the job is one of the most significant factors in determining the ultimate product.

The executive committee of the Interstate Conference on Water Problems concludes that programs designed to strengthen and encourage comprehensive State water resource planning have real merit and that a program of assistance such as that envisaged by S. 1629 and S. 1778 would be an appropriate way to accomplish this goal.

However, assurance should be provided that any program of Federal assistance adopted really strengthens State planning without undue restrictions on the States. If legislation of the type now under consideration is actually to improve the capacity and performance of our water resource planning, a delicate balance must be struck between the national interest in seeing that the money which Congress appropriates will be usefully spent and the interest of everyone on both the State and National level in seeing that State initiative is fostered rather than restricted or displaced.

Congress will not have achieved the objective of strengthening the States' capacity to plan for water resource development, nor will the States have improved planning agencies as a result of this legislation unless the State planning agencies are free to use their own initiative and leadership in exploring all possible alternatives for the development, use, and management of the resources for which they plan. Such freedom to consider and choose among alternatives is the very essence of planning. Accordingly, the problem is how to assure that money subsequently appropriated pursuant to the authorizations contained in these bills will be usefully spent without diminishing the scope of the aided State planning activity or prejudging any of the questions which the State planners should be free to consider.

Specific provisions of any legislation inaugurating a new grant program call for careful analysis to assure that the objectives out-

lined above are attained. The criteria established by statute and applied by the responsible agency in determining whether State programs qualify for grants will be of major importance in the success of the whole program. The administrative arrangements made at the Federal level will likewise be of particular significance. These provisions of the proposed legislation will no doubt receive careful consideration. We hope that the conference will be given an opportunity to express itself more fully on these and other important matters at a future date, after there has been time for a full discussion by the whole conference.

However, it seems to the executive committee that the need for interstate planning is of such fundamental importance that it should be given some additional consideration here. The very fact that these bills seek to promote comprehensive planning at the State level makes it desirable for the legislation to include interstate agencies among those who could qualify for grants. States must be able not only to make individual plans, but also to relate this planning to regionwide plans.

If one accepts the proposition that underlies these bills—that local and regional units of government should handle much of our water planning—any Federal law on this subject should encourage, certainly not discriminate against, regional water planning across State lines. Accordingly, we would urge that interstate agencies be made eligible recipients of the legislation's benefits.

The executive committee of the Interstate Conference on Water Problems commends the authors of S. 1629 and S. 1778 and Congress for considering ways in which State planning for water resources can be assisted. In recognizing the competence of existing State agencies, and in seeking to improve such competence, these bills strengthen our Federal system. They represent a step forward in an area where the several levels of government, as well as private interests, have major and continuing responsibilities.

Thank you, Mr. Chairman.

Senator ANDERSON. Thank you, Mr. Thompson. Let me just say to you that I assume that when legislation comes along for river basin planning, which covers the work that you mentioned, that probably would carry some provision for grants-in-aid to those areas. If they do not, it is quite probable that this bill would be amended to provide eligibility for that assistance.

There is no desire to hold down the river basin planning in regional areas, but to supplement that in every way possible. So this suggestion of yours, I am sure, will receive attention as we go along.

Mr. THOMPSON. Thank you very much, sir.

Senator ANDERSON. Are there any questions?

Senator HICKEY. Mr. Chairman, I was glad that this witness brought out a discussion of Public Law 566 and also Public Law 594. And for the sake of the record, I had counsel lay them out.

The one is the one which authorizes the Secretary of Agriculture to "cooperate with the States and local agencies in planning and carrying out works for approval of soil conservation and for other purposes." That is one of the acts you referred to.

Mr. THOMPSON. Yes, sir.

Senator HICKEY. Now, I would call this to your attention, and I think the chairman and his select committee had this in mind at the time the bill was prepared. Section 3 of the bill provides that the State agency having responsibility should be given assistance to conduct such investigations and surveys as may be necessary, to prepare plans for purposes of improvement.

Now, the truth of the matter is that in the States, although there have been survey teams made available, they are not sufficient—the Federal survey teams are not sufficient—to do the job that the various States want. And that is why there has been a lack of State leadership in this field.

I think with the money that this bill might provide and the available State funds, you would see some leadership from among the States in implementing such laws as 566 and also Public Law 984, which is an act to supplement the Federal reclamation laws by providing for Federal cooperation in non-Federal projects and for participation of non-Federal agencies in Federal projects.

Each of these laws have been hamstrung by the fact that there was not sufficient personnel provided federally to go ahead in the State area, and the States did not have sufficient money to move into that particular field.

My understanding of the matter we are considering now is that it is to make available money so that agencies within the State could be set up that would provide the money for the planning that was envisioned in both these laws.

Mr. THOMPSON. Senator Hickey, we have completed one river basin study under section 6 of Public Law 566 in Mississippi and are currently working up a report to publish. We have under way, in cooperation with the State of Alabama, one on the Tombigbee River, in which we have a soil conservation work party, and in addition to that we have 54 State and Federal agencies on the Mississippi side of this agency alone cooperating, in this board, in which coordination is being made for total resource inventory, water, land, people, the whole gamut of the study.

Alabama has a similar group and is cooperating where the river crosses the State line, and the tributaries cross the State lines. This is an interstate, you might say, study, with two States sponsoring agencies cooperating with the Federal agencies and other State agencies in the total study.

This will be of invaluable value to us, once we have the total resource information in hand. But planning how and what to do with it following this is going to be a problem with us in the State with the limited funds that we have available, because so many States are just waking up to their responsibility in this field.

Senator HICKEY. Well, my question to you is: Recognizing the stated purposes of the legislation now before you, is it not your opinion that it will implement and assist the work you do in your State of Alabama and have it done and be of great interest to you?

Mr. THOMPSON. Yes, sir. That is one reason why my interest in this is so great.

Senator ANDERSON. Before we close, do you have a letter that you would like to present?

Senator HICKEY. I have a letter, Mr. Chairman, which I would like to just present for the record. I have a cover letter from the Governor of the State of Wyoming directing to my attention a memorandum prepared by our State engineer and our water resources people. And I think the instrument itself will speak for the general approval of the State of Wyoming of this legislation.

Senator ANDERSON. That will be inserted in the record with the other State communications.

And I will say that the record will stay open at least until the Federal witnesses have appeared.

(Whereupon, at 11:55 a.m., the subcommittee was recessed.)

