

Storage

**NORTHEASTERN WATER AND RELATED
LAND RESOURCES COMPACT**

104
89V4
J 89/2
W 29/3

Y4
. J 89/2
W 29/3



HEARING
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
EIGHTY-SEVENTH CONGRESS
SECOND SESSION
ON

H.R. 30

TO GRANT THE CONSENT AND APPROVAL OF CONGRESS TO
THE NORTHEASTERN WATER AND RELATED LAND
RESOURCES COMPACT

SEPTEMBER 18, 1962

Printed for the use of the Committee on the Judiciary



NORTHEASTERN WATER AND RELATED
LAND RESOURCES COMPACT

W 58/3
282/5
47

COMMITTEE ON THE JUDICIARY

JAMES O. EASTLAND, Mississippi, *Chairman*

- | | |
|-----------------------------------|------------------------------------|
| ESTES KEFAUVER, Tennessee | ALEXANDER WILEY, Wisconsin |
| OLIN D. JOHNSTON, South Carolina | EVERETT MCKINLEY DIRKSEN, Illinois |
| JOHN L. McCLELLAN, Arkansas | ROMAN L. HRUSKA, Nebraska |
| SAM J. ERVIN, JR., North Carolina | KENNETH B. KEATING, New York |
| JOHN A. CARROLL, Colorado | HIRAM L. FONG, Hawaii |
| THOMAS J. DODD, Connecticut | HUGH SCOTT, Pennsylvania |
| PHILIP A. HART, Michigan | |
| EDWARD V. LONG, Missouri | |

SPECIAL SUBCOMMITTEE

THOMAS J. DODD, Connecticut, *Chairman*

- | | |
|-----------------------------------|------------------------------|
| OLIN D. JOHNSTON, South Carolina | ROMAN L. HRUSKA, Nebraska |
| SAM J. ERVIN, JR., North Carolina | KENNETH B. KEATING, New York |

CONTENTS

Statements of—	Page
Honorable George D. Aiken, U.S. Senator from the State of Vermont. American Public Power Association.....	6 69
Hon. Prescott Bush, a U.S. Senator from the State of Connecticut, presented by Joseph J. Fannelli, personal assistant to Senator Bush.....	25.
Walter N. Cook, manager, Vermont Electric Cooperative Co.....	55.
Council of State Governments.....	38.
Margaret Bowles De Lude, representative to the New Hampshire General Court, member of the New Hampshire Interstate Coop- eration Commission, chairman of the Advisory Council on Employ- ment Services and chairman of the Economic Growth Survey of the State of New Hampshire.....	33
Hon. John Dempsey, Governor of the State of Connecticut.....	27
Joseph J. Fannelli, personal assistant to Senator Prescott Bush.....	25
Interstate Conference on Water Problems.....	45, 47
Peter Janetos, director of interstate relations and secretary of the Natural Resources Committee of the New England Council for Economic Research and Development.....	36
Alexander J. Kalinski, assistant attorney general of the State of New Hampshire.....	58
League of Women Voters of the United States, Mrs. Haskell Rosen- blum, director.....	53
National Rural Electric Cooperative Association.....	59
New England Committee on Water Resources, League of Women Voters.....	51
New England Council for Economic Development.....	36, 77
New Hampshire Interstate Cooperation Commission.....	33
Hon. John A. Notte, Jr., Governor of the State of Rhode Island.....	76
Hon. Winston L. Prouty, U.S. Senator from the State of Vermont....	17
Alex Radin, general manager, American Public Power Association....	69
Charles A. Robinson, Jr., staff engineer and staff counsel, National Rural Electric Cooperative Association.....	59
Elizabeth K. Roper, chairman of the New England ad hoc committee on Water Resources of the League of Women Voters.....	51
Mrs. Haskell Rosenblum, director of the League of Women Voters of the United States.....	53
Vermont Electric Cooperative Co.....	55
Mitchell Wendell, counsel to the Council of State Governments.....	38
Harold G. Wilm, commissioner of conservation of the State of New York and chairman of the policy committee of the interstate con- ference on water problems.....	47
William S. Wise, director, Connecticut Water Resources Commission, appearing on behalf of the Governor of New Hampshire.....	26
Frederick L. Zimmerman, presenting statement for the New York Joint Legislative Committee on Interstate Cooperation.....	45
Statements submitted by—	
Hon. George D. Aiken, a U.S. Senator from the State of Vermont... Additional testimony.....	85
Hon. Norris Cotton, a U.S. Senator from the State of New Hampshire, transmitting a letter from the Joint Legislative Committee on Interstate Cooperation of the State of New York.....	90
League of Women Voters of Maine, Mrs. Charles D. McEvoy, Jr., member, board of directors.....	91

Statements submitted by—Continued

League of Women Voters of Massachusetts, Mrs. Bruce B. Benson, president.....	91
Hon. John O. Pastore, a U.S. Senator from the State of Rhode Island.....	90
Hon. Leverett Saltonstall, a U.S. Senator from the State of Massachusetts. Letter transmitting a statement from Gov. John Volpe of Massachusetts.....	88
Hon. Benjamin A. Smith, a U.S. Senator from the State of Massachusetts.....	89
Hon. John A. Volpe, Governor of the State of Massachusetts.....	88

APPENDIX

Telegrams from—

Bertha Akley, Marlboro, Vt., dated August 13, 1962, and September 17, 1962.....	96, 97
Myron W. Allen, Jacksonville, Vt., dated August 13, 1962, and September 15, 1962.....	96, 99
W. E. Birmingham, Craftsbury Common, Vt., dated August 13, 1962, and September 17, 1962.....	93, 98
Fred W. Boudreau, Enosburg Falls, Vt., dated August 11, 1962, and September 17, 1962.....	95, 98
J. R. Bruce, Barre, Vt., dated August 13, 1962, and September 14, 1962.....	96, 97
Charles Carpenter, Marshfield, Vt., dated September 11, 1962, and September 14, 1962.....	95, 99
Sailey F. Ennis, Montpelier, Vt., dated August 11, 1962, and September 14, 1962.....	94, 96
Frederick J. Fayette, Burlington, Vt., dated September 17, 1962.....	94
Ray E. Gates, Guilford, Vt., dated August 13, 1962, and September 15, 1962.....	94, 99
Madeline Grant, Cambridge, Mass., dated September 17, 1962.....	94
Senator Primo Iacobucci, Providence, R.I., dated August 15, 1962.....	100
F. H. King, Holyoke, Mass., dated September 13, 1962.....	94
John J. Korkosz, Chicopee, Mass., dated August 13, 1962, and September 13, 1962.....	95
John Larkin, Chelsea, Vt., dated August 13, 1962, and September 14, 1962.....	96, 97
Bernard G. O'Shea, Enosburg Falls, Vt., dated September 17, 1962.....	98
James Pillsbury, Burlington, Vt., dated August 13, 1962, and September 17, 1962.....	96, 97
George Ricker, Montpelier, Vt., dated August 13, 1962, and September 14, 1962.....	96, 99
Jasper D. Sanville, Newport, Vt., dated August 11, 1962, and September 17, 1962.....	95, 97
Dean Shattuck, Montpelier, Vt., dated September 14, 1962.....	99
Ruby W. Snow, Brattleboro, Vt., dated August 13, 1962, and September 17, 1962.....	94, 98
A. G. Spurrelp, Wakefield, Mass., dated August 14, 1962.....	93
Robert Starr, North Troy, Vt., dated September 17, 1962.....	98
Floyd N. Stone, Jacksonville, Vt., dated August 13, 1962, and September 17, 1962.....	94, 97
Keith Wallace, Montpelier, Vt., dated August 13, 1962.....	93
Douglas Webb, Fairfax, Vt., dated August 11, 1962, and September 17, 1962.....	95, 98

Joint Legislative Committee on Interstate Cooperation
 Statements submitted by—
 Hon. George D. Aiken, a U.S. Senator from the State of Vermont
 Additional testimony
 Hon. Norris Cotton, a U.S. Senator from the State of New Hampshire
 transmitting a letter from the Joint Legislative Committee on
 Interstate Cooperation of the State of New York
 League of Women Voters of Maine, Mrs. Charles D. Mack, Jr.,
 member, board of directors

NORTHEASTERN WATER AND RELATED LAND RESOURCES COMPACT

TUESDAY, SEPTEMBER 18, 1962

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to call, at 10:30 a.m., in room 2228, New Senate Office Building, Senator Thomas J. Dodd presiding.
Present: Senator Dodd (presiding).

Also present: Arthur A. Sandusky, professional staff member.
Senator Dodd. The subcommittee will come to order.

I have a very brief statement I would like to make for the record.

The concept of the New England States as a regional entity is not new. Many instances of cooperative planning and action have taken place over the years on both an informal and formal basis involving power, water, soil conservation, recreation, and other problems faced by the area.

For several years now it has been apparent that a formally constituted agreement or compact with State and Federal participation is essential to proper and orderly regional planning in the area of water and related land resources development.

The purpose of the compact is to coordinate Federal and State efforts in developing the natural resources of the Northeastern United States in order to stimulate economic development.

The compact would call for the creation of a commission with six voting members from each of the New England States and seven voting members from Federal departments having principal responsibilities for water and related land resources development. In this connection, however, I think I should point out that this 7-to-6 voting ratio does not provide the Federal Government with a built-in majority. The compact further requires that a majority of the Federal representatives and a majority of the State members must concur in a policy decision before it can be considered binding.

The functions of the Commission would be planning, central collection, and analysis of data, maintenance of resources, surveys, programming of construction and development, and encouragement of approved projects among the member States. The activities and responsibilities of the Commission would in no way infringe on the activities or responsibilities of any other State or Federal agency. The Federal and State government are not bound by the acts of the Commission which are restricted to planning and coordination.

Two almost identical bills had been proposed, S. 374, which I co-sponsored with other New England colleagues, and H.R. 30, which passed the House on August 21, 1961.

H.R. 30 is basically designed, as is S. 374, to achieve close cooperation between the various governmental agencies concerned with the whole complex of water resources development and to set the stage for a smooth transition from planning to execution.

We will concern ourselves during this hearing with H.R. 30, the text of which will be inserted in the record at this point.
(The bill referred to follows:)

[H.R. 30, 87th Cong., 1st sess.]

AN ACT Granting the consent and approval of Congress to the Northeastern Water and Related Land Resources Compact

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent and approval of Congress is given to the Northeastern Water and Related Land Resources Compact, as hereinafter set out. Such compact reads as follows:

“NORTHEASTERN WATER AND RELATED LAND RESOURCES COMPACT

“ARTICLE I

“FINDINGS

“The northeastern part of the United States is by virtue of geographic location and other characteristics a great natural resource area which, with more intense use of natural resources, increasingly requires coordinated planning as a basic ingredient of effective resource management and orderly growth of the region. The work of the New England-New York Inter-Agency Committee demonstrated that a continuation and furtherance of activities such as those undertaken by it would be of great value. To this end, it is the intent of this compact to establish and provide for the operation of a joint agency for the Northeast.

“ARTICLE II

“PURPOSE

“It is the purpose of this compact to provide in the northeastern region, improved facilities and procedures for the coordination of the policies, programs, and activities of the United States, the several states, and private persons or entities, in the field of water and related land resources, and to study, investigate, and plan the development and use of the same and conservation of such water and related land resources; to provide means by which conflicts may be resolved; and to provide procedures for coordination of the interests of all public and private agencies, persons and entities in the field of water and related land resources; and to provide an organization for cooperation in such coordination on both the federal and state levels of government.

“ARTICLE III

“CREATION OF COMMISSION

“There is hereby created the Northeastern Resources Commission, hereinafter called the Commission.

“ARTICLE IV

“MEMBERSHIP

“The Commission shall consist of one member from each party state to be appointed and to serve, in accordance with and subject to the laws of the State which he represents, and seven members representing departments or agencies of the United States having principal responsibilities for water and related land resources development to be appointed and to serve in such manner as may be provided by the laws of the United States.

"ARTICLE V

"FUNCTIONS

"It shall be the responsibility of the Commission to recommend to the states and the United States, or any intergovernmental agency, changes in law or policy which would promote coordination, or resolution of problems, in the field of water and related land resources. The efforts of the Commission in coordination of work and resolution of conflicts may be directed towards all state and federal activities involved in water and related land resources development responsibilities and shall include the coordination of the following:

- "(1) Collection and interpretation of basic data.
- "(2) Investigation and planning of water and related land resources projects.
- "(3) Programming (including scheduling) of water and related land resources construction and development.
- "(4) Encouraging of the referral of plans or proposals for resources projects to the Commission.

"The Commission shall use qualified public and private agencies to make investigations and conduct research in the field of water and related land resources, but if it is unable to secure the undertaking of such investigations or original research by a qualified public or private agency, it shall have the power to make its own investigations and conduct its own research. The Commission may make contracts with any public or private agencies or private persons or entities for the undertaking of such investigations, or original research within its purview.

"ARTICLE VI

"VOTING

"No action of the Commission respecting the internal management thereof shall be binding unless taken at a meeting at which a majority of the members are present and vote in favor thereof: provided that any action not binding for such a reason may be ratified within thirty days by the concurrence in writing of a majority of the Commission membership. No action of the Commission respecting a matter other than its internal management shall be binding unless taken at a meeting at which a majority of the state members and a majority of the members representing the United States are present and a majority of said state membership together with a majority of said members representing the United States vote in favor thereof: provided that any action not binding for such a reason may be ratified within thirty days by the concurrence in writing of a majority of the state members and the concurrence in writing of a majority of the members representing the United States.

"ARTICLE VII

"FINANCES

"A. The Commission shall submit to the Governor or designated officer of each party state a request for funds to cover estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof. Any such request shall indicate the sum or sums which the Commission has requested or intends to request be appropriated by the United States for the use or support of the Commission during the period covered thereby.

"B. With due regard for such monies and other assistance as may be made available to it, the Commission shall be provided with such funds by each of the several states participating therein to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the Commission.

"With due allowance for monies otherwise available, each budget of the Commission shall be the responsibility of the party states, to be apportioned among them on a weighted formula based 50% on population and 50% on gross land area, such population and gross land area to be determined in accordance with the last official U.S. Census of Population, but provided that the last contributions of all of the state shall not be required to exceed \$50,000 annually and provided further that regardless of the number of states party to the compact at any time the maximum annual contribution required of any state shall not

exceed its share of the \$50,000 as determined above. Any state may contribute such funds in excess of its share, as determined above, as it may desire.

"C. The Commission shall not pledge the credit of any jurisdiction. The Commission may meet any of its obligations in whole or in part with funds available to it under Article VIII (E) of this compact, provided that the Commission takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in such manner.

"D. The members of the Commission shall be paid by the Commission their actual expenses incurred and incident to the performance of their duties, subject to the approval of the Commission.

"E. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its by-laws. However, all receipts and disbursements of funds handled by the Commission shall be audited by a qualified public accountant and the report of the audit shall be included in and become a part of the annual report of the Commission.

"F. The accounts of the Commission shall be open at any reasonable time for inspection by such agency, representative or representatives of the jurisdictions which appropriate funds to the Commission.

"ARTICLE VIII

"ADMINISTRATION AND MANAGEMENT

"A. The Commission may sue and be sued and shall have a seal.

"B. The Commission shall elect annually, from among its members, a chairman, vice-chairman, and treasurer. The Commission shall appoint an executive director who shall also act as secretary, and together with the treasurer, shall be bonded in such amounts as the Commission may require.

"C. The Commission shall appoint and remove or discharge such personnel as may be necessary for the performance of its functions irrespective of any civil service laws which might otherwise apply. The Commission shall establish and maintain, independently, by contract or agreement with the United States or an agency thereof, or in conjunction with any one or more of the party states, suitable retirement programs for its employees. Employees of the Commission shall be eligible for social security coverage in respect to old age and survivors insurance provided that the Commission take such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The Commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the Commission terms and conditions of employment similar to those enjoyed by employees of the party states generally.

"D. The Commission may borrow, accept or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any intergovernmental agency, or from any institution, persons, firm or corporation.

"E. The Commission may accept for any of its purposes and functions under this compact any and all appropriations, donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state or the United States or any subdivision or agency thereof, or intergovernmental agency, or any institution, person, firm or corporation, and may receive, utilize and dispose of the same.

"F. The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may accept, hold, and convey real and personal property and any interest therein.

"G. The Commission may adopt, amend, and rescind bylaws, rules, and regulations for the conduct of its business.

"H. The Commission shall make and transmit annually, to the legislature and Governor of each party state, and to the President and Congress of the United States, a report covering the activities of the Commission for the preceding year, and embodying such recommendations as may have been adopted by the Commission. The Commission may issue such additional reports as it may deem desirable.

"ARTICLE IX

"OTHER COMPACTS AND ACTIVITIES

"Nothing in this compact shall be construed to impair, or otherwise affect, the jurisdiction of any interstate agency in which any party state participates nor to abridge, impair, or otherwise affect the provisions of any compact to which any one or more of the party states may be a party, nor to supersede, diminish, or otherwise affect any obligation assumed under any such compact. Nor shall anything in this compact be construed to discourage additional interstate compacts among some or all of the party states for the management of natural resources, or the coordination of activities with respect to a specific natural resource or any aspect of natural resource management, or for the establishment of intergovernmental planning agencies in sub-areas of the region. Nothing in this compact shall be construed to limit the jurisdiction or activities of any participating government, agency, or officer thereof, or any private person or agency.

"ARTICLE X

"ENACTMENT

"A. This compact shall become effective when entered into and enacted into law by any three of the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and when the United States has provided by law for the designation of its representation on the Commission. Thereafter it shall become effective with respect to any other aforementioned state upon its enacting this compact into law.

"B. Upon consent of the Congress of the United States of America, any other state in the northeastern area may become a party to this compact, by entering into and enacting this compact into law.

"ARTICLE XI

"WITHDRAWAL

"This compact shall continue in force and remain binding upon each party state until renounced by it. Renunciation of this compact must be preceded by sending three years' notice in writing of intention to withdraw from the compact to the governor of each of the other states party hereto and to such officers or agencies of the United States as may be designated by federal law.

"ARTICLE XII

"CONSTRUCTION AND SEVERABILITY

"The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be unconstitutional or the applicability thereof, to any state, agency, person, or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to any other state, agency, person or circumstance shall not be affected thereby. It is the legislative intent that the provisions of this compact be reasonably and liberally construed."

Sec. 2. The consent of Congress is given to any of the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont to become a party to the Northeastern Water and Related Land Resources Compact in accordance with its terms.

Sec. 3. The President is authorized to appoint seven members, representing, and responsible to the heads of, departments or agencies of the United States having principal responsibilities for water and related land resources development, to the Commission created by the Northeastern Water and Related Land Resources Compact. All such Federal representatives shall be employees of the United States and shall serve without additional compensation.

Sec. 4. Nothing in the Northeastern Water and Related Land Resources Compact or in this Act shall be construed as impairing or in any manner affecting any right, power, or jurisdiction of the United States, or any agency thereof, in and over the region which forms the subject of such Compact, or as authorizing the Northeastern Resources Commission to impair or in any manner to affect any such right, power, or jurisdiction of the United States, or any agency thereof.

Sec. 5. Nothing contained herein shall be interpreted or construed as author-

izing an agreement with the Commission by the United States or an agency thereof for participation of any employees of the Commission in any retirement program established for Federal employees.

SEC. 6. The right to alter, amend, or repeal this Act is expressly reserved, and no change proposed to be made in the Compact approved by the Act shall become effective until it shall have been approved by Congress.

Passed the House of Representatives August 2, 1961.

Attest:

RALPH R. ROBERTS, *Clerk.*

As a considerable number of State officials, representatives of civic groups and others wish to testify I would suggest that we call the first witness.

Senator George Aiken from Vermont.

STATEMENT OF HON. GEORGE D. AIKEN, A U.S. SENATOR FROM THE STATE OF VERMONT

Senator DODD. Senator Aiken, I am glad to have you present here this morning. You have certainly made an exhaustive study of this problem and we are very anxious to have your views.

Senator AIKEN. Thank you, Mr. Chairman.

Before I give my testimony I want to say that I have about 20 telegrams from people in New England opposing this compact, and also a copy of the testimony which would have been given by the commissioner of parks, Mr. Perry Merrill, for the Governor of Vermont had he been able to be here.

He came down last month to testify and of course we were unable to have the hearings at that time.

I realize the pressure that the chairman is working under as well as every other Member of the Senate at this time, as we do not know when we might be called away. And while my testimony will probably take half an hour if I give it all, I will try to shorten it up somewhat.

You were right when you said that I had quite a little experience in the field which is under discussion today. I want to state at the outset that this bill, H.R. 30, as passed by the House, relates to two subjects with which I have been intimately concerned for over 25 years: the conservation of soil and water resources and interstate compacts.

It might interest the people here to learn that Vermont was the first State in the Union to incorporate every acre of its land in soil conservation districts. It might also be of interest to know that since its inception Vermont has led the Union in participation in the agricultural conservation program. Since I have been in the Senate conservation of soil and water has received my special attention.

In 1954 I introduced a bill which extended the benefit of the Water Facilities Act to States east of the 100 meridian for the first time, and with Congressman Hope of Kansas sponsored Public Law 566 known as the Small Watershed Act.

I would like to say just a word about interstate compacts. As Governor of Vermont I was privileged to share the initiative in setting up the Connecticut River flood control compact, a proposal first rejected by Congressmen but finally approved through a bill introduced by me in 1953 for the Senators from Massachusetts, Connecticut, Vermont, and New Hampshire.

It was also my privilege to introduce the northeast forest fire compact which was approved by Congress in 1949. As a member of the executive committee of the Governors' conference and the Council of State Governments I had a few years' experience in interstate cooperation of various kinds.

I believe I know a useful and workable interstate compact when I see one. I regret to say that the compact to which you are now asked to give your approval is without doubt the worst that has ever been proposed. It is neither useful nor workable. It is only capable of bringing much damage, grief, and controversy to the New England States if it is approved and could conceivably upset the balance of power between the States and the Federal Government.

The proposal to establish a northeastern compact for the New England States is to me strongly reminiscent of an effort made 30 years ago to establish a river regulating plan for the Connecticut River and other Vermont watersheds.

That plan, which was introduced in the Vermont Legislature, provided for the establishment of districts within the State by persons not necessarily Vermont citizens, with authority to acquire property, construct dams, perform services, and levy assessments on the local people to pay part of the costs.

The overall plan called for the construction of about 80 dams across the valleys of Vermont.

The ostensible purpose of that river regulating plan was to protect the people of Massachusetts and Connecticut from future disastrous floods.

The real purpose was to double the flow of the lower Connecticut River and consequently the power production during the low-water months of the year without cost to the beneficiaries.

As a freshman member of the Vermont Legislature it became my duty as well as my pleasure to request the introducer of the bill to withdraw the proposal, which he did.

Now, there is this difference between the river regulating plan of 1931 and the present proposal for a northeastern compact.

The sponsorship of the river regulating plan as well as the authorship of the legislation was well known at that time.

The paternity of the northeastern compact is sadly obscured.

No one admits writing it and I doubt if even this committee can ascertain the real author of the compact.

A careful perusal of the document, however, should convince members of this committee that it was prepared either by someone completely without experience in the field of interstate compacts and legislation or an expert experienced in the art of spreading confusion and obfuscation.

I do not believe the northeastern compact or its accompanying legislation was prepared by an amateur.

If the paternity of the northeastern compact is in doubt, its sponsorship is not.

The New England Council readily admits its sponsorship of the compact and is now avidly promoting the plan.

The New England Council is a chamber of commerce type of organization with membership in all the New England States and a main office in Boston.

There are the usual organization officers and a chairman for each State.

There is an annual meeting held in Boston, besides interim meetings which are held in the various States.

The meetings are invariably enjoyable and informative.

Without doubt the council enjoys excellent management, with a Washington representative who has been quite active in seeking support for the northeastern compact, as well as other programs which the council has sponsored.

Vermont has contributed generously to the support of the New England Council in the shape of membership, executive personnel, and hospitality.

I have personally made efforts to bring business to New England and have supported New England industries and commercial interests at the request of the council.

Among the projects I have supported have been special consideration for the textile industry now concentrated largely in southern New England, relief for southern New England railroads, business for Massachusetts shipyards, establishment of laboratories in eastern Massachusetts, and an atomic energy plant located a short distance over the border in Massachusetts and using tax free Vermont water for its operations.

At that point, Mr. Chairman, I might interpolate that I expect within the next 5 years that Connecticut will have the largest powerplant, nuclear powerplant, to be found in the world, which will probably generate more power or as much power as is generated in the entire Connecticut River system at the present time. I expect to support that proposal, so I am just trying to point out that we try to be neighborly in Vermont.

I also supported a \$100 million appropriation for work on desalinization projects in the belief that it could be beneficial to the southern New England States.

There are times, however, when the interests of northern New England and southern New England conflict.

In such instances, it is understandable that the New England Council should support the views of its most numerous and influential members.

I would like to cite two or three examples:

At a time when small utility systems in Vermont were paying as high as 22 mills per kilowatt-hour for electricity, the New England Council opposed the development of St. Lawrence power which has since freed Vermont utilities from the grip of the Boston monopoly.

Vermont now has the lowest cost of electric energy of any New England State and the use of electric energy is increasing the fastest of any New England State.

Besides lower cost power, Vermont has an attractive environment for both industrial and recreational development.

We have an adequate but not excessive supply of fresh, clean water for industrial and domestic uses.

Should we lose this water, our economic future would be bleak indeed.

Probably one of our greatest handicaps in further developing our economy lies in the lack of transportation.

The New England Council is constantly asking for support for better transportation for southern New England but makes no comparable effort so far as northern New England is concerned.

Last April, the council recommended to the CAB that much of the air service to northern New England be discontinued, including all service to Newport and Rutland, Vt., as well as many cities in Maine and New Hampshire.

As a result, the air service to northern New England has now become inadequate and exasperating. If you will read the August issue of the New England Council magazine you will find an article in there written by a New England professor stating that there are only two really feasible locations for commercial airports in New England, Boston and Springfield. There are none in Connecticut, none in Vermont, none in New Hampshire or Maine, although, the article indicated that Portland, Maine; Burlington, Vt.; and Providence, R.I., were marginally possible.

Also in the same August issue the council refers rather disparagingly to our efforts to improve the Hudson-Lake Champlain Waterway, a transportation artery of major importance to the industrial and recreational development of northern New York and Vermont.

The council's close friend, the Greater Boston Chamber of Commerce, has already announced its opposition to an improved Champlain Waterway.

I point out these things, not for the purpose of deprecating the work the council may have done for New England as a whole, but to emphasize the fact that the interests of Vermont are sometimes seriously jeopardized by the positions taken by the New England Council. In promoting this compact we have another instance where there is conflict of interest between northern New England and the desires of the council.

I believe in competition—even between States and communities—but I believe in fair competition just as I believe in interstate agreements which are fair to all States.

Since I have at all times stood ready to use my best efforts for the benefit of all New England, I find it difficult to understand the thinking which permeates certain elements of the southern New England business world.

I do not believe for an instant that the people of Massachusetts and Connecticut would condone any efforts to lessen the opportunities of my State.

When hearings on this compact were held by the House Committee on Public Works, many serious doubts were expressed as to its constitutional and legal implications.

Since the testimony presented at the House hearings is a matter of record, I will not at this time discuss the pros and cons of the compact in detail in that respect.

I do call the attention of this committee to the fact that 14 members of the House committee felt keenly enough about the matter to file a minority report.

I do call attention to the fact that virtually every agency of the Federal Government concerned with soil and water resources opposed the compact.

I do call attention to the fact that while testimony given before a committee is not as binding as the language of the legislation itself, yet it is given considerable weight in determining the intent of Congress should questions be raised as to its meaning.

The testimony given in the House by proponents of the compact indicates that it is the purpose of the sponsors to go far beyond the objectives which have been set forth for public consumption.

Despite assertions to the contrary, it appears that the compact, as approved by four New England States, would give the Compact Commission authority to take steps which would be binding on either the States or the Federal Government, or both.

However, I believe my colleague, Senator Prouty will later introduce evidence which will bear out that statement.

I submit these two or three short items of evidence as gleaned from the House committee hearings:

1. Binding aspects of compact on Federal Government: On page 9 of the House hearings we find this statement by Mr. McCormack, who introduced the bill in the House:

The Federal Government is protected. There is concurrent action here. There is nothing that can be taken away from the Federal Government in this compact, or imposed on the Federal Government without the Federal Government's representatives acting by a majority vote themselves.

Thus it appears from Mr. McCormack's own testimony that it is intended that four members representing Federal agencies could commit the Federal Government to binding agreements.

Page 77: From report of Federal Power Commission to House committee:

In this connection, it should be noted that, under article VI of the compact, plans and programs formulated or recommended by the Commission would be binding on the United States when approved or ratified by representatives of a majority of the member States together with a majority of the representatives of the member Federal agencies.

Page 79: Francis L. Adams, Chief of the Bureau of Power, Federal Power Commission:

If there were Federal voting representation, as expressed in the Commission's comments it is the opinion of the Commission's General Counsel, and the Commission has concurred in its report, that the voting participation by Federal agencies would constitute a binding aspect of this bill.

2. Binding aspects of compact on States: On page 14, a colloquy between Mr. Cramer and Mr. McCormack indicates that if the Commission decides upon a water pollution or other program, it is intended that while the Commission would have to go back to the States for an appropriation it would not be necessary to go back to the State legislatures for approval of a specific project.

3. Basis for binding aspects of northeastern compact: The basis for apprehension over the binding aspect of the compact is to be found in article VI.

Article VI reads as follows:

No action of the Commission respecting the internal management thereof shall be binding unless * * * and then it provides two provisos under which action of the Commission could be binding.

I will save a little time by not reading article VI. But this article VI makes it abundantly clear that action by the Commission, not only respecting internal management but other matters as well, is intended to be binding, if approved by a majority of both State and Federal members.

The Federal Power Commission in its report to the House committee asserts that decisions of the Northeastern Compact Commission would be binding on the Federal Government.

Fourteen members of the House Public Works Committee opposed the compact as written on the grounds that four of the seven Federal members of the Commission could exercise a binding veto power over any program which might be unanimously approved by the State members.

Although there is little doubt in my mind that the sponsors of this proposed compact feel that it could be used to commit the Federal Government to State approved programs, I have even less doubt that exactly the opposite results would obtain and that the member States would find that they had stuck their necks neatly within a Federal noose even though every Federal agency had disavowed the compact.

Besides the confusion which would arise over the binding aspects of the compact, there are other provisions which might have equally dangerous consequences.

As approved by the four States of Massachusetts, Connecticut, Rhode Island, and New Hampshire, the compact makes no provision for the Federal Government to ever withdraw if the compact is found unworkable and no State can withdraw except on 3 years' notice—a rather unusual arrangement when we consider that most of our international agreements provide for our withdrawal on 1 years' notice.

One of the more dangerous aspects of the compact is pointed out on page 78 of the House hearings where we read this excerpt from the report of the Federal Power Commission :

While the bill would not directly prohibit construction, operation, and maintenance of power projects under the provisions of the Federal Power Act, the power granted to the Joint Northeastern Resources Commission by the bill to recommend plans and programs could conceivably delay or possibly nullify this Commission's—the Federal Power Commission's—licensing functions in the Northeastern States should the Commission be asked to grant an application for license for a project which was contrary to a plan recommended by the Northeastern Resources Commission. Indeed, it is questionable whether the Federal Power Commission could validly delegate any of its statutory responsibilities to its representatives on the Northeastern Resources Commission and be bound in any sense by the latter's participation as a voting member in the action of such Commission.

As a concrete example of the confusion which could result from approval of the northeastern compact, I cite the case of the Citizens Utilities Corp., a southern Connecticut holding company which owns a rather extensive and highly profitable electric system in Vermont.

A few years ago, this company constructed a dam across the Clyde River in northern Vermont.

As a result, thousands of trout, salmon, and other fish found access barred to their spawning grounds, and flopped out onto the rocks to die. The Clyde River is the only spawning river of the salmon in Vermont.

Since this dam was constructed without a license from either the State or the Federal Government, the matter found its way into both State and Federal courts.

Both the Supreme Court of the State of Vermont and the United States district court found the waters of the Clyde River to be navigable and that a license to construct the dam should be obtained from the Federal Power Commission.

The utility company is now in the process of seeking a license from the Federal Power Commission.

From this incident, one can imagine the confusion that would prevail if this so-called northeastern compact were in effect.

The State of Vermont concedes its lack of jurisdiction over navigable rivers.

The Federal Power Commission contends that its authority to license hydroelectric power dams could be clouded or nullified.

It would, therefore, appear that with the compact once in effect, utility companies would only have to acquire property rights in order to construct dams across Vermont rivers wherever they pleased.

Years of litigation would be necessary to recover public rights to the navigable streams of New England.

An interesting sidelight to this possibility may lie in the fact that the licenses for all the power dams on the Connecticut River itself expire within the next few years and the question of their renewal might be seriously complicated by the establishment of the compact.

Leaving aside the constitutional and legal implications of such a Federal-State compact, it appears important to point out the utter impracticalities of the mission which the Compact Commission is supposed to perform.

With a budget of \$100,000 of its own funds, the Commission is directed to coordinate the work and resolve the conflicts of all State and Federal bodies involved in water and related land resources development.

All State and Federal bodies would have their work coordinated by the New England Compact Commission, and if the work of the Commission does not encompass all such bodies, of course, the whole purpose of the compact is defeated.

Under article V, the Commission is specifically directed to consider the coordination of the collection and interpretation of basic data.

In regard to the Federal agencies, this certainly is a job which Congress should require to be done if it is not already being done.

The assembling of basic data on the region has involved many millions of dollars in the last 10 years, and we are informed that much of this data is already out of date.

Just to correlate and keep up to date information regarding the material on hand and current studies of the region in a meaningful fashion would take a large part of the appropriation for this Commission.

Also, since the Commission has a limited geographical area not including Maine, Vermont, or Canada at present—areas which encompass the source or mouth of many of the water resources involved in the region—the Commission's recommendation will have little meaning as to those water resources.

For instance, you have the Androscoggin, the Saco, the salmon rivers, that rise in New Hampshire and empty into the sea in Maine.

You would have Canadian Provinces involved and a lot of other complications.

This matter could undoubtedly be coordinated much better on a national scale, on a Federal scale, than by the four States which presently have approved the compact.

If it is desired to create a study group to make a realistic recommendation for such coordination, the responsibility certainly lies with the Congress of the United States which is the only body equipped to order the whole job done.

Another area in which the Commission is given the responsibility to make recommendations is in the programing, including scheduling of water resource developments.

Preliminary studies to determine whether it is even feasible to give consideration to water resources developments in the New England area costs a minimum of \$25,000.

The cost of actual engineering plans for construction of the water resource development runs into many times that figure.

If the Commission is going to make realistic recommendations for the programing of developments, it will need a staff of engineers qualified to examine the projects proposed by others and to make its own studies of other possible projects.

Not only are such program recommendations presently made to Congress by Federal agencies in connection with development of many of the water resources, but the total funds available to the Compact Commission would be woefully inadequate to even begin to do a job that would have any value whatsoever in this regard.

Another function of the Commission is to make recommendations concerning the coordination of investigation and planning of water development projects.

The Federal agencies already coordinate such investigation to a large extent.

Information concerning projects under consideration by the various agencies is routinely disseminated and, in fact, views of other agencies are frequently requested concerning them.

This information is no secret.

If Congress believes that there is lack of coordination between the Federal agencies, it should study the problem and direct how that coordination should properly be accomplished by the Federal agencies.

To have this new State-Federal Commission bypass the regular Federal agencies and make recommendations directly to Congress concerning such legislation is not going to save the time of the Congress in studying the problem.

The last specific item on which the Commission is directed to issue recommendations is to encourage the referral of plans or proposals for resources projects to the Commission.

The only value that such a function could have would result from a staff which is fully equipped and competent to analyze the plans or proposals referred to the Commission in order for it to make its recommendations.

If, as some claim, the recommendations of the Commission are not binding on any other body, and I do not agree to that, this will not

eliminate the need for such a qualified and equipped staff on the part of each of the agencies charged with the responsibility for the initiation or approval or construction of the projects themselves.

Such a staff by itself, would cost far more than the maximum \$100,000 budget contemplated for the Commission.

If it is anticipated that this Commission staff will be supplied by other public or private bodies, consideration should be given to the realities of the situation.

As far as public bodies are concerned, the qualified staff of each of them is even now at a minimum to fulfill the functions of the individual bodies.

To say that the Commission should be supplied with a staff provided by private persons or entities, strikes at the root of the concept that this new Commission is a public body.

Are the private power companies going to plan sewage disposal plants which will interfere with their plans for power projects?

Already the Congress has created an agency, the Federal Power Commission, whose purpose is to consider all uses of water resource when it is proposed for power development.

To create another so-called public agency to make recommendations based upon the evaluation of engineers of the power companies to that Commission, whose excellent and well-qualified staff already have such recommendations under consideration, is a waste of the national manpower and the natural resources.

Finally, Mr. Chairman, may I point out that the compact which would be approved by the bill under consideration is not the compact which was approved by the Legislatures of the States of Massachusetts, Connecticut, Rhode Island, and New Hampshire.

Except for sections 1 and 2, article 12 has been completely changed. It seems to me it is rather unusual for an interstate compact to be submitted to the Congress for approval and then have the Congress rewrite that compact.

I point out some of the changes which were made by the House committee in H.R. 30:

(1) The compact which has been approved by the four States does not require the representatives of the seven Federal agencies to be employees of the agencies they represent.

The bill passed by the House does so provide.

(2) The compact approved by the four States makes no effort to protect the rights of the Federal Government in any way.

Section 4, article 12 of the bill before you reads as follows:

Nothing in the Northeastern Water and Related Land Resources Compact or in this Act shall be construed as impairing or in any manner affecting any right, power, or jurisdiction of the United States, or any agency thereof, in and over the region which forms the subject of such Compact, or as authorizing the Northeastern Resources Commission to impair or in any manner to affect any such right, power, or jurisdiction of the United States, or any agency thereof.

Certainly any compact to be approved should contain that safeguard for the United States.

(3) The compact approved by the four States provides, by inference at least, that employees of the Commission would be automatically eligible for participation in any retirement program established for Federal employees.

The compact as rewritten by the House precludes such eligibility.

(4) The compact approved by the four States would fix the salary of each of the seven Federal representatives at not to exceed \$15,000 a year and expenses (evidently the sponsors of the compact could not wait to take over this function, the fixing of salaries for employees of the Federal Government).

The House bill deleted this outrageous assumption of authority.

(5) The compact approved by the four States expressly reserves the right to "alter, amend, or repeal this act."

The House-passed bill prohibits changes in the compact without the approval of Congress although it offers no similar protection to the States.

Such changes as the House has made, however, do little to convince me that the compact is a good or safe investment for either the States or the Federal Government.

I have attempted to give the committee what I believe to be compelling reasons for disapproving the northeastern compact.

I do not want to leave the impression that I am opposed to coordination of State and Federal efforts in seeking to use our water resources to best advantage.

Vermont as well as the other States must treasure her water resources. Incidentally, I find in reading this study made of water resources in New England, that except for two locales it is expected that all Connecticut will have a surplus of water for the next 50 years.

Vermont is always ready to cooperate with her sister States within reason.

We have already contributed untold millions of dollars worth of our natural assets in a cooperative effort to give partial protection from floods to the lower Connecticut Valley.

It has been indicated by witnesses before the House committee that a binding compact between the States and representatives of the Federal Government is necessary in order to review and carry on the work of the New England-New York Interagency Committee which was completed in 1955.

This argument is not convincing.

The Federal agencies contemplate carrying on this work anyway.

The States are willing to cooperate and there is nothing to be gained through establishing a commission operating under a controversial and weasel-worded compact to which two of the six New England States have refused to subscribe.

I would suggest instead that the Congress give consideration to the several bills which have been introduced by Senator Anderson of New Mexico.

It is probable that none of these bills could be approved in its present form but since it is evident that the study of interstate river systems is a national rather than a local problem and since the studies alone would cost millions rather than thousands of dollars, it would appear rather ridiculous to expect the States which might join the compact to carry on the work with their limited funds.

It would also seem the height of absurdity to direct or even authorize the commissioners of the northeastern compact to settle disputes between Federal agencies or to supersede the regular agencies of Government in making recommendations to the President and to the Congress.

Therefore, I trust that this committee will not give its approval to the bill under consideration.

Thank you, Mr. Chairman.

Senator DODD. Thank you very much, Senator Aiken.

I am a little confused about the Clyde River Dam which you referred to. How would the establishment of this compact have changed that situation?

Senator AIKEN. I think that the establishment of the compact would confuse the question as to whether the Federal Power Commission has a right to issue a license for construction of a dam of that nature and the terms under which it should be constructed. Of course, in my book it should certainly have had provision made for the salmon and the rainbow trout to reach their spawning grounds. That was not done. And it was the Sportsman's Club that went to court, into the State court and the Federal court. They won their case and the Citizens Utilities is now, I believe, in the process of applying for a license to construct a dam which was constructed about 4 years ago.

Senator DODD. Wouldn't the existence of the compact be more likely to make less likely repetition of a situation like that?

Senator AIKEN. If you mean could the Compact Commission itself give permission to construct that dam, I certainly would be against that because I would not be willing to transfer the function of the Federal Power Commission to this Compact Commission.

I think that most of our rivers of importance cross State lines. They are Federal waters. The Supreme Court of the State of Vermont unanimously agreed that the Clyde River was a navigable stream. It is navigable for canoes and pulp wood and things of that nature. Nevertheless, it has been an artery of commerce. And I think these matters are Federal and that we ought not to give an interstate commission authority which supersedes or brings into question in any way the authority which the Congress has vested in the regulatory agencies of Government.

Senator DODD. Are there any questions?

Mr. SANDUSKY. Senator Aiken, you made reference to the fact that the compact which is proposed here is not the compact that was approved by the Legislatures of the States of Massachusetts, Connecticut, Rhode Island and New Hampshire. And further you note that article 12 had been completely rewritten—

Senator AIKEN. Almost.

Mr. SANDUSKY. Except for sections 1 and 2.

In looking at the bill, Senator Aiken, aren't sections 2 through 6 the consent legislation for the Congress to act upon, and those sections are not actually a part of the compact?

Senator AIKEN. You mean section 2 of the bill?

Mr. SANDUSKY. That is right. Now that is my impression, Senator.

Senator AIKEN. Then is it your position, Mr. Sandusky, that these amendments to the bill in the House have no effect on the compact at all?

Mr. SANDUSKY. They would have effect—

Senator AIKEN. Of course, they do. They raise the devil with it.

Mr. SANDUSKY. But they spell out the rights of the Federal Government which the States would not have particular—

Senator AIKEN. Sure, the House offered a mode of protection to the Federal Government but absolutely none whatever to the States. And it still provides that amendments and changes could be made in the compact, and by requiring those amendments and changes to be approved by the Federal Government this bill now, by inference, indicates that it would not be necessary to secure the approval of the States. And there again you have more complications and further questions raised.

Mr. SANDUSKY. I made the observation, Senator, because it would seem to me that the committee or the Congress could change the provisions, sections 2 through 6, whereas the Congress cannot change an integral part of the compact itself.

Senator AIKEN. It is my belief that the four States which have already approved the original compact could approve and amend the compact. But consultation with the promoters of this compact indicated they would not accept any changes whatsoever. That is the answer I got. And under such circumstances, there is nothing to be done but to oppose the entire bill.

Senator DODD. Thank you, Senator Aiken.

Senator AIKEN. Thank you, Senator Dodd.

Senator DODD. Senator Prouty.

STATEMENT OF HON. WINSTON L. PROUTY, A U.S. SENATOR FROM THE STATE OF VERMONT

Senator DODD. We are glad that you could get here this morning, Senator Prouty. We are very anxious to hear from you.

Senator PROUTY. Thank you, Mr. Chairman, for the privilege of appearing before the subcommittee.

Mr. Chairman, I appear here today in opposition to the bill H.R. 30—or its companion, S. 374—either or both of which would grant consent of the Congress to the proposed northeastern water and related land resources compact.

Much that is good has been done in the Northeast since 1936 with respect to flood control, required as a result of the devastating floods of the thirties.

Since 1950, the States in cooperation with the Federal Government have continued this great effort. I think that work should, can, and will continue. But I do not think that our purposes will be at all effectively served with the creation of the Commission as composed under the proposed compact.

PROGRESS IN NEW ENGLAND FLOOD CONTROL

Since 1936, when the Flood Control Act authorized the Corps of Engineers to make extensive studies of flood control needs in New England's major river basins, work has progressed on this program.

The Corps of Engineers has been involved in building flood control and water conservation structures for the New England area for some 26 years. Their construction appropriations for water resources work (principally flood control) have ranged between \$17 million and \$32 million for the last 3 fiscal years.

These funds are spent entirely for the benefit of the six New England States. The Army's technical expertise has been applied in a most efficacious manner to protection against floods, improving channels for navigation, and numerous other related water resources problems.

The Army Corps of Engineers has done a most commendable job in the New England area. And rightly so, since primary responsibility appears to have been divided into two parts—navigation and flood control to the Federal Government, and municipal and industrial water supply, pollution control, and water-based recreation to the various State governments.

In connection with this flood control program alone, Mr. Chairman, I should like to give to you and your committee some figures with respect to the contributions of the State of Vermont.

I do this, first, to indicate that the State of Vermont and its citizens are very much in favor of the appropriate use of our water resources. We are intensely interested in protection against floods which have heretofore done so much damage on the lower reaches of the rivers of New England.

VERMONT'S CONTRIBUTION

I want to speak about the contributions of Vermont to these programs for another reason. During the hearings on the northeastern compact, held on March 30 and 31, 1960, a Massachusetts representative of the League of Women Voters commenting on Vermont's position with respect to ratification of this compact stated:

Perhaps some of you know Vermont is cautious. It is a small State and it pinches pennies.

This kind of thing is not welcome to us in Vermont, Mr. Chairman, especially when we have certainly done our share in preventing the recurrence of floods in the southern New England States.

Perhaps that good lady did not know that the vast majority of the river water supply for her State and others of New England comes from the Northern States, Vermont, Maine and New Hampshire.

For flood control purposes alone, the Corps of Engineers has constructed in Vermont since 1936 a total of eight dams. These dams, according to information furnished me by the Corps of Engineers are used solely for the purpose of flood control for the lower reaches of New England rivers.

And, what is most important, the water resources specialist of the Legislative Reference Service has advised me that—

each and every project is subject to the approval of the Governors of the affected States.

The reservoirs behind these dams have, at spillway level a water surface area of some 7,208 acres. The land area inundated by that water is probably in the neighborhood of some 10,000 or 12,000 acres, considering topography of the area. It is hilly. It does slope. But the great part of that land was farmed, and was home to many people prior to the dams which are of value to southern New England.

At least one village had to be abandoned to make way for these reservoirs. In addition, figuring an average of 200 acres per farm, which is about average in Vermont, approximately 50 farms were no longer able to be used.

FEDERAL-STATE COOPERATION

More recently, multiple water resources problems were felt to require State-Federal coordination. Thus, in 1950, Congress authorized an inter-agency study, to be conducted by representatives of the six New England States, plus New York, and representatives of the interested Federal agencies. That committee produced, at a cost of \$6 million over a period of 4 years, a 46-volume report of the water resources problems of the Northeast, and possible solutions to them.

This is a monumental work, Mr. Chairman. It presented an inventory of all water and land resources of the region, identified problems and obstacles, and listed plans and programs which would achieve full development of the Northeastern economy. In 1956, a Northeastern Resources Committee was created, upon agreement of the Governors of the New England States and the Inter-Agency Committee on Water Resources of the Federal Government.

This committee was designed to serve as an agency for the coordination of State and Federal plans and programs for development of the water and land resources of New England.

This committee has done effective work in the channeling of recommendations to the operating arms of the State and Federal Governments.

The Northeast Resources Committee should not be supplanted by a formally compacted agency such as is proposed by the northeastern water resources compact, which could, in my opinion, disrupt the fine progress that is being made in developing our natural resources by opening up many avenues of potential dissension and conflict among the States and between the States and the Federal Government.

SCOPE OF PROPOSED COMMISSION

Establishment of a new formal agency such as envisaged by the northeastern compact, with powers to advise and recommend plans and programs to be carried out by the Army Engineers, could serve to impede the work which they have already begun and which they are better able to carry out without additional and perhaps conflicting advice.

The 46 volumes of data hardly need to be further swelled at this time in order that progress may be made in the work which needs to be done. The areas where work needs to be done have been comprehensively charted.

It seems very apparent to me that the Corps of Engineers as an organization, with respect to flood control, for example, would be in a better position to judge what is, and what is not, feasible than one representative of that organization sitting on another Federal-State commission.

The same arguments are applicable to the programs of other Federal agencies. Thus, Mr. Chairman, I cannot see that the purposes stated for the northeastern water and related land resources compact, differ from the purposes for which the Northeastern Resources Committee was created.

I am utterly unconvinced that the Compact Commission could coordinate plans and recommendations more decisively and effectively than the committee does.

Mr. Chairman, the hearings held last year by the House Committee on Public Works, clearly indicated, from the testimony of most of the non-Federal Government witnesses that the Commission envisioned under the terms of this present compact would be solely a "study group," with powers to recommend. If these were the only purposes for which this compact should be ratified, it seems to me that ratification and consent by the Congress is not worth the effort.

The massive 46-volume report contains enough recommendations to last for decades. There is not much sense in "studying the matter further."

If we need anything in the Northeast, we need implementation of plans, not further investigations and studies which the language of the compact sets forth as proper functions for this Commission.

But, Mr. Chairman, when one looks beyond the testimony of the nongovernmental witnesses, to the reports of the various Federal agencies which have an interest in the subject matter, and to the language of the compact itself, it is seen that the compact does indeed contemplate a much broader concept than a mere study group.

Indeed, the testimony of the distinguished Speaker of the House, Mr. McCormack, the original sponsor of this legislation, indicates as much.

The Speaker testified as to the "healthy constructive originality in there" (the bill). Again the Speaker refers to the compact as relating to "the broad field."

It is the broad language of this compact to which I should like to speak for a moment, Mr. Chairman. It contains several new departures which in the consideration of future interstate compacts may very well give to the Congress, and especially to the States more difficulties than we can at present imagine.

OBJECTIONABLE VOTING PROVISIONS

The compact provides a new, indeed a unique concept of voting among the membership of the Commission which the compact proposes. The Commission will be composed of 13 members, one from each State party to the compact, and one member from each of the seven Federal agencies involved. (None of these Federal agencies, incidentally, is named in the compact).

Thus, Mr. Chairman, at the outset, a majority of the voting members of the Commission are representatives of Federal agencies.

Immediately, a major difficulty arises with respect to this voting representation. Are we in the Congress, by consenting to this compact, assenting in advance to whatever outcome may result from the votes cast by these representatives of Federal agencies?

This is not an idle quibble: It is, indeed, a serious problem. So far as I have been able to determine, the appropriate Federal agencies without exception, objected to passage of the compact legislation precisely because of the voting authority granted to Federal members of the Commission. Their adverse reports are contained in the House committee report.

The departments recognize, in addition to the constitutional questions involved, the difficulties in which they might find themselves when Federal representatives on the Commission could cast votes

which would bind the agencies and the Federal Government at least morally, if not legally.

It would seem also that the Congress should be reluctant to give its consent to this compact when it could be morally bound by the casting of ballots by members representing Federal agencies.

COMPARISON TO VOTING PROVISIONS OF OTHER COMPACTS

This novel voting by Federal members of an interstate commission, Mr. Chairman, is without parallel or precedent among prior compacts. As of September 1959, the Congress had consented to some 172 interstate compacts. Insofar as can be determined, only four of those contemplate enfranchisement of members representing the Federal Government.

Let us look at those four compacts. So different from the pending one is each of them, that they cannot be said to act as a precedent for this new creature.

First is the Ohio River Valley water sanitation compact, in which there are 24 State commissioners, and 3 representing the Federal Government. No pollution abatement order can become effective under that compact unless approved by a majority vote for a majority of the eight State delegations. The Federal members are not even counted for purposes of a quorum, and otherwise their votes are of little significance.

Second, the Upper Colorado River Basin compact, providing for equitable distribution of the waters of that mighty river. There is a very compelling interest of the Federal Government in the subject matter of this compact, in view of our treaty commitments with the country of Mexico.

Under the terms of this compact, however, a Federal member is not even required to be appointed, although one is permitted.

Third, the Potomac River Basin compact. Here, the overriding interest of the Federal Government is considered because the District of Columbia is a signatory to the compact and the Federal Government acts for the District in such matters. Under this compact, however, matters relating to a signatory are binding upon it only with its concurrence.

Fourth, the Yellowstone River compact, providing equitable apportionment of the waters of that river. It is a compact between only two States with one member representing the U.S. Geological Survey.

Under that compact, the Federal member votes only in cases of a tie between the votes cast by the two State representatives.

In all other interstate compacts, even those which involve a Federal interest, Federal membership is in an advisory capacity to the Commission and an advisory capacity only.

Thus, Mr. Chairman, this voting procedure is without parallel or precedent among prior interstate compacts. It can only be harmful in its exercise—it can either cause interference with Federal policy by State votes, or with State policy by Federal votes—or it can be an entirely useless thing. It could result only in confusion, and would serve only as a perfect example of how not to write interstate compacts.

DIFFICULTIES ARISING FROM VOTING PROVISIONS

Mr. Chairman, there is another aspect of this voting procedure contained in this proposed compact.

The internal management of the Commission is controlled by a majority vote. This alone changes the entire interstate compact idea. With a majority of the votes being cast by Federal representatives, the entire management of the Commission is withdrawn from the participating States themselves. It thus, would not even resemble an interstate compact.

On all matters other than internal management—that is, on all substantial matters before the Commission, whether involving Federal jurisdiction or State jurisdiction, a power of veto may be exercised either by the Federal representatives or by a majority of the representatives of the States. Thus, for example, any Commission action taken with respect to navigation or flood control, which are within Federal jurisdiction, could be vetoed by a majority of the members representing the States.

Also, a majority of the members representing Federal agencies could effectively veto any action in areas of State responsibility, as, for example, recreation, municipal water supplies, and the like.

I can think of nothing less conducive to harmony between the State and Federal governments, than a veto power held by one over jurisdictional areas of the other.

In this same section of the proposed compact, Mr. Chairman, other language presages woeful consequences. Article VI, entitled, "Voting," speaks of matters voted upon by the Commission as "binding"; whatever the term "binding" might mean. Binding upon whom? On the Federal Government, without prior consent of the Congress or the heads of executive departments? Binding upon the States, without prior approval of Governors or the State legislatures?

Here, again, we reach an odd dilemma: Either the word "binding" means nothing, in which case "voting" itself becomes a useless gesture; or it means what it says: it is a binding vote.

In that case the U.S. Congress is bound by votes cast by a member or the northeastern water and related land resources compact to a much greater extent than it can be bound by an ambassador with portfolio who is about to sign a treaty.

The world at least knows in the latter case that the treaty must be ratified by the U.S. Senate.

These may be high sounding comparisons, Mr. Chairman, but the analogies are real and more than probable under the terms of this so-called interstate compact.

The Senate is asked, in consideration of H.R. 30, to give its consent to an interstate compact. This procedure is nothing new. We have done it, as I mentioned earlier, over 172 times in the course of this Nation's history. We have recently done so with respect to the Potomac River compact between Virginia and Maryland over fishing rights in the Potomac.

The pending bill, however, is not a proposal for consent to an interstate compact as the Congress knows that term. Except in the four cases to which I referred earlier, there has never been a compact in which the Federal representatives were more than advisers with re-

spect to matters in which the Federal Government has an interest. And, with a majority of the membership representing the Federal Government rather than the States, I rather doubt the wisdom of calling it an interstate compact at all.

STATE OBLIGATIONS UNDER THE COMPACT

Mr. Chairman, there is yet another objection to this compact which gives me pause. It is the matter of the "binding" character of actions taken by the Commission.

The State of Vermont has not yet ratified this compact. I believe it will not do so. Assuming, however, that my State legislature did ratify this compact, I am afraid that its action will be very difficult to live with.

If, after ratification, the Vermont Legislature, or indeed the legislature of any other of the signatory States, decided that it did not wish to contribute to certain of the Commission's projects, it could nevertheless be compelled to do so—even against the wishes of its legislature.

In the case of *West Virginia v. Simms* (95 L. Ed. 713) the Supreme Court held the State treasury was bound to provide funds to carry out a project of the Ohio River Compact Commission, since the State of West Virginia had assumed obligations by entering the compact.

Although the State legislature had appropriated funds for the purpose, implicit in the Supreme Court's decision on the matter was that the State could be compelled to provide funds even had the legislature not appropriated them.

This is particularly apparent in the concurring opinion of Mr. Justice Reed, who said that consent by the Congress to the interstate compact made that compact the supreme law of the land. That being the case, the State of West Virginia was bound to abide by its financial commitments.

I can well imagine, Mr. Chairman, numerous situations in which decisions by the proposed Commission might be in derogation of the best interests of the State of Vermont. The State can best protect itself by refusing to ratify this compact.

But, Mr. Chairman, my duty as a U.S. Senator from Vermont is to do that which is in the best interests of my State and of the United States. I can do that job most effectively by opposing this compact with those means available to me.

Until the 87th Congress, interstate compacts have historically involved cooperation among States interested in arriving at solutions to problems common to the signatory States. In very few instances, the Federal Government was represented by a nonparticipating, advisory member. As I said earlier, on only four of them was there a Federal member who had any voting strength whatsoever, and that position was relatively insignificant.

THE DELAWARE RIVER BASIN "PRECEDENT"

The most recent legislation which the Congress has passed in this field of compacts is the Delaware River Basin compact. That is a new creature in the legislative history of the United States. It is termed in the House committee report an interstate-Federal compact.

That compact, as you well know, became Public Law 87-328 on September 27, 1961. It has been called into focus by proponents of H.R. 30 and S. 374 as a precedent upon which to base the provisions of these two bills.

I submit to you, Mr. Chairman, and members of this committee, that there is no real relation to the subject matters involved in the Delaware Basin and the northeastern water resources problem. Indeed, the very structure of the two commissions is vastly different.

In the first place, the Delaware Basin compact creates a commission not unlike the New York Port Authority, in which signatory members strive to meet common problems. Its subject matter involves the development of one river basin. By comparison, the northeastern water and related land resources compact, involves the entire watershed and, indeed, every acre of land in the entire New England section of the United States.

In the second place, the compact presently under consideration provides for three members from each of the six participating States. It also provides for seven members to represent the Federal Government—a majority of the membership of the Commission.

To digress for a moment, while the compact contemplates six State members, only four of them have agreed to the terms of the compact.

Under the terms of the Delaware Basin compact, the Commission to be established will be composed of five members—one appointed by the President to represent the Federal interest, and the Governors of the four signatory States—Pennsylvania, New York, New Jersey, and Delaware. Thus, each State involved possesses voting strength equal to that of the Federal Government.

Under the compact presently being considered, however, each State has one member on the Commission, and the Federal Government has seven members, each of whom may cast a vote.

It appears, Mr. Chairman, that while the Delaware River Basin compact created a new interstate-Federal type of Commission, the northeastern water and related land resources compact would create a new Federal agency with State advisers.

FINANCING THE COMMISSION

A third difference between the northeastern compact and the Delaware compact is the matter of financing. While the Delaware compact does not commit the States nor the Federal Government to any particular expenditures (certainly it must eventually contemplate some), the northeastern compact requires that all of the State members must provide funds for the activities of the Commission not to exceed \$50,000 annually, based on a geographical-population weighted formula.

Since this figure was arrived at under the assumption that the Federal contribution would also be \$50,000, and that requirement has been deleted by the House of Representatives, the question of financing is unsettled to say the least.

In summation, Mr. Chairman, let me say that, there are many reasons why I think this proposed compact should not receive the consent of the Congress. Chief among them, however, are certainly these:

- (1) This Federal-regional agency is without precedent in the his-

tory of this country, and bears no real relationship to interstate compacts.

(2) A majority vote on the Commission lodged in the Federal Government, with no provision for contribution of funds by the Congress is practically unique in our experience—representation without taxation.

(3) The compact is disruptive of harmony between the States and the Federal Government through interference, one with the other in policymaking decisions.

I submit, Mr. Chairman, that the wisest course which this subcommittee could take on this bill would be to refuse its endorsement.

Thank you, Mr. Chairman.

Senator DODD. Thank you, Senator Prouty, for your statement.

Mr. Fanelli is here from Senator Bush's office. I would like to have him come forward. Senator Bush is on the floor of the Senate.

STATEMENT OF JOSEPH J. FANELLI, PERSONAL ASSISTANT TO SENATOR PRESCOTT BUSH

Mr. FANELLI. Yes, he is, Senator.

The Senator had originally intended to be here in person to present his testimony. However, as you have said, Mr. Chairman, he found it necessary to be on the floor for the purpose of presenting a number of amendments to the very important trade bill and therefore has asked me to submit this statement on his behalf.

Senator DODD. Very well. It will be inserted in the record at this point.

(The statement of Senator Prescott Bush is as follows:)

STATEMENT OF U.S. SENATOR PRESCOTT BUSH IN SUPPORT OF H.R. 30

Mr. Chairman and members of the subcommittee, I am grateful for this opportunity to express my support of H.R. 30, to grant the consent and approval of Congress to the northeastern water and related land resources compact. This bill, introduced in the House by the distinguished Speaker, the Honorable John W. McCormack of Massachusetts, is a companion measure to S. 374, which I introduced in the Senate on behalf of myself; my distinguished colleague from Connecticut, the chairman of this subcommittee, Senator Dodd; the late Senator Styles Bridges, of New Hampshire; Senator Cotton, of New Hampshire; Senator Muskie, of Maine; Senators Pastore and Pell, of Rhode Island; and Senators Saltonstall and Smith of Massachusetts.

A similar Senate bill, introduced in the previous Congress, had the support and cosponsorship of the President of the United States, John F. Kennedy, when he was a Senator from Massachusetts. The proposed compact has been ratified by the Legislatures of the States of Massachusetts, Connecticut, Rhode Island, and New Hampshire. It has been endorsed by the governors' conference at their 53d annual meeting at Honolulu, Hawaii, on June 28, 1961.

The proposed compact contemplates a Commission with six voting members representing their respective States and seven voting members representing those Federal departments and agencies having principal responsibilities for water and related land resource development. Some concern has been expressed that this would give undue influence to the Federal Government in the deliberations of the Commission, and make possible Federal control of the Commission's activities.

This concern is based upon a fundamental misconception of voting rights within the Commission. These rights are governed by article VI of the compact itself, which I quote herewith in full:

"ARTICLE VI

"VOTING

"No action of the Commission respecting the internal management thereof shall be binding unless taken at a meeting at which a majority of the members are present and vote in favor thereof: *Provided*, That any action not binding for such a reason may be ratified within thirty days by the concurrence in writing of a majority of the Commission membership. No action of the Commission respecting a matter other than its internal management shall be binding unless taken at a meeting at which a majority of the state members and a majority of the members representing the United States are present and a majority of said state membership together with a majority of said members representing the United States vote in favor thereof: *provided*, That any action not binding for such a reason may be ratified within thirty days by the concurrence in writing of a majority of the state members and the concurrence in writing of a majority of the members representing the United States."

The language of article VI makes it clear that while matters involving internal management may be decided by a majority vote of all members of the Commission, all other matters—and these, of course, will include all important issues of policy—must be jointly approved by both a majority of the representatives of the States and a majority of the representatives of the United States.

Moreover, under the terms of the compact, the Commission is only an advisory body to the States. It can make recommendations, but it will have no power to impose its recommendations upon any of the signatory States or upon any other State in the New England region. Each State retains its full sovereignty.

H.R. 30, when enacted, will make possible a continuing cooperative relationship between the States concerned and the Federal Government in regional conservation and the development of water and related land resources.

The hurricanes and floods which have taken a disastrous toll of lives and property in New England in recent years have emphasized the need for an effective, continuing, coordinated protective program. Much progress has been made since the tragic flood disasters of 1955, but much more remains to be accomplished. The proposed compact offers a method of expediting this vital work, and other related programs, such as the development of water resources for recreational, domestic, and industrial use, the improvement of harbors and the prevention of erosion of the beaches on the Atlantic coast and in Long Island Sound.

H.R. 30 was passed in the House of Representatives a year ago, was reported in the Senate on August 3, 1961, and referred to the Committee on the Judiciary. I strongly urge this subcommittee to report the bill favorably, without amendment, to the full committee, and sincerely hope that the full committee will so report it promptly to the Senate itself in order that enactment may take place before the current session is adjourned.

Senator DODD. Mr. Wise.

STATEMENT OF WILLIAM S. WISE, DIRECTOR, CONNECTICUT WATER RESOURCES COMMISSION, APPEARING ON BEHALF OF THE GOVERNOR OF CONNECTICUT

Senator DODD. Mr. Wise, we are particularly glad you could get here. You have certainly had great experience in this field.

Mr. Wise is the Director of the Water Resources Commission of the State of Connecticut. He has been in this work for a long time and is widely respected as an authority.

You go right ahead, sir.

Mr. WISE. Thank you, Mr. Chairman.

First I would like to submit for the record a statement from Governor Dempsey regarding this bill.

Senator DODD. Yes, that will be received as part of the record.

(The statement of Governor John Dempsey follows:)

STATEMENT BY GOVERNOR JOHN DEMPSEY OF CONNECTICUT

The State of Connecticut which, together with the States of Massachusetts, New Hampshire, and Rhode Island, has ratified northeastern water and related land resources compact, is preparing to embark on a program of natural resources and open spaces conservation of greater magnitude than ever considered heretofore.

Federal approval of the northeastern water and related land resources compact through adoption of H.R. 30 and S. 374 will, in my opinion, greatly facilitate the carrying out of this program which has been prepared for our State by one of the most noted experts in the field of conservation, Mr. William H. Whyte.

With the population of New England growing rapidly, and with the number of industrial installations increasing constantly, the need for sound planning and far-reaching action in all fields of natural resource conservation is obvious.

Equally obvious is the fact that coordination of the efforts of the agencies of the Federal Government and of the several States is imperative if this need is to be met.

The northeastern water and related land resources compact has since March 2, 1959, borne the endorsement of the New England governors' conference as a means of achieving a degree of integration in water resource planning which would be impossible otherwise.

For these, and for reasons which will be explained more fully by a witness representing Connecticut, I earnestly request early and favorable action on H.R. 30 by the honorable subcommittee of the Senate Committee on the Judiciary.

Mr. WISE. Mr. Chairman, I have a prepared statement but with your permission I would like to depart from it in some respects and will agree not to take over 15 minutes in making my presentation.

Senator DODD. Do you have a copy of your statement for the record?

Mr. WISE. I have a copy of my statement.

Senator DODD. All right. You may depart from it as much as you would like. Would you like the statement to go in as submitted?

Mr. WISE. Yes, I would like that.

Senator DODD. All right. We will have this printed in the record and you can add to it and say what you would like to say.

Mr. WISE. Thank you.

(The full statement of William S. Wise follows:)

STATEMENT OF WILLIAM S. WISE

My name is William S. Wise. I am the director of the Connecticut Water Resources Commission. I have been the Connecticut member on the Northeastern Resources Committee (NRC) since it was created and a former chairman. I am also a member of the New England Interstate Water Pollution Control Commission, a compact of New England States, and the Interstate Sanitation Commission, a compact commission between Connecticut, New York, and New Jersey.

I appear here as a representative of Governor Dempsey and as a member of NRC to make a strong and earnest plea for the support of your committee and the honorable body you represent in approving H.R. 30—the northeastern water and related land resources compact—as a positive means of advancing the future growth and progress of New England and of our fair land. This compact has been under discussion for over 3 years and has successfully withstood the assaults of its critics because it is fundamentally sound legislation and it contains features which potentially can result in almost unlimited benefits.

Connecticut is vitally concerned with the problem of managing its natural resources. In a recent directive from Governor Dempsey initiating a study and program for future legislative action, the Governor said:

"Our recent review of Federal and State legislative action in the conservation field indicates that now is the time for Connecticut to move swiftly to save our dwindling open spaces and our great heritage of natural resources for the use and enjoyment of future generations."

The report, "A Proposal for Action" sets forth recommendations for an ambitious development and conservation program. Obviously, this task cannot possibly be undertaken without involving the activities of many Federal agencies or without affecting or being affected by the many programs of the Federal Government and even of our neighboring States. There never has been such an urgent need for a mechanism to promote good Federal-State relations or to provide better coordination of the many faceted activities of the various levels of government.

This proposed legislation should also be considered against a backdrop of what properly can be called the image of New England. It is a fact that the water and related land resources in this region have not been exploited to the degree which is causing such grave concern in many parts of our country. Aside from the fact that the drain on them has been less severe than in some other sections, this condition can be attributed in some degree to the habits and customs of a people who have probably treasured the value of these natural gifts and chose to husband them so well. New England has always been thrifty in management, self-supporting in principle, steadfast in State's rights, and generous in its contributions to the national welfare. These traits alone constitute sufficient justification for insisting that these same people should play a prominent role in any proposed undertaking to develop, conserve, and manage these vital resources well distributed throughout the region.

The intense concern shown today in many areas of the country over the growing shortage of some of these resources illustrates the fact that many people are not aroused until an impending crisis or disaster shocks them into action. Unfortunately, in the midst of these circumstances and under the stress of crash programs, decisions are frequently made in an atmosphere which is not conducive to prudent planning. New England will probably not be faced with such critical conditions in the immediate future but the people are fully cognizant of the fact that "it could happen here." Consequently, they earnestly desire to pursue a course leading to the orderly development and management of its resources in a manner that is expected to have the greatest impact upon their future progress.

In every great and important undertaking, a stage is reached where it seems as though "everyone wants to get into the act." Because of the nature of these resource problems and their regional or national impact, they constitute an unusually fertile field for a potentially cluttered type of activity. Too often, under these conditions, participants become involved who really have no proper or rightful connection with the movement, neither can they make an appreciable or beneficial contribution. In fact, there is the reverse result, in that those interests with most at stake frequently are handicapped in making their complete and most effective contribution. Obviously, the people of New England would benefit most from a good program; they would also suffer most from a poor one. Their deep desire to participate fully from the initial planning to the final stages and to encourage wholesome cooperation among all participating agencies, is a natural one.

There can be no denying the claim that the Federal Government has an important stake in the complete development and conservation of the water and related land resources in the Nation as well as in its various regions. The other levels of government also have much at stake. The Federal Government is constantly formulating procedures for expanding the activities of its respective agencies in many fields, not only national but regional and local in scope. The programs are initiated without an administrative policy for guiding or directing their activities toward fully cooperative and integrated undertakings. Nearly two decades have elapsed since positive actions were directed toward coordinating the activities of Federal agencies in various fields having common interests. The water and natural resources field has been given the most intensive study in this respect and yet today it appears that little really effective coordination has been achieved. Furthermore, there is a widespread opinion that it is not politically practical to adopt a national water policy and complete coordination of the Federal agencies activities is not administratively feasible under present governmental policies.

A most pertinent example is now at hand. Congress has just authorized a comprehensive study of the natural resources of the Connecticut River Basin by the Corps of Engineers. It is estimated that this study will require four years to complete and entail a cost of \$2,250,000, entirely borne by the Federal Government. There are no indications now that any unusual policies or procedures will be followed to fully enlist the invaluable assistance of the four States involved or to encourage more effective coordinated activities among the Federal agencies concerned. A glaring example of the immediate need for a prescribed procedure embodied in the compact under consideration.

Experience has demonstrated, however, that outstanding results are possible in the coordination of efforts when the States become full partners in a cooperative undertaking with the appropriate Federal agencies. Ten years ago the New England-New York Interagency Committee (NENYIAC) was created to make a complete inventory of the natural resources of the New England-New York region. This committee was composed of representatives of seven Federal agencies and seven States each with equal voice. After 4 years of work and the expenditure of \$6 million, a report was prepared which represented the most outstanding inventory of its type ever made up to that time. This great joint endeavor demonstrated conclusively that Federal and State agency activities can be coordinated when the affected States are included as full partners in the undertaking. Apparently, the catalyst appears in the form of full State participation and equal responsibility. This committee (NENYIAC) was dissolved after completing its report in 1955. Subsequently, the Governors of the New England States and the Interagency Committee on Water Resources agreed, in 1956, to create a Northeastern Resources Committee to continue the planning and programing of the previous committee, and endeavor to promote the orderly development of the water and related land resources in the region.

The NRC has functioned for nearly 6 years without a central office staff and without a budget. Its accomplishments have been outstanding in view of the great handicaps under which it has labored. The activities of this committee demonstrated even more conclusively that when the States and Federal agencies work together as partners with equal voice and responsibility, the benefits of coordinated activities are fully achieved.

The New England Governors soon realized the need of a more formal agency with an official status. Consequently, at a meeting of the New England Governors conference held in Hartford on March 2, 1959, it was unanimously agreed to introduce enabling legislation in each of the States authorizing a compact with the Federal Government to carry on more effectively the work of NRC. Four States, Connecticut, Massachusetts, New Hampshire, and Rhode Island, have adopted this legislation. The House of Representatives also approved the compact last year. We are here now urging the last step—Senate approval and final enactment.

There is no denying the fact that the solution of a problem so complex and with such a far-reaching impact cannot or should not be attempted by the States alone. Neither can anyone deny that such an undertaking so vital to a region could not or should not be carried out by the Federal Government alone. A Federal-State partnership is the only alternative. Prior to seeking approval of this compact no legislative instrument had been proposed or even considered which would approach the completely integrated and cooperative efforts at various levels of government envisioned in the compact. In the meantime, Congress has approved the Delaware River compact, which is identical in principle, thereby creating a legal and efficient instrument of agreement between a group of States and the Federal Government to carry out a joint undertaking in water resource development. Consequently, experience has demonstrated outstanding benefits through informal organizations such as NRC and NENYIAC and Congress has placed its seal of approval on this new concept of Federal-State relations in the Delaware River Basin.

The claim has been made, and no doubt will again be made, that other tried procedures are available for studies of this type on a regional basis—such as the interagency commissions or the study commissions. These commissions are largely staffed by Federal agencies and financed almost wholly by the Federal Government. NRC has followed, with much interest, the operations of these agencies. It is apropos to note that there is a general belief that one of the principal weaknesses in this type of organization is the relatively minor role occupied by the States throughout the studies. This supports the growing conviction that vast projects affecting the lives of so many people should not be

undertaken without an assurance of complete participation at all levels of government from the initial stages to the completed work.

In conclusion, New England has tested the value of cooperative undertakings, in various fields, through a number of interstate compacts. They have always proven to be successful ventures. The region is now faced with a vast and complex task of developing, conserving, and managing its natural resources to supply the anticipated enormous needs for its future growth and progress. It has chosen to undertake this task through a legislative instrument which can provide a reasonable assurance of equal participation, equal voice, equal responsibility. This is not a dream. It has been tested and found to be amazingly productive with potentialities of almost unlimited benefits. Congress has already approved this instrumentality for the Delaware River Basin. New England pleads for your support in approving this compact to preserve the \$6 million effort that has already been expended, to continue the valuable work underway and to promote good Federal-State relations.

History has proven that economic and industrial progress usually takes a heavy toll in natural resources. The toll can be disastrous when there is an inclination to leave many important problems in the hands of fate. We are determined to play a role in shaping our destiny. We are confident that the northeastern water and related land resources compact could be the most important and productive means for reaching the anticipated goal. We plead for your understanding help and your earnest support in approving this compact.

Mr. WISE. I am the Director of the Water Resources Commission and I have been the Connecticut member on the Northeastern Resources Committee since it was created, and a former chairman. I am also a member of the New England interstate compacts for pollution and various other matters.

Mr. Chairman, I appear here to urge your support of H.R. 30 for 10 reasons:

(1) From the viewpoint of Connecticut, Governor Dempsey in initiating a study and program for further legislative action said:

Our recent review of Federal and State legislative action in the conservation field indicates that now is the time for Connecticut to move swiftly to save our dwindling open spaces and our great heritage of natural resources for the use and enjoyment of future generations.

This program undoubtedly will receive strong support in our legislature and we expect a bold program will be formulated. Now obviously this task cannot possibly be undertaken without involving the activities of many Federal agencies and also our neighboring States and the various programs that they are undertaking in formulating. We are convinced that no device could be proposed which will fulfill the needs of coordination among all these agencies as effectively as this compact.

(2) From the standpoint of regional needs. It is a fact that the natural resources of the New England region have not been exploited to the same degree as they have in other regions of the country. We want to continue to husband them well and we want to develop them and conserve them prudently for our future growth and prosperity in the needs of our great land.

(3) The development and conservation programs of natural resources constitute an unusually fertile field for a potentially cluttered type of activity—because everyone wants to get into the act. Under such conditions the most productive agencies are handicapped by the unproductive interests which often exert great pressures and influences that may have little or no appreciable value. New England and the Northeast will benefit most from a good program. They will also suffer most from a poor one. The compact will certainly assure a clear and clean field for the most effective work.

(4) There is no denying the claim that the Federal Government has a large and important stake in the development of conservation of the water and land resources in the Nation as well as in its various regions. It must be admitted that the other levels of government also have much at stake. In spite of all the efforts made during the past two decades toward coordinating the activities of many Federal agencies in the resource field, there are too many glaring evidences of incomplete planning because of the lack of cooperation and coordination among all the interests. There is a widespread opinion that the complete coordination of Federal agencies activities is not feasible. It is contended, however, that the provisions incorporated in this compact offer the greatest hope of achieving this goal for a region because a catalyst in the form of full State participation and equal responsibility is apparently the activating agent that is required.

(5) Through a recent resolution of the Senate Public Works Committee the New England division of the Corps of Engineers has been directed to make a comprehensive study of the water resources of the Connecticut River Basin at a cost of \$2¼ million and to cover a period of 4 years. Through another resolution the Department of Health, Education, and Welfare is also directed to make a comprehensive study of the water quality of the Connecticut River. There is no evidence now that the activities of these two studies will be coordinated or integrated or that the States will have a voice, a proper voice, in planning and programing. The States do know that they will be called upon and required to supply much of the data and the information for these studies. But under this compact the States would be assured of a proper place and a proper voice at the planning table which we think is tremendously important.

(6) The provisions of this compact are not just the results of a dream untried. They have been tested and found to be amazingly productive, with potentialities of almost unlimited benefits. They were tested 10 years ago in a 4-year study of the New England-New York Interagency Committee—much reference has been made to that—and an inventory of the natural resources of the Northeast at a cost of \$6 million. They have been further tested by nearly 6 years of work by the more or less informal Northeastern Resources Committee created by the New England Governors after the New England-New York Interagency was dissolved in 1955. This Northeastern Resources Committee has been operating under great handicaps. They have no staff and no funds. I think they have done a wonderful job. But this committee, after all of that work, prepared the draft of this compact after a more conclusive demonstration of the value of its provisions. We know it works.

Over \$6 million, 10 years of devoted work, and 43 volumes of natural resources inventory data which is now rapidly becoming out of date and obsolete will be wasted unless this compact is approved to create a formal and permanent agency to plan these vital resources for our future.

The Northeastern Resources Committee cannot continue functioning as it has because of the great handicaps of staff and time required as it is set up.

(7) In 1959 the New England Governors unanimously endorsed the proposed compact and agreed to introduce enabling legislation

in their respective States. As has been indicated four States have already passed this compact and the House of Representatives approved it last year. It has been thoroughly discussed in legislative halls of various sizes.

(8) In spite of the unsubstantiated claim of unconstitutionality and legal matters and other criticisms of certain provisions of this compact, Congress last year approved the Delaware River compact which is almost identical in principle in that it sets up the State legal commission to handle these large and important matters. Congress and the President of the United States have placed their seal of approval upon this new concept of Federal-State relations. This undoubtedly will be a great boom of inestimable value to the Delaware River Basin. We also want to utilize the same principles in developing our great region for the future.

(9) The claims will be made that other methods and procedures should be used in such undertakings such as the interagency commissions or the study commissions. These commissions are largely staffed by Federal agencies and financed almost wholly by the Federal Government. No attempt is made to judge the results of the work of these commissions. However, there are many strong convictions, and the belief is growing, that the principal weakness in this type of organization is the relatively minor role played by the States involved in these studies. This compact would correct that weakness and add greatly to more effective planning.

(10) History has proven that economic and industrial progress usually takes a heavy toll in natural resources. The results can be disastrous unless sound planning and programing is instituted in the interests of wholesome development of conservation. The Federal Government should not attempt such an undertaking alone. We do not believe it lies within the framework of the American way of life. The States cannot assume the enormous task and responsibilities alone. We traditionally have sought to have appropriate means to solve our complex and far-reaching problems by enlisting the help and services of all those who benefit most from a successful solution but who also suffer most from an inadequate and improper one. This obviously requires the participation at all levels of government.

We know that the northeastern resources compact would provide that means so adequately for our region, because it has been tried and proven to be tremendously successful and again with potentialities of almost unlimited benefits.

Mr. Chairman, we plead for your understanding help and your earnest support in approving this compact.

Thank you.

Senator DODD. Thank you, Mr. Wise.

In listening to Senator Aiken and Senator Prouty, it seemed to me they fear that the States will be dominated by the Federal Government in this Commission, and likewise that the Federal Government will be dominated by the States. Do you have any views on this aspect?

Mr. WISE. Mr. Chairman, we have been guided in the preparation of this compact by legal talent who have had lots of experience in preparing interstate compacts. I would defer the legal question on that to Mr. Wendell, who, I believe, can answer many of those questions.

However, Mr. Chairman, I would like to say one thing. It is true that possibly on the surface those things may appear to be objections. Ten years of working under this sort of a setup has demonstrated that there are not those hurdles to overcome that might appear on the surface of it. In meetings and in conferences those things are comprised, and that is why I keep insisting that this thing has proven to be tremendously successful in 4 years of NENYIAC operation and 6 years of the Northeastern Resources Committee.

Senator DODD. Very well.

Thank you, Mr. Wise, for your statement.

Mrs. Margaret B. De Lude.

STATEMENT OF MARGARET BOWLES De LUDE, REPRESENTATIVE TO THE NEW HAMPSHIRE GENERAL COURT, MEMBER OF THE NEW HAMPSHIRE INTERSTATE COOPERATION COMMISSION, CHAIRMAN OF THE ADVISORY COUNCIL ON EMPLOYMENT SERVICES, AND CHAIRMAN OF THE ECONOMIC GROWTH SURVEY OF THE STATE OF NEW HAMPSHIRE

Senator DODD. I am glad you got here, Mrs. De Lude. You are a member of the legislature?

Mrs. DE LUDE. Yes. I am on the Commission on Interstate Cooperation.

Senator DODD. We are glad you are here this morning.

Mrs. DE LUDE. Thank you, Mr. Chairman and honorable members of the committee. My name is Margaret Bowles De Lude, representative to the New Hampshire General Court, member of the New Hampshire Interstate Cooperation Commission, chairman of the Advisory Council on Employment Services, chairman of the Economic Growth Survey of the State of New Hampshire, and sponsor in New Hampshire of the northeast water and related land resources compact. And perhaps, Mr. Chairman, I should mention here that New Hampshire is one of the northern New England States.

I appear in favor of H.R. 30, granting consent and approval of Congress to the northeastern water and related land resources compact.

I am sure, Mr. Chairman, that you and the members of your committee have often heard the phrase, "States rights" used before you in much testimony. "Preemption" is another often heard. Less frequently mentioned is the word, "responsibility." We have, from our attorney general's office and our water resources board, those who can be of far more value to you than myself in discussing the technical details of H.R. 30. I should prefer to touch on some of the aspects of the word, "responsibility."

Historically, our States are charged by the Constitution with the responsibility of protecting and preserving their resources for their people. It must be admitted that in the past there have been times when the sovereign States have not exercised their rights and responsibilities for their people, guaranteed them by article 10 of the Constitution. This has, I believe, often led to the so-called preemption by the Federal Government. Happily, Mr. Chairman, we are not faced with such a situation today. H.R. 30 will enable the States

to exercise their responsibility with the cooperation of the Federal Government.

This northeastern water and related land resources compact, which has already been adopted by four of our six New England States, is an effort on our part to accept the responsibility we have for the future well-being of our citizens, States and Nation. I am sure that even those who might disagree with us as to method, would certainly have no question as to the need for the ultimate method of attaining these goals. In article 2 we describe them as follows:

"It is the purpose of this compact to provide in the northeast region, improved facilities and procedures for the coordination of the policies, programs, and activities of the United States, and the several States, and private persons or entities, in the field of water and related land resources, and to study, investigate, and plan the development and use of the same and conservation of such water and related land resources; to provide procedures for coordination of the interests of all public and private agencies, persons, and entities in the field of water and related land resources; to provide an organization for cooperation in such coordination on both the Federal and State levels of government."

Article 4 which is that describing membership provides for one member of each party State and seven members representing departments or agencies of the United States. There may be those who will express and there have been, incidentally, some concern in the numerical strength of the Federal membership and this was discussed in the initial stages of developing the compact prior to its introduction by the States. This strength, however, assures the States a complete understanding of their problems, and enables them to have a "committee of conference," as it were, before action is taken by either the States or the United States. Since preservation of water and related land resources is the goal of both the party States and the designated Federal agencies, I do not hesitate in urging the consent and approval of Congress to H.R. 30.

Briefly, I should like to mention that this compact does not infringe on the States rights or impose on the States, since membership is voluntary, majority vote must apply and withdrawal is provided for. Responsibility for financing is borne solely by the member States. I am sure, Mr. Chairman, that in these times this is a most unique provision, one that I hope you will approve. There is no question of infringement on nonmember States—indeed even on member States. The prime purpose of this Commission is to collect and interpret data, investigate and plan, institute research, program, and finally to report and recommend. This cannot be too strongly stressed.

And, incidentally, I do not share our opponent's fears which seem to be great. All compacts that I have worked on, Mr. Chairman, have been developed hopefully because they are States who want to solve their problems mutually in a spirit of corporation.

I have served on our New Hampshire Commission for many years and in that course of time have worked, helped draft, and sponsored many interstate compacts. It would be hard for me to point to one more necessary or with more potential benefit to our people than H.R. 30.

New Hampshire has a tradition of accepting responsibility in the field of compacts. The Merrimac Valley flood control compact is a

pertinent example of our willingness to cooperate with our sister States even when the gain is primarily theirs. Our experience has shown, however, that most compacts work to our mutual benefit and enable us to do for citizens those things we could never achieve as a single entity of government or even as a single entity working with the Federal Government.

We know that in our day, we can rush into the future overnight. We know, or should know, that we cannot always anticipate the total demand of tomorrow, to say nothing of the distant future of 20 years hence. My young son finds it inconceivable that I was born in a world just appreciating radio and with no conception of television. His sons may be astounded that he did not pilot his own spaceship back and forth to work between continents. Time is indeed fleeting. We in New Hampshire adopted this compact in 1959, and here I am in 1962—almost 1963, asking you to allow us to make haste to do those things for our citizens we should already have been doing.

I think it is particularly important for our New England States to be in a position to work cooperatively in the field of water and related land resources. Our people are our greatest asset but next comes our water and land resources. Without such a compact we are faced with inevitable duplication of effort, a lack of coordination in research and programing, inadvertent inefficiency and an inability to meet the demands of the future. Additionally, a lack of economy can well be the sorry results if we do not start now to work cooperatively in this all-important, life sustaining field of water and related land resources.

When I introduced myself I mentioned two titles—not for the sake of verbosity but because they relate directly to my support of House Resolution 30. As chairman of the Employment Services Advisory Council and chairman of New Hampshire Economic Growth Survey it has been my duty to determine, or attempt to determine, those areas of government in which New Hampshire can help her people to a more abundant life and a better economy. A projection for a vacation-recreation travel survey of ours pointed out the need for concern about water supply. Several of our local communities whose winter population averages 500 or less, have a summer population in excess of 5,000. Data, surveys, and projections of this sort would undoubtedly be of benefit to our sister States. House Resolution 30 provides an agency to correlate and disseminate such information. I am concerned for our known potential need for more and better employment opportunities for our growing population. It is my duty as a legislator as well as my personal desire, to do my utmost to assure those better employment opportunities for our people. This we cannot do, in whole or in part, without also doing our best to protect our water and land resources which are so essential to the welfare of the people of our State.

I thank you, Mr. Chairman, and members of the committee for the courtesy you have accorded me today.

Senator Dobb. We thank you for coming down here, Mrs. De Lude. Are there any questions?

STATEMENT OF PETER JANETOS, DIRECTOR OF INTERSTATE RELATIONS AND SECRETARY OF THE NATURAL RESOURCES COMMITTEE OF THE NEW ENGLAND COUNCIL FOR ECONOMIC DEVELOPMENT

Senator DODD. Dr. Janetos is from Boston, Mass.

Mr. JANETOS. Yes, sir. I am a resident of New Hampshire, though.

Senator DODD. You are here appearing on behalf of the council?

Mr. JANETOS. That is correct, sir.

Senator DODD. All right. We will be glad to hear your testimony.

Mr. JANETOS. Mr. Chairman, gentlemen of the committee, I am thankful to be here and thank you for the privilege of appearing before you to present the statement of the New England Council.

My name is Peter Janetos. I am director of interstate relations and secretary of the Natural Resources Committee of the New England Council for Economic Research and Development, with headquarters at Boston, Mass. The New England Council is a private, nonprofit organization whose membership comprises a cross section of New England business, agriculture, industry, and education and State governmental agencies, as well as other citizens interested and concerned with the region's economic development.

The New England Council wishes to be recorded as being in favor of passage of H.R. 30, the northeastern water and related land resources compact.

We, in New England, live in a region which is partitioned in many ways; by rivers and streams, mountains and valleys, as well as by State boundaries inherited from colonial times. Whatever advantages may exist from such an arrangement are counterbalanced by growing disadvantages. Despite the competitive position of a good many interests operating in such an environment, a good deal of cooperation is necessary. This is generally true in the area of natural resources, and particularly true with the development of water and related land resources.

It is our opinion that H.R. 30 is a good bill which would be of enormous benefit to all of New England, right now and more so in the future, and should be enacted. This is not just something that we want, it is something that we need in New England.

The New England Council's primary concern is the economic development of all of New England. This, in our opinion, is something more than a series of concentric highways around our great cities.

To us, economic development involves the support, cooperation, and planning of many agencies; Federal, State, local, and regional. It means logical, deliberate, systematic, intelligent, and imaginative planning and cooperation at all levels and on all factors which stand to benefit all concerned.

In addition to the historic programs of cooperation, the States are emerging in a new role, that of natural resources managers, transportation managers, recreation specialists, with responsibilities transcending political boundaries. The management of these activities makes sense to us only on a regional basis.

The future holds a promise that will be realized only to the extent that planning for growth is on a regional basis. The alternative, in this natural geographic unit, is erosion of a sound cultural, economic, and social foundation, coupled with progressively increasing financial burdens and wasting of resources.

We are faced with practical and very real problems of scientific change and must move to meet them in a like manner. The problems under discussion here today, water, and related land resources, are practical and real, not just ideological theories of political life, and we must find solutions to these problems and to the fact that we in New England cannot progress as separate entities but are actually increasingly interdependent.

We believe that the full potential of water resource development can only be realized by Federal and State cooperation, and there exists an obvious need for an agency to which we can turn for accurate, expert advice for regional planning and professional interpretation of scientific data based on both long experience and superior knowledge. Such an agency can be created by the proposed legislation.

In our opinion, H.R. 30 is an important step in the development of the regional natural resources and a positive influence on future economic growth. We are keenly aware of the arguments, both for and against, the participation of the Federal Government within the framework of this compact. We take the position that the natural resources under consideration, water and related land, are unique in that the Federal Government has been involved in their development for many years and any arrangement whereby the Federal agencies are cast in a role other than the role indicated in H.R. 30 would be erroneous, in the face of the present-day reality.

Therefore, we strongly urge that this bill be enacted with provisions for full Federal and State participation.

Thank you, Mr. Chairman.

Senator DODD. Thank you very much.

I was greatly interested in the Federal-State aspect of this. You were in the room this morning and heard the testimony. It is my understanding that the Federal domination by the Commission will be avoided by the voting provisions that require concurrence of a majority of State representatives before a project is approved and recommended by all the States in the compact. I am right in my understanding, am I not?

Mr. JANETOS. That is our understanding, too, sir.

Senator DODD. This seems to be the only way to get any real co-operative effort between the Federal and State governments, does it not?

Mr. JANETOS. Yes, sir.

Senator DODD. Is there anything you care to add that might shed any further light on this situation?

Mr. JANETOS. I was increasingly getting the impression this morning that there were two warring factors here. We do not take this position. We take the position we are all in this together, and there can only be a solution to these problems if we sit down together side by side, around the table, and in the spirit of good faith and good will try to find a common answer.

Senator DODD. I am sure that is so. I do not consider it warring at all. We are getting different views here and that is what we wanted.

By the way, who originated this plan?

Mr. JANETOS. It is my understanding that the New England Governors at the New England Governors' conference for which the Council provides a secretariat only established the Northeast Resources Committee to carry on the work of the New York-New England Interagency Committee. And the impetus for the entire thing started there.

Senator DODD. It had its origin in that way. And I suppose many have worked on it.

Mr. JANETOS. It is my understanding that many people have worked on it.

Senator DODD. In your opinion what effect would this compact have in a highly industrialized State like Connecticut?

Mr. JANETOS. I do not think I am in a position to answer at this time as to the direct effect. Our whole premise is based upon, if there is going to be an effect on a State, a highly industrialized State like Connecticut, the time for the State of Connecticut to be represented is at the beginning before these effects actually take place—at the planning stage, the deliberation stage.

Senator DODD. I am sure that is so.

All right, Mr. Janetos, thank you.

Mr. JANETOS. Thank you, sir.

Senator DODD. Frederick L. Zimmerman.

Is Mr. Zimmerman here?

Mr. WENDELL. Mr. Chairman, I am not Mr. Zimmerman but I have filed Mr. Zimmerman's statement along with the one from Commissioner Wilm and one of my own that I propose to deliver. I have been asked, in a sense, to appear for the three of us.

Senator DODD. What is your name, please?

Mr. WENDELL. Dr. Mitchell Wendell.

Senator DODD. Oh, yes, I see. Well, I was trying to give the representatives from the different States involved a chance to testify.

Will you represent the views of the New York people?

Mr. WENDELL. Well, yes, I can.

Senator DODD. As well as the views of the Council of State Governments?

Mr. WENDELL. Yes. Would you want me to do that now or at some subsequent time?

Senator DODD. Well I just wanted to give a chance to the representatives of the respective States to appear first. We have other witnesses.

Why don't you come forward? We will be glad to hear you.

STATEMENT OF MITCHELL WENDELL, COUNSEL TO THE COUNCIL OF STATE GOVERNMENTS

Mr. WENDELL. Mr. Chairman, I actually have, as I said a moment ago, three statements. The authors of the other two would have been present had the hearing been held as originally scheduled last month.

Senator DODD. Yes. One of the statements is that of Mr. Frederick L. Zimmerman and you have already presented that?

Mr. WENDELL. Yes.

Senator DODD. And what was the third?

Mr. WENDELL. The third is that of Commissioner Harold Wilm, commissioner of conservation of the State of New York, who would have appeared as chairman of the Policy Committee of the Interstate Conference on Water Problems.

Senator DODD. Very well. If you have a statement, and will let us have it, it will also be printed in the record.

Mr. WENDELL. Yes. Now, if I may, these three statements together would consume quite a span of time, and you have them in multiple copies for the record. If I might, I think it would be more useful if I limited myself to an oral statement concerning two or three aspects of what is in the written material, and also those things that were touched on earlier this morning.

Senator DODD. Very well, if you want to do that.

Mr. WENDELL. Yes. I think I could save the committee some time in that way.

The first problem that seems to have been of concern here and that is also dealt with in each of these three statements is the matter of the scope of the compact and of the effect which it might have on those who participate and on those who do not join.

I think the first thing it is important to point out is the draftees of the compact, when it was formulated several years ago, had this question before them as to just what its effect would be, depending on who might join and who might not join.

Because New England constitutes a historic region it was thought that the six New England States should be the primary eligible participants along with the Federal Government. So it was drafted to make those six in the first instance eligible.

However, the companion question was how many of the six would be necessary in order to permit the inter-governmental agency to do something worthwhile. And as you know, Mr. Chairman, the compact itself also provides that it will go into effect when enacted by three of the eligible States and the Federal Government.

Now this was a determination on the part of the State and Federal officials who participated in its drafting, that a geographical area of that size was worthwhile in order to bring the compact into operation.

Now one more than that minimum number of States has already joined. There are now four. If the Federal Government now, by enacting H.R. 30, agrees to participate the New England compact will be, that is, the Northeast compact will be, in business.

Now I was particularly puzzled, and I might almost say chagrined, by the position taken earlier this morning in opposition to the compact because to me this seems rather unique. I know it to be unique in compact history. I do not certainly quarrel with the position taken by the two Senators from the State of Vermont, that in their view they believe that Vermont would be better out of the compact than in it.

This is a matter on which there can be disagreement, and I have no doubt that they sincerely hold to that particular view.

However, what we are saying on that account is that the four other States in their region which believe otherwise should be denied the opportunity to work with each other and with the Federal Government in the planning and review of water resources development within their own territories because the State of Vermont might not wish to join with them in that particular effort.

So far as I am aware, and it is part of my business to be a student of interstate compacts and a draftsman of them, this is the first time in all of American history when persons connected with a State that might not wish to join a compact have said to four other States that do believe they want a compact, "You shall not be able to join for yourself and operate within your own territory in this cooperative fashion because we do not think we would want to join."

Furthermore, in the same connection, the notion that because there are interstate problems here involved, interstate rivers and other water bodies, the notion that this makes the matter one of national concern is certainly true, but we in the Council of State Governments believe in a slightly different way than what was presented here earlier this morning.

Certainly the States, each and collectively, have many responsibilities in the field of water and related land resources. They have them in pollution control, they have them in recreation, they have them in general development, they have them in the whole basic question of land use. That the National Government also has responsibilities with respect to water problems does not change that basic picture. And for that matter it is for exactly that reason that not only is this a national problem, but it is a regional problem and a State problem. And the compact should be highly useful in producing a single forum where both layers of government can contribute their responsibilities and their talents.

It is not that water development in New England or anywhere else is either a National problem or a State problem or an interstate problem, it is all three of these. And that is exactly why the Northeast compact is so promising. Because it is the only mechanism really so far suggested that would get all of these governmental units into the same forum to do their planning.

The other matter to which I would like to address just a word or two is the matter of the binding effect of the compact and on whom and to what extent.

This compact, as has been said earlier here this morning, is a recommendatory compact. The language in the compact which relates to its decisions of the Commission being binding relate only, and must be taken in their context, to the binding character of votes taken in the Commission in respect of what the Commission will recommend.

In other words, the Commission would be bound if it took such action to recommend in accordance with whichever way the voting goes on the Commission.

Since the Commission has none but recommendatory powers it certainly could not bind anyone, except for the Commission itself with respect to the nature of the recommendations that it would make.

Now there was mention in the same connection of article XII of the compact, and Mr. Sandusky, quite correctly, pointed out that only

the first part of what appeared there is part of the compact and that the subsequent sections, 2 through 6 are parts of the congressional enabling act. We have the same thing in any interstate compact both at the State and Federal level. The compact text itself, which in this case consists of 12 articles, is uniform and must be adopted uniformly by the parties.

Senator DODD. Could I interrupt you just a moment because you will probably go on to something else?

I understand this is only a recommendatory body. Who will carry out the recommendations?

Mr. WENDELL. The various levels of government with operating jurisdiction and with policymaking jurisdiction in the area.

What happens now, after all, when any governmental entity, when let us say a single Federal agency, makes a recommendation to the Congress? It is the Congress and the President by their action on subsequent implementing legislation who decide whether the recommendation will be carried out. And on the State level it is the State legislature and the Governor who decide whether they will be subsequent legislation implement the recommendations made by a planning body.

This is the same thing that would happen with this Commission except that the planning this particular Commission could coordinate and could review and to some extent perhaps do itself would be planning cooperatively by all of the levels of government, rather than simply by a single agency. But responsibility remains right where it is now, with the legislative and executive branches of the Federal and State governments, respectively, to implement in their own particular areas of legal authority.

Senator DODD. But the State governments would be required to do it once the Commission recommended—

Mr. WENDELL. They would be required only to support the Commission to the modest financial extent, or possible financial limit, set forth in the compact until such time as they might withdraw from it if the participant States wish to withdraw. They would not be obligated to implement each of the Commission's recommendation any more than the Congress of the United States or State legislature now is bound to implement and accept as gospel any recommendations they might receive from an official State or Federal agency if they did not wish to do so.

This does not mean that the plans are not useful and do not form an important first step in helping to aid the legislature and President and Governor in considering what they might wish to do. They are very important for this purpose. But neither the States nor the Federal Government would be bound to implement Commission plans to any greater extent than they are bound to implement any other governmental agency plans.

With respect to this matter of the enabling act, there are in each of these States enabling acts which fit the compact into the pattern of State law as it presently exists. And at the Federal level there would be, if H.R. 30 is adopted, a similar enabling act. H.R. 30 is not only the text of the compact, it is in effect the Federal enabling act. And that latter portion which was confused earlier this morning with part of article 12, which it is not, is the Federal portion of the enabling act.

Now it is quite possible in that enabling act for any participant party whose enabling act it is to make provisions of implementing and sometimes even of restricting natures which do not interfere with the basic text of the compact. And that is what in effect those provisions of H.R. 30 would do. They do not have to be uniform with the compact provided only that they do not defeat its purpose. And they do not in sections 2 through 6.

There is nothing there which basically defeats the purpose of the compact. It merely specifies the ways in which the Federal Government would perform its participation under the compact as basically set forth. You have similar things in each of the State and enabling acts.

There is only one other matter that I would like, however briefly, to dwell upon because it might be a misconception with the committee. I personally happen to have been fortunate enough to participate in a technical capacity, as one of the draftsmen, when this compact was being formulated. I can say out of my own knowledge that those who drafted it were the State natural resource officials in each of the six States and the regional Federal personnel of the agencies concerned in water resource matters.

Two years ago, 3 years ago now, when this compact was before the House, it was the position of the Federal Administrative Agency that at that time they did not think the compact to be desirable. And that was the genesis of what was quoted here earlier this morning out of the Federal Agency position of some earlier period of time.

Incidentally, it was also because of that Federal Agency position that there was in the House of Representatives a minority report filed when the compact was there considered by committee.

Now since the further study that the Federal agencies have given to the Delaware compact, last year and the year before, which after all is a similar type of arrangement, I think we may take it that the Federal agencies have substantially changed their position.

There is no longer, so far as I am aware, the opposition that there was 2 years ago, and it is not certainly now a matter for that administration policy to oppose arrangements such as that embodied in the Delaware compact or embodied now in the Northeast compact.

For that matter I believe, although I do not have a copy of it or know its State, that the last administrative communication on this subject was back earlier this year from the Secretary of the Interior who in his communication, which I believe to be in your committee files, certainly did not oppose the Northeast compact. So that there has been here, after further study, apparently a change in the position of the Federal administrative agencies which is in the direction of their being much more favorable to this particular type of a resource approach.

Further, it is certainly obvious here this morning from the gentleman who just preceded me that the New England Council is in support of the compact. But certainly the New England Council has not sponsored it even though it is an agency which appears in support. The States themselves which have enacted it are the ones that are appearing here before you to ask that it be also enacted by Congress.

Senator DODD. Well, this is very helpful testimony and I am sure the committee will so find it. We are grateful to you for the benefit of your views.

Your statement and the statements of Mr. Zimmermen and Mr. Wilm will be printed together with your comments.

Mr. WENDELL. Thank you very much.

(The statements of Mr. Wendell and Mr. Zimmermann and Mr. Wilm follows:)

STATEMENT OF DR. MITCHELL WENDELL FOR THE COUNCIL OF STATE GOVERNMENTS
ON H.R. 30, AUGUST 15, 1962

My name is Dr. Mitchell Wendell. I am counsel to the Council of State Governments and appear today to present the statement of the Council of State Governments on legislation before your committee which would provide for the participation of the Federal Government in the Commission to be created by the northeastern water and related land resources compact.

The Council of State Governments is an official, joint agency of all the States and Puerto Rico for the conduct of interstate and Federal-State relations. Naturally, we are vitally concerned with any undertakings designed to have an effect on such relations. We support the northeastern water and related land resources compact and urge the Senate to complete favorable action on H.R. 30 before the end of the current session.

The compact would provide for an agency whose task would be the coordination of planning for water and related land resources within the geographic area of the party States. At the present time, the four States of Connecticut, Massachusetts, New Hampshire, and Rhode Island have already enacted the compact. Only action by Congress is necessary to authorize Federal participation and to bring the compact into operation. Upon such Federal action, a mechanism will be created for closer cooperation among the States concerned and agencies of the U.S. Government in matters related to the water and related land resources within the party States.

The State and Federal officials who participated in the development of the northeast compact believed that the undertaking could accomplish worthwhile objectives with a minimum of three participating States and the Federal Government. More than the minimum number of States have joined. Maine and Vermont are also eligible parties by the terms of the compact and, with the consent of the participating jurisdictions, other States in the northeastern part of the country could join.

Obviously, the four States which have enacted it want the compact to become a functioning reality. Their territories are contiguous and there are a number of significant interstate water bodies lying wholly within their borders. This would make a commission with representatives from the four States and the Federal Government for the geographic area concerned a viable agency. Whether Maine and Vermont, or either of them, wish to participate is a decision to be made entirely by the legislatures and Governors of those States, just as the four States which have already acted had a free choice concerning their own participation. However, it should be emphasized that the Commission created by the compact will have jurisdiction only within the geographic confines of the party States. Consequently, the compact will function only with respect to those States wishing it. Since four States have demonstrated their desire for such a coordinative agency by enacting the compact and agreeing to bear their part of the financial burden, the Federal Government should do its part.

The specific value of the compact for the participating States is being discussed in statements by officials and other citizens of the region directly concerned. Consequently, we will not lengthen this statement by the inclusion of such material. However, the Council of State Governments does wish to point out that the Northeast compact represents a very important and most welcome project for intergovernmental cooperation offering much hope for better service in natural resources planning and development to all the people of the country.

In the past, a multitude of Federal and State agencies have made their separate plans for water and related land resource development and conservation. Too often, the result has been confusion, waste, and duplication of effort, or even working at cross purposes. The harmonizing of these activities has been wholly dependent on informal personal contacts, frequently not undertaken until after the separate plans were far enough toward maturity to make

genuine coordination difficult or impossible. A long line of water policy reports emanating from study commissions and committees appointed by the President and reporting to him during the past 15 years has made this point with uniform clarity and with a unanimous voice.

The creation of a regional forum on a formal basis, and with responsibility specifically contained in statute would be a helpful step away from such separatism. The Northeast compact provides machinery for coordination of planning throughout the entire process, and so far the more effective harmonization of views.

In previous discussions of the compact, much attention has been given to the voting procedures provided for the Commission. On matters of internal administration, Commission action would be by simple majority vote of the members. On plans and policy recommendations, however, action would require the concurrence of a majority of the State members and a majority of the Federal members. This arrangement would tend to assure that the coordinated planning process of the Commission would represent a consensus of both State and Federal values and points of view. It recognizes that both the States and the Federal Government have vital interests in the development and conservation of regional resources and that both levels of government have major responsibilities for these matters. Some observers have asked whether this voting arrangement might not tend to produce stalemate and inaction. We do not believe that it would do so to any significant degree, and that such delays in the formulation of plans as may result from the need to develop consensus is entirely justified. The activity of the Commission will be entirely in the field of planning and regional policy formation. This is a stage of the developmental process which benefits from deliberation and in which decisions should not be taken on slender majorities in controversial circumstances. This is not to say that a formula identical to that contained in the compact would necessarily be appropriate for other intergovernmental bodies in other circumstances, but it appears to us that the voting provisions of the Northeast compact are well designed for the particular circumstances involved.

In earlier stages of the development of the Northeast compact, some people appeared to be concerned by the novel character of the proposal for a planning body on which responsible appointees of both State and Federal governments would serve to undertake significant resource planning functions. As indicated in our testimony when legislation similar to that now under consideration was before the House, we have never believed that the arrangement proposed by the compact is novel in any sense that would militate against its soundness. However, this question is no longer a serious one. When Congress approved and provided for Federal participation in the interstate-Federal Delaware River Basin compact last year, and when the President signed the bill, the principle embodied in the Northeast compact was accepted. Indeed, the Delaware compact goes much further in that it sets up a joint interstate-Federal agency with more sweeping planning powers than those contained in the Northeast compact, and with operational powers not present in the Northeast compact at all. Consequently, it would seem that congressional approval of the present legislation should follow as a matter of course.

Although more modest than the Delaware River Basin compact, the northeastern water and related land resources compact would be a significant step along the road to better Federal-State coordination of activities in which both levels of government have basic interests and responsibilities. For this reason we urge this committee and the full Senate to take favorable action before the end of the present session.

For the information of the committee, we have attached to this statement the most recent resolutions on this subject of the Governor's conference (1961), the National Association of Attorneys General (1961), and the Interstate Conference on Water Problems (1962). As you will note, these several associations of State officials urge that Congress take action this year to give its consent to the northeastern water and land resources compact.

RESOLUTION ADOPTED BY THE GOVERNORS' CONFERENCE, FIFTY-THIRD ANNUAL MEETING, HONOLULU, HAWAII, JUNE 28, 1961

WATER RESOURCES COMPACTS

Whereas it is evident that population growth and intensified use of water and related land resources will impose increased demands on a relatively inflexible supply of such resources; and

Whereas the individual States and the Federal Government have legitimate interests, aspirations, and responsibilities in protecting, fostering, and conserving water and related land resources; and

Whereas the activities of the States and the Federal Government in the water field and in related resources areas need to be coordinated to achieve maximum effectiveness; and

Whereas the interstate compact is one of the oldest devices used to facilitate intergovernmental cooperation and coordination of effort: Now, therefore, be it

Resolved, That the Governors' conference urge that early and favorable consideration be given the legislation to grant congressional consent to the Delaware River Basin compact and the northeastern water and related land resources compact; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the U.S. Senate, the Clerk of the U.S. House of Representatives, and each Member of Congress.

RESOLUTION III OF NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, 55TH ANNUAL MEETING, NEW YORK, N.Y., JUNE 14, 1961

DELAWARE RIVER BASIN AND NORTHEASTERN WATER AND RELATED LAND RESOURCES COMPACTS

Whereas there is now pending before the 87th Congress the Delaware River Basin and the northeastern water and related land resources compacts, which compacts provide for Federal participation therein; and

Whereas the principle of Federal participation has previously been endorsed by this association: Now, therefore, be it

Resolved by the 55th annual meeting of the national Association of Attorneys General, in New York City, June 14, 1961, That the President appear before or appoint a representative to appear before, appropriate congressional committees in support of the above mentioned compacts.

(Idaho, Texas, and Utah opposed this resolution.)

RESOLUTION II OF FOURTH ANNUAL MEETING OF THE INTERSTATE CONFERENCE ON WATER PROBLEMS, JANUARY 14-16, 1962

NORTHEASTERN WATER AND RELATED LAND RESOURCES COMPACT

Whereas Congress by the enactment of the Delaware River Basin compact has recognized the suitability of interstate-Federal compacts for coordinated river basin or regional planning and development of water and related land resources; and

Whereas the northeastern water and related land resources compact, which has been enacted by the States of Connecticut, New Hampshire, Massachusetts, and Rhode Island and passed by the U.S. House of Representatives, is an example of the same principle; and

Whereas the Third Annual Interstate Conference on Water Problems supported the use of compacts of the Northeast type: Now, therefore, be it

Resolved, That the Fourth Annual Interstate Conference on Water Problems urges Congress to complete favorable action on the northeastern water and related land resources compact.

STATEMENT OF FREDERICK L. ZIMMERMAN, FOR THE NEW YORK JOINT LEGISLATIVE COMMITTEE ON INTERSTATE COOPERATION ON H.R. 30

My name is Frederick L. Zimmermann. I am research director of the New York State Joint Legislative Committee on Interstate Cooperation, an agency of the Legislature of the State of New York directed to concern itself with matters of interstate and Federal-State relations. This committee has been active since 1935 in intergovernmental matters and has long experience with interstate compacts. It is probable that it has played a part in the formulation of more of these interstate agreements than any other body—governmental or nongovernmental—in the country.

Although the northeastern water and related resources compact is not at this stage open to membership by the State of New York, the committee which I represent, has on a number of occasions—some quite recent—taken a position in support of this agreement enacted by the States of Massachusetts, Rhode Island, Connecticut, and New Hampshire. A resolution adopted by our committee on December 1, 1961, is attached to this statement. Our action has been based on several considerations.

First, we feel that New York should support compact efforts by other States of the Union to meet problems common to the States so acting. Certainly, we would never oppose efforts by a group of States to effect an interstate compact solution of their common problems. Moreover, if we did we would feel that Congress would have only one choice; namely, to recognize that we had the right to stay out of the agreement, but that we did not have the right to oppose the action of other States in reaching an agreement (particularly a purely consultative and recommendatory one) among themselves. Accordingly, we strongly support this agreement among the States of Massachusetts, Rhode Island, Connecticut, and New Hampshire.

Second, the agreement before you provides for possible membership by the State of New York and while our State is not at this moment committed to joining, nor, understandably, has it as yet been invited to do so by the States concerned, we do not wish this opportunity to join with these four New England neighbors in common studies and considerations to be foreclosed.

Third, we have never agreed with the legal arguments that were raised against this agreement before the House of Representatives. Not only did the House of Representatives pass the measure despite those arguments, but, even if there was any possible merit in any of them, they have been completely swept away by the precedents established by the enactment last year of the Delaware River Basin compact by Congress.

Fourth, we regard this compact as creating a very useful planning vehicle because it permits joint Federal-State consideration of water and related resource problems and because it does so on a regional basis—for an area larger than a river basin. We think this marks a new departure and an extremely useful one.

Fifth, the compact creates a study and recommendatory commission only—a forum for regional resources planning. No power is delegated to this planning agency except the power to study, to recommend, and to keep the NYNIAC studies now several years old as up to date as possible—certainly a desirable objective. Moreover, the compact does not give any power to the States to veto Federal plans, nor to the Federal representatives to veto State plans or prevent joint plans of the several States. It merely provides that a joint Federal-State recommendation can only be made by a favorable vote of both the Federal representatives and the States. Nothing in the language of the compact justifies any other interpretation, nor was any other objective ever intended—and we can speak with some authority on this point since the staff of this committee aided in the formulation of this agreement upon the request of some of the New England people concerned.

Accordingly, we urge that the Senate join the House in the enactment of this legislation. Any other result would be unfortunate for the progress we are beginning to make in Federal-interstate coordination in water resource planning and management.

RESOLUTION UNANIMOUSLY ADOPTED AT THE EXECUTIVE SESSIONS OF THE NEW YORK JOINT LEGISLATIVE COMMITTEE ON INTERSTATE COOPERATION AT WHICH A NUMBER OF OTHER NORTHEASTERN STATES WERE REPRESENTED, IN NEW YORK CITY, DECEMBER 1, 1961

Resolved, That the executive conference of the New York Joint Legislative Committee on Interstate Cooperation, including delegations from a number of neighboring States, expresses its strong support for the northeastern water and related land resources compact and urges prompt completion of congressional action giving consent to the compact; and be it further

Resolved, That the committee reaffirms its view that interstate compacts provide the best medium for joint planning and development of resources involving two or more States and that the Delaware River compact demonstrates that this machinery also can provide for Federal participation with the States in resource planning and development; and be it further

Resolved, That the committee strongly opposes efforts to extend Federal authority in this field so that water resource planning and development would be largely a Federal responsibility to the exclusion of the interest of the States as is contemplated by the provisions of S. 2246 and H.R. 8177 now pending before the Congress.

STATEMENT OF HAROLD G. WILM FOR THE INTERSTATE CONFERENCE ON WATER PROBLEMS, AUGUST 15, 1962

Mr. Chairman, my name is Harold G. Wilm. I am commissioner of conservation of the State of New York and chairman of the Policy Committee of the Interstate Conference on Water Problems. On behalf of the conference I wish to thank you for accordng it an opportunity to be heard on H.R. 30.

The Interstate Conference on Water Problems is a national organization of State officials concerned with the development, use, conservation, and administration of water resources. Participants in the conference include administrators and chief technicians of State agencies concerned with quantity and quality aspects of water control, water rights, or water resource developments; attorneys general or their deputies concerned with legal aspects of water control; legislators concerned with interstate cooperation, Federal-State relationships or water law and water resource programs; and State representatives on interstate water resource agencies. Staff services for the conference are provided by the Council of State Governments.

The purpose of the Interstate Conference on Water Problems is to facilitate cooperation, consultation, and exchange of information among State officials and agencies as to the conservation, use, development, and administration of water resources, the law governing these matters, and interstate and Federal-State relationships in the field of water resources; and, to the extent feasible and desirable, to promote a consensus or harmonizing of State views, and the effective presentation of such views.

Consistent with this purpose, the conference has devoted considerable time at each of its annual meetings to the subject of coordination of water resources planning and development. A resolution of the conference annual meeting of December 1960 called for "close coordination of the activities of the Federal and State governments * * *." It alluded specifically to the northeastern water and related land resources compact as an illustration of a method by which such close coordination might be achieved. A copy of that resolution is attached to this statement.

The most recent annual meeting of the conference, held in Dallas in January 1962, was devoted almost exclusively to the subject of achieving coordination among Federal and State agencies in water resources planning. Following an extended discussion participated in by representatives of 43 States and Puerto Rico, the conference adopted two resolutions setting forth its views on this subject. One of those resolutions, also attached to this statement, urged Congress to complete favorable action on the northeastern water and related land resources compact.

Mr. Chairman, there may be several ways in which coordination among Federal and State agencies with respect to water resource planning may be achieved. One of these certainly is through the use of the interstate compact device. Congress has recognized the suitability of this approach by its approval and enactment of the Delaware River Basin compact. Of course, the Delaware compact goes beyond the Northeast compact in the extent of the planning powers authorized and in conferring on the compact agency operational powers not authorized in the Northeast compact.

Nevertheless, the northeastern water and related land resources compact offers to the United States and the States of the region a means of improving coordination of planning of water resource development, a matter in which the Federal Government and the States are vitally interested. The compact was developed by the Northeastern Resources Committee whose membership includes the principal water resource officials of the New England States and the regional office personnel of the seven Federal agencies with water program responsibilities. It has been endorsed by the New England Governors' conference and, more to the point, it has been ratified by four of the six States eligible to join. The compact will become operative among the ratifying States and the Federal Government upon the granting of congressional consent. With respect to either of the other two States eligible to join, it will become effective when they enact it.

I am sure that other witnesses will address their remarks to the details of the compact. I should like to confine the remainder of my statement to planning and the need for coordination of planning of water resource activities.

Mr. Chairman, it is generally recognized that both the Federal Government and the States have responsibilities to protect, foster, and conserve our water and related land resources. It is recognized that our water resources must serve multiple uses—that programs and projects are necessary for navigation, flood control, pollution control, hydroelectric power, irrigation, reclamation, municipal and industrial use, fishing, boating, and other recreational uses. It is also generally recognized that technological changes, changes in consumer consumption patterns, and population growth will increase the demand on our water resources. For these reasons, the State officials who make up the Interstate Conference on Water Problems are convinced that there must be continuing comprehensive planning among the several Federal and State agencies with water program responsibilities.

On the basis of this conviction, representatives of the conference are working with the Senate Interior and Insular Affairs Committee to draft amendments to S. 2246, the Water Resources Planning Act, proposed by the President, that will make the measure satisfactory to the principal agencies involved, Federal and State. It now appears possible that such a bill will be ready for consideration next year.

In the meantime, however, H.R. 30 is before you. It will provide a mechanism to enable the States of New England and the Federal agencies involved to develop in concert and keep up to date plans to achieve the maximum beneficial use of water available to the region. It is a mechanism that has received the approval of the States that have ratified the compact and, I believe, of the Federal agencies involved. The Interstate Conference on Water Problems urges strongly that this committee and the Senate take favorable action on H.R. 30 at the earliest possible moment.

Mr. Chairman, on behalf of the conference, I wish to thank you for your courtesy in permitting me to be heard on this measure.

Senator DODD. Do you have any questions?

Mr. SANDUSKY. Dr. Wendell, directing your attention again to the consent sections here in H.R. 30—

Mr. WENDELL. Yes, sir.

Mr. SANDUSKY. What would be the effect if section 3, that is the one authorizing the President to appoint seven Federal members—

Mr. WENDELL. Yes.

Mr. SANDUSKY. What would be the effect if that were to be amended, for example, to provide a single nonvoting Federal representative? How would that affect article 6 of the compact itself providing for the majority votes? Would that amendment be crippling?

Mr. WENDELL. Yes. You will remember that earlier I said that things may be included in the enabling act which diverge from what may be in other enabling acts but which are not in conflict with the provisions of the compact. Now, the compact itself specifically provides for Federal voting members. While there may be some discussion as to what difference does it make whether people vote or do not vote on recommendations in a recommendatory body, certainly the Commission action, the meaningful Commission action, is the voting on recommendations. Further, the basic purpose of the compact is to attempt to secure better coordination in planning and in recommendations as among Federal and State resource agencies. But to make the Federal representative nonvoting you would then be doing something that basically the compact does not contemplate in that here you would not, in effect, be having the Federal Government join. I take it that this would be a material variation that would not provide for the Federal participation.

Further, as a matter of policy, what you would really be saying is that the problems of Federal-interstate in character, and that this is the reason why you should have coordinate planning activity among the Federal agencies. But then you would be saying in the next breath that the Federal activities, the Federal planning should not be coordinate either to the extent of making recommendations. And this certainly is not what the concept is. Nor is it the concept in the Delaware compact which Congress approved last time.

The States of New England, apparently those four that have ratified it, wish to take advantage of this greater degree of coordination in planning and in recommending, and that is basically what the compact is all about. To make the Federal member, or members, nonvoting would be to destroy the very feature for which the compact is framed.

Mr. SANDUSKY. Thank you, sir.

Senator DODD. I would like to ask a question, Dr. Wendell.

Supposing a project affecting Connecticut, Rhode Island, and Massachusetts were recommended by the Commission, and say the Connecticut Legislature refused to implement or do anything about the recommendation. What happens then?

Mr. WENDELL. Then you do not have a project. Exactly the same thing that happens, for example, at the present time when any agency of the Federal Government, or indeed when the President sends his annual message or special message to Congress and recommends on behalf of some department that Congress appropriate funds for projects. The Congress sometimes does that and sometimes does not. It is very valuable to Congress to have before it the recommendations of the executive agencies, but if they are not followed, and if Congress does not implement them by appropriating money, then there is no project.

If it were a recommendation for State action from this particular Commission, and if the State then did not appropriate, you would not have a project.

Senator DODD. Well supposing Vermont does not join. I take it from what I have heard that the waters running down from that State would have a great effect on projects of Massachusetts and Connecticut. So Vermont says, "We won't have anything to do with it." Then what happens?

Mr. WENDELL. Well then, Vermont simply would not be affected. And any project that required Vermont participation, or the doing something in Vermont in order to be effective, would be something with respect to which the Commission could not make recommendations. Obviously, this would narrow the scope of operation of the compact to some extent, perhaps considerably, in one or two watersheds.

All I can say in response to that is the resource people in New England themselves, the natural resource people, decided that if they had a minimum of any of the three States they would have a sufficient resource and territorial base to make the activity worthwhile. They now have four such States, which is more than the minimum number that they considered. Now if Vermont or Maine, or both of them, should subsequently join why then the Commission would operate over a wider area. If either or both of those two remain out, then the Commission would operate in the lesser territorial area.

I would, however, hope, Mr. Chairman and members of the committee, that since Federal action as a participant is just as necessary as State action here, that the Federal Government would not take the position it would necessarily be the last one in. There is an area here which is sufficiently extensive in territory and resources to be effectively served by this type of arrangement.

Mr. Chairman and members of the subcommittee, I want to thank all of you for the opportunity to appear and testify this morning and to present the views, not only of the Council of State Governments but of those who compose the other two statements that I filed.

Senator DODD. Well, we are glad you came here because we want to hear your views. You are an expert in this field and we want to get expert opinion.

Mr. WENDELL. Thank you very much.

Senator DODD. I had a question in my mind. I do not know whether it was Senator Prouty or Senator Aiken—maybe Senator Aiken can help us—who referred to an act under the Ohio River compact.

Senator AIKEN. I think that was Senator Prouty.

Senator DODD. I wanted to ask Dr. Wendell what he had to say about that.

As I remember it, in the Ohio River compact, West Virginia was compelled through court action to contribute toward a project.

Mr. WENDELL. Yes. Well, the case to which Senator Prouty referred was the *State of West Virginia v. Simms*, decided in 1951 by the Supreme Court.

What happened there was the auditor of the State of West Virginia did not believe West Virginia had constitutionally, according to the constitution of that State, joined the compact. The State of West Virginia, the other officials of West Virginia, believed otherwise.

Senator DODD. The important point is that West Virginia was a party to the compact.

Mr. WENDELL. Yes. And what happened there was that of course as long as the State remains a party of a compact it has obligations under it, just as anyone who has a contract, during the continuance of the contract has obligations under it.

Senator DODD. So when I asked you the question, you remember, about a project which was approved or recommended by the Commission and the Connecticut Legislature failed to act, I take it an action similar to that taken in the *Simms* case would be taken with respect to Connecticut?

Mr. WENDELL. Well, except for the subject matter. In the Ohio compact, the Ohio compact is a regulatory agency dealing with pollution control, with water pollution control. So its actions relate to regulatory activities for the abatement of pollution. Now this is not the case in the Northeast compact. The only thing that this compact agency could do, if established, would be to make recommendations. Now the agency could therefore recommend to the State of Connecticut that the State of Connecticut should consider the construction of a particular type of project, or participation in one to be constructed on an intergovernmental basis. But that is all it could do, would be to recommend that the State of Connecticut ought to do thus and so. It could not make any law or issue any administrative order compelling the State of Connecticut or anyone else to do anything.

Senator DODD. Well I see the distinction and the difference. I wanted to clear that up on the record. I think it is clear.

Thank you very much, Dr. Wendell.

Dr. WENDELL. Thank you, Mr. Chairman.

Senator DODD. Senator Aiken, did you want to make a statement?

Senator AIKEN. No, I have nothing to add. I just came up where I could hear the witness better. And I must say I have not heard such eloquent and clear testimony for some time. It is rather reminiscent of the old days.

The only trouble is I do not agree with all he has said because he is talking about things I have been responsible for. And there is quite a bit of difference between the writing and being responsible for the things written about.

I would ask, Mr. Chairman, that we have the opportunity to go over the testimony presented by the proponents of the compact and point out some things that need further clarification. There were several matters which Mr. Wendell referred to that need clarification.

I might also add that although I am sure he and Mr. Zimmerman have been very diligent in their efforts to promote this compact, they were not successful in persuading the Congressmen from New York to follow their advice as 21 out of 36 voting opposed it.

Senator DODD. Well, Senator, we will be glad to receive any further statement or information from you.

Senator AIKEN. I just want time to review their testimony.

Senator DODD. We have several witnesses who are waiting.

Mrs. Elizabeth K. Roper.

STATEMENT OF ELIZABETH K. ROPER, CHAIRMAN OF THE NEW ENGLAND AD HOC COMMITTEE ON WATER RESOURCES OF THE LEAGUE OF WOMEN VOTERS

Senator DODD. Mrs. Roper, I am proud to say, is from Connecticut, and is one of our distinguished ladies there.

Mrs. ROPER. Thank you, Mr. Chairman.

Senator DODD. I know you are appearing on behalf of all of the New England Leagues of Women Voters.

Mrs. ROPER. That is right.

I am Mrs. Elizabeth K. Roper of Darien, Conn., chairman of the New England Ad Hoc Committee on Water Resources of the League of Women Voters.

There are 187 local leagues in New England, located in Connecticut, New Hampshire, Massachusetts, Rhode Island, Maine, and Vermont, with a total membership of 21,528. I wish to express the support of these leagues for the northeastern water and related land resources compact passed by the House as H.R. 30 in August 1961 and now before this committee.

Some of the members of this committee are well aware—from the number of times league members have been in touch with you, seeking information—that 6 years ago all the leagues in the United States undertook a study of water resources, beginning with the Federal programs for water development and then studying the relationships among the Federal, State, and local agencies.

At the end of our study, league members came to the conclusion that greater coordination at the regional level, among Federal, State,

and other agencies engaged in water resource development is essential.

Some of you may also know that league members are now actively engaged in local and State programs dealing with the preservation of natural resources. Our experience has convinced us that, though regional development must serve the needs of the whole country the coordinating machinery used to carry out regional planning and administration must be acceptable to the officials and citizens of the particular region.

To succeed, to be accepted, it should preferably be a method citizens of the region have chosen for themselves, one in which they are comfortable and at home.

League members of New England recognize that we live and vote in a highly developed and mature region, densely populated and heavily industrialized. We realize that the steadily increasing demands for water make careful planning necessary if the Northeast is to maintain a water supply which will satisfy all types of users.

In New England, organizational patterns of government have already been developed for cooperation among the States. Compacts have been used successfully for flood and pollution control. The New England-New York Interagency Committee produced the very comprehensive study incorporated in the NENYIAC report.

Since then, Federal and State representatives have worked informally together, each with an equal voice, in the Northeastern Resource Committee.

And now the Corps of Engineers, assisted by the other Federal agencies from Connecticut, Massachusetts, New Hampshire, and Vermont, is about to start a 4-year study of the Connecticut River Basin.

The New England leagues think the northeastern water and related land resources compact to be a suitable vehicle by which to move toward regional development of our water resources.

Although the New England States have grown accustomed to working with each other through interstate compacts for the specific purposes of flood controls and pollution control, league members have come to the conclusion that the proposed northeastern compact is needed, too.

It is for an entirely different purpose than the others. The northeastern compact would encourage the necessary coordination of Federal and State programs and make possible the orderly development of the whole region.

The proposed compact is a modest one, setting out to do no more than plan and gather information where needed. It would set up a Compact Commission, giving status to the Northeastern Resources Committee and designed to carry on truly joint planning and scheduling of projects rather than the usual process of reconciling and compromising, with each agency a special pleader for its own proposals. Of necessity, since many of the water programs are carried out by Federal agencies, those agencies must be included if the Commission is to be effective.

The New England leagues think it essential that the northeastern compact give each State and each Federal agency with major concern for water, equal representation and an equal voice.

We in the League of Women Voters in New England, were encouraged this past year when the Senate recognized the importance

of Federal-State participation in river basin development by ratifying the Federal-interstate Delaware River compact.

We were encouraged because this Commission of one Federal and four State members was the plan chosen and vigorously supported by the four States after 2 years of careful study to find the type of agency they thought best fitted to do the necessary job of comprehensive planning and coordinated administration in their basin.

The New England leagues are hopeful that this subcommittee will act favorably on and that Congress will give its consent to the more limited northeastern compact with its proposal for Federal-interstate representation.

Each of the New England State leagues has filed a supplementary statement with the committee, in support of this bill. Mrs. Rosenblum, a director of the League of Women Voters of the United States, is here today with a statement for the national organization which she would like to read, reinforcing our findings in New England with those of leagues across the country.

Thank you for the opportunity to appear before you today.

Senator DODD. Thank you, Mrs. Roper.

All the members of the committee have a high opinion of your organization and I have a very high opinion of you personally. We are very pleased that you took the time to come today.

Mrs. ROPER. Thank you very much.

Senator DODD. Is Mrs. Rosenblum here?

STATEMENT OF MRS. HASKELL ROSENBLUM, DIRECTOR OF THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

Mrs. ROSENBLUM. Since the time is getting a little late, sir, I thought maybe I would just file the statement.

Senator DODD. Do not worry about the time.

Mrs. ROSENBLUM. The only really essential point that I wanted to make is that we believe each region should choose the mechanism it prefers, and that we think the goal is the encouragement of State and local participation from the very beginning because citizens have a feeling of sharing when they start then and because the Federal responsibility, at least with regard to investments of large amount of capital, is a great one in which the Federal agency should also be represented from the beginning. We think this is very important.

The compact does go in this direction and that is why we think we should support it.

Senator DODD. Your views are very valuable to us and we express the thanks of the committee for your appearance. As I said, Mrs. Rosenblum, we value your opinions and your views and take them very seriously.

Mrs. ROSENBLUM. Thank you very much, Senator Dodd.

(The prepared statement of Mrs. Rosenblum follows:)

STATEMENT OF THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES, AUGUST 15, 1962

It is a pleasure for the League of Women Voters of the United States to be here today to support the statement that Mrs. Roper had made on behalf of the New England leagues.

Members of the U.S. Senate have become increasingly aware of the need to try new methods for conservation of our natural resources in the face of our

exploding population growth, the national trend toward increasing industrialization, the havoc caused by wasteful usage and depletion. Both the Senate Select Committee on Water Resources and the Senate Committee on Interior and Insular Affairs have spent considerable time and energy and given a great deal of thought to these problems. The Senate Committee on Public Works and the Appropriations Committee have also expressed interest in any such water resource legislation as may be forthcoming.

The executive branch of the Government has submitted legislation to promote conservation of natural resources in both this administration and the previous one.

The League of Women Voters of the United States is pleased to find itself in such august company in its concern for improving methods of coordination, regional planning, and financing of U.S. water resources.

Or then again, perhaps it is only natural, that problems which cry out for solution should be the concern of citizens interested in their government and the welfare of the Nation. The interest of the League of Women Voters in water resource development is probably well known to you.

The members of the League, currently 132,000 in 1,150 local leagues in all 50 States and the District of Columbia, after study of Federal programs of water resource development, examined regional water needs as well. One of our members' primary interests has been the coordination of programs of Federal, State, and other governmental or private agencies. It is our conviction that the Nation's future depends in part on overall planning for water resource development with implementation of that planning. To accomplish this, mechanisms are needed for each major drainage area which will coordinate the planning, development, and water management of all the agencies involved. These mechanisms will vary from region to region, depending on the historical background of the region as well as on the political situation.

The league believes it is desirable to try new forms of coordinating devices as well as to strengthen old ones. Just as each river basin must produce a unique physical plan to fit its needs, so no single pattern of coordination will suit every basin. Each region should choose the mechanism it prefers. The goal, we think, is the encouragement of State and local participation which we know from experience develops when citizens have a feeling of sharing from the start. Since the Federal Government is investing large amounts of capital in planning and development, the Federal agencies should be represented from the beginning. The National Government, the States, and all other interested groups should sit down together at the very earliest stage of planning, and continue to work together step by step all the way along.

The northeastern water and related land resources compact which you are now considering meets these criteria. The League of Women Voters of the United States is happy to support the New England leagues in their statement. We wish also to thank this committee for the opportunity to be heard today.

Senator DODD. It is 10 minutes to 1 and we still have some witnesses we want to hear.

Is Mr. Merrill here?

Senator AIKEN. Mr. Chairman, may I say Mr. Merrill, who is representing the Governor of Vermont, is not here. He submitted a statement. He came down last month to testify and as you know we could not hold these hearings.

Senator DODD. Very well, Senator Aiken.

Senator AIKEN. This time he could not come so he sent a statement.

Senator DODD. Very well.

Mr. Thieme?

Senator AIKEN. Mr. Thieme, I am sure, will not be here.

Senator DODD. Does he have a statement, too, Senator Aiken? Did he send us a statement?

Senator AIKEN. I am pretty sure he did not.

Senator DODD. I see.

Is Mr. Walter N. Cook here?

Mr. COOK. Yes, sir.

Senator DODD. We are glad to have you here. Come right up.

STATEMENT OF WALTER N. COOK, MANAGER, VERMONT ELECTRIC COOPERATIVE CO.

Senator DODD. Mr. Cook is the manager of the Vermont Electric Cooperative and he is appearing on behalf of the rural cooperatives of Vermont.

Mr. Cook. And primarily maybe as a citizen.

I do not have copies of my statement. I did not know they were necessary.

Senator DODD. They are not necessary.

Mr. Cook. But I do have some notes.

I would like to start out by saying that Vermont has two primary natural resources besides dedicated Congressmen, its natural beauty, and its water. I have read the bill carefully several times, I have read the past testimony, and I find that the bill's purposes as set up could be quite worthy and worthwhile—coordinating the work of the States and the various Government agencies and resolving conflicts. This I guess is a very worthwhile proposal.

What I am afraid of in this bill is some of the hidden purposes that are not written into it. And it actually, as near as I can determine, exceeds what is written there, or could exceed what is written there.

Senator DODD. What is it that you fear that is not written there, Mr. Cook?

Mr. Cook. Well, in reading over the various agency reports on the bill, and I have them all marked here—well, say the Federal Power Commission, for instance, were in opposition because they felt it would cloud their authority. We in Vermont have looked to the Federal Power Commission for help. The Great White Father down here has helped us when things could not be resolved at the State level.

We have called on the Federal Power Commission to help us out. We are a small State and I fear that the way the voting is set up, and actually the way the proponents have already alined themselves in this bill, that we might be outvoted a good many times 4 to 2.

Senator DODD. That could also happen to Connecticut.

Mr. Cook. Oh, yes. There is no question about that.

Senator DODD. Or to any of the other States.

Mr. Cook. In trying to think this thing through, it seems to me that some of the gentlemen that have testified here have already stated that a \$6 million NENYIAC study and report has been made. There is also a report now contemplated by the Corps and Engineers—\$2¼ million. Are we going to have another report that could even come close to this type of endeavor for \$50,000 or \$100,000 a year?

Senator DODD. You are not making a serious point about the possibility of being outvoted, are you? This is always true in any representative organization.

Mr. Cook. Well, yes, I do make a point of it. I mean, how could it be otherwise as the bill is set up?

Senator DODD. You want to have unanimity on every question.

Mr. Cook. No, but in case Vermont's natural resources are involved, I very definitely feel that we should be well represented in our opinion. We do not have much.

Senator DODD. I can understand that. But you understand, too, the testimony here is that the acts of the Commission are entirely limited to recommendations.

Mr. COOK. Well, I understand that. But I have been on committees before, as a very small contributor and a minority stockholder, if I may say so, or call it that, and it is very difficult to get your points across because many, many times the other parties there, if they are in agreement, say that it does not matter very much to you, you are a very small contributor. It puts a State or the representative of the State in the most difficult position actually, practically, when you go to work out a conference on some very difficult point.

So I believe that this conflict of authority, where according to what I read from the hearings, six out of the seven agencies were against the compact—

Senator DODD. What do you say to Dr. Wendell's testimony that this is not true now—as I understood his testimony?

Mr. COOK. Well, it would seem to me if it were not true it will be very easy for the committee, as such, to get new statements from the agencies which might allay our fears.

Senator DODD. We will do that.

I did not mean to interrupt you, but you do not have a statement and I have to take these points up as they come to my attention.

Mr. COOK. That is fine.

I am not sure that Senator Aiken has already mentioned the withdrawal features. It does not seem desirable to me to bind a State for a 3-year period, whether we are for it or against it. It seems like an undesirable feature.

Senator DODD. What would seem to you to be a reasonable period?

Mr. COOK. I am neither a lawyer nor compact writer. I think a year would be a reasonable period.

Senator DODD. Do you have a reason for that?

I believe Senator Aiken made the statement that it seems a more common term. Is that your reason also?

Mr. COOK. No, sir. These notes were written up before I had access to the Senator's statement.

Senator DODD. No, I am just trying to help you get everything on the record you want to say.

Mr. COOK. Well, thank you.

Senator DODD. I was wondering, would it make it more acceptable to you if it was 1 year? Would a change to 1 year cause you to favor the compact?

Mr. COOK. No, sir. There are too many other things involved in this thing which I feel are not in the best interest of our State as I certainly would not have come down here.

Senator DODD. I understand. I was just trying to clear up one point.

Would a year be acceptable if all other difficulties were resolved?

Mr. COOK. It would be to me.

Senator DODD. Well, that is what I wanted to find out.

Mr. COOK. One thing that bothers me particularly is the fact that private funds can be raised and used. And this is an admission, I would say, that the bill's funds are inadequate as they are contemplated.

Now we have seen in many cases in committees as such where funds again have been raised by people who have particular interests. I do not feel that the committee as such can work fairly and squarely where they are trying to get funds through the public. If the private utilities wish to donate they could give substantial funds. And I do not think that it would work in the best interest of your compact. Now this is just an overall approach to the problem. If it is going to do the great good that it should, it should stand on its own two feet.

Senator DODD. I am inclined to agree with you. I think it would be much better if it was sustained with public funds.

Mr. COOK. I am sorry to be kind of disorganized here.

Senator DODD. Take your time. Do not let my questions bother you. I am just trying to clear up the points that you raise.

Mr. COOK. Another thing which strikes me as most peculiar, and this is certainly in a vague field, I followed very carefully the St. Lawrence development and the cooperatives, the farm bureaus and some of these people came down here and testified years ago to try to get St. Lawrence power and the waterway project developed. And time after time we ran into the opposition of the New England Council, even to the point where they had professors from Harvard and MIT and these other places testifying against Federal intervention. Now the same thing happened in the NENYIAC hearings. Time after time after time they came and took hours and hours of testimony time presenting why the Federal Government should not get into their business up there.

Senator DODD. Well, I might say I did not agree with them. I voted for it. I think that President Kennedy and I were the two Democrats who voted for the St. Lawrence program. So you see in that case, down in Connecticut we were quite fair to you. [Laughter.]

Mr. COOK. Very fair.

Senator DODD. And that is the view I think we ought to take. We cannot just look at our own State. I was under considerable pressure at the time, as a Member of the House, to vote against it but I voted for it because I thought we should take the long view. And it seems to me perhaps you ought to think that way about this compact.

Mr. COOK. I think your judgment was excellent in that case, sir.

In this case do you see what we are talking about? It was in opposition to the New England Council's recommendations at that time. And I just have a great fear when they become so interested that there must be some ulterior motive. This disturbs me. We are small up there, we have a very hard time.

Senator DODD. I am not unmindful of that. I think you are to be commended.

Mr. COOK. I do not know whether it is fair, and if I am out of order you can tell me so, but I would like to say a few words in rebuttal.

Senator DODD. Go right ahead.

Mr. COOK. In the testimony presented already this morning the proponents have said they have already gone forward up there and are doing great things. Senator Prouty stated that seven dams had been built in the State of Vermont and this has been done without the compact. It has been said in the NENYIAC report that things were going forward favorably, that the U.S. Corps of Engineers was going forward and doing great things in this \$2¼ million report. So it

would seem to me that if your committee acts favorably on this thing and it is passed into law that we are going to have some more commissions which will just be more expense if things are going forward satisfactorily. And I believe that I stated before that the alinement of the proponents of the bill already suggest a pattern for coalition, and you discussed that also with me.

I have no other statements to make except I hope the committee, after looking over the testimony will vote against the bill or come out against the bill.

Senator DODD. Mr. Cook, the committee is grateful to you for taking the time to come here. We are very glad to have your views on the record.

Mr. COOK. I appreciate the committee's time.

Senator DODD. Yes, Mr. Wise.

Mr. WISE. Mr. Chairman, the question of withdrawal has been brought up several times. Could I just make a very brief statement?

Senator DODD. Yes, go ahead.

Mr. WISE. This was discussed at great length when this compact was drafted. And the funds from the States making up this budget would have to be approved by the legislatures, and the legislatures in all the New England States meet biannually. And it was felt that with some longer period, more than 1 or 2 years, it would not handicap the committee or the commission if one State decided to drop out. If they announced several years in advance that they were planning to do so, the budget could be adjusted by the other legislatures and any necessary time taken. That was the reason for the 3-year period.

Senator DODD. I am glad you gave us that information. I wondered about the 3-year period.

Mr. Alexander Kalinski, assistant attorney general of the State of New Hampshire.

STATEMENT OF ALEXANDER J. KALINSKI, ASSISTANT ATTORNEY GENERAL OF THE STATE OF NEW HAMPSHIRE

Mr. KALINSKI. May I be heard just briefly on this proposal?

Senator DODD. We want to get as much testimony as we can on this question. Do not worry about the time.

Mr. KALINSKI. My name is Alexander J. Kalinski and I am assistant attorney general for the State of New Hampshire. I am here representing the Governor, Wesley Powell, and the State of New Hampshire with respect to the pending legislation.

I might say first of all that the State of New Hampshire is one of the four States whose legislature has enacted the enabling legislation which would give effect to this northeastern water and related land resources land compact. The State of New Hampshire is in favor of the proposed legislation and basically the reason is that it would serve to coordinate the Federal and State Government action in this area.

I might say that Mr. Walter White, chairman of our New Hampshire Water Resources Commission, has worked closely with Mr. William Wise, the director of the Connecticut Water Resources Commission, and the Northeastern Resources Committee. And out of that committee this compact idea arose. Because it was felt that this voluntary, loose, informal organization was not adequate to do the things

that should be done in this area. For that reason the State of New Hampshire wishes to go on record as supporting this legislation.

Senator DODD. Thank you very much. We are glad you came here.
Mr. Charles A. Robinson, Jr.

STATEMENT OF CHARLES A. ROBINSON, JR., STAFF ENGINEER AND STAFF COUNSEL, NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION; ACCOMPANIED BY WALTER N. COOK, MANAGER, VERMONT ELECTRIC COOPERATIVE, INC.

Mr. ROBINSON. Mr. Cook, one of the prior witnesses, is a member of our national board of directors.

Mr. Chairman, my name is Charles A. Robinson, Jr. I am staff engineer and staff counsel of the National Rural Electric Cooperative Association.

Mr. Chairman, I wish I could appear before this subcommittee in support of this measure. All of the time in which I was growing up, between the ages of 10 and 23, I spent in Fairfield County, Conn.

Senator DODD. That is very commendable. [Laughter.]

Mr. ROBINSON. As a matter of fact, I attended high school in Darien, Conn., the home of one of the prior witnesses in support of the bill.

Senator DODD. You have already prejudiced me enough. I think you should read your statement. [Laughter.]

Mr. ROBINSON. It is with somewhat mixed feelings that I appear in opposition to this legislation.

The National Rural Electric Cooperation Association has continuously and vigorously supported the authorization and construction of Federal and State-owned multiple purpose projects including hydroelectric power because such projects constitute some 44 percent of the total power supply of all such systems.

Approximately 500 rural electric systems purchase power generated at Federal multiple-purpose dams. During the fiscal year ending June 30, 1961, the latest period for which published statistics are available, these systems purchased 12.1 billion kilowatt-hours of wholesale energy from Federal Government dams for which they paid \$58.9 million to the United States Treasury—an average rate of 4.9 mills per kilowatt-hour.

The availability of that Federal power resulted in savings to the rural electrics of approximately \$35 million, as contrasted to what they would have paid for the same power at 7.8 mills per kilowatt-hour; the average wholesale rate charged rural electric systems by the commercial power companies.

In addition, during the same period, 88 REA-financed electric systems purchased 1.7 billion kilowatt-hours of wholesale energy from State authorities such as the Power Authority of the State of New York and the Vermont Public Service Commission.

The average cost of such energy was 7.05 mills per kilowatt-hour; about 10 percent below the average power company rate and kilowatt-hour, about 45 percent below the average rate paid by all electric cooperatives in New England for all wholesale power.

The rural electric systems are, as a whole, very large consumers of power generated by others. We generate only 16 percent of the power we sell. All of the remainder is purchased. We are, therefore, con-

sumer-oriented and are constantly searching for lower cost power sources and for factors and influences which will exert a downward force on power rates. And, it is our experience, without exception, that whenever feasible hydroelectric features are included in multiple-purpose river basin development, and their output marketed by a public agency on a cost-of-service basis, the result is low-cost power and a downward influence on prevailing rates—wholesale and retail. Vermont is a good example. In 1955, prior to the availability of St. Lawrence power, the average residential bill in Vermont for 250 kilowatt-hours was \$8.90. Now the cost for the same kilowatt-hours is \$7.87; down 12 percent.

New England electric rates are the highest in the Nation. The people of New England pay higher rates for electric utility service than do people in any other section of the United States, except Alaska. The average residential rate in New Hampshire is, except for Alaska, the highest in the country; 20 percent above the national average. The average residential rate in Massachusetts is, except for Alaska, the second highest in the United States; 19 percent above the national average.

Maine and Rhode Island consumers pay the third and fourth highest rates in the Nation, except Alaska. Only in Vermont, where the influence of Niagara-St. Lawrence power is apparent, do residential rates even approach the national average. And in support of these statements we call attention, Mr. Chairman, to exhibit 1 attached.

Even more startling is the comparison of retail residential rates in New Hampshire with those in Georgia, for instance, where the influence of Federal power is strong. The average retail consumer in New Hampshire pays \$8.96 for 250 kilowatt-hours. In Georgia he pays \$6.32; 30 percent less.

Rural electric cooperatives in New England fare even worse. They pay an average rate of 12.7 mills per kilowatt-hour for wholesale power; 87 percent above the national average, including Alaska, of 6.8 mills per kilowatt-hour. Only in Vermont, where the St. Lawrence project power is marketed to cooperatives by the State public service commission do co-op wholesale power costs appear the least bit encouraging; 27 percent below the average for New England but still 35 percent above the national average.

The anomaly of New England's discouraging electric power rate pattern is the fact that only 35 percent of its 4.38 million kilowatts of hydroelectric capacity is developed. In that connection we call your attention to exhibit 3.

It, therefore, appears mandatory that to meet the test of public interest, any plan for utilizing the water resources of New England must contemplate full development of all feasible hydroelectric potential and the marketing of the energy so produced at minimum cost. New England badly needs a positive, downward acting force on its electric utility rate structure.

Senator Dobb. Do you mind if I ask questions from time to time? It will be fresher in my mind that way rather than waiting until you get to the end of your statement. Does it bother you in any way?

Mr. ROBINSON. No, sir.

Senator DODD. I am frank to say I am quite in sympathy with what you say here, but how and why will this compact make less likely this situation?

Mr. ROBINSON. Mr. Chairman, it is our view that if other measures are adopted in lieu of this compact, for instance, if the New England States were to place their influence in favor of passing S. 2246, it would have a very salutary effect on water resource planning in New England.

Senator DODD. It may be that you will answer my question later on in your statement. I guess I should not have interrupted. I had not gotten that far in your statement.

Mr. ROBINSON. Mr. Chairman, I apologize for not answering your question.

Senator DODD. That is all right, you answered it, or you are going to answer it later on. Proceed.

Mr. ROBINSON. We respectfully call to the attention of the subcommittee the fact that the New England Council has been among the most active advocates of H.R. 30. We look upon that organization with the utmost respect, but, in the field of electric power, it is oriented toward the interest of the utility corporations; not toward the utility consumer. It actively opposed the St. Lawrence multiple-purpose project which has brought a small quantity of low cost power to New England.

Even a cursory investigation indicates that 13 of the 18 members of its executive committee are either electric power company officers or directors, or are associated with electric power companies through interlocking corporate organizations. In support of that statement we call your attention to exhibit 4 which is footnoted with the sources.

In his connection, I quote from one of the last public appearances of the late Leland Olds; son of a New England college professor, New England-educated and chairman of the Federal Power Commission.

Testifying before the Senate Select Committee on National Water Resources at Augusta, Maine, on December 7, 1959, Mr. Olds, speaking of unified multiple-purpose development of river basins said:

I call the committee's attention to the fact that, tragically for the New England States and for the entire northeastern part of our country, that principle is not being applied to the region's rivers. The opposition of a certain kind of State isolationism or antifederalism, played on by power, rail, and coal interests, has blocked the true multiple-purpose planning and development of the region's river basins.

As a result, flood control has been delayed; regulation of streamflow has not made the rivers the cleansing, recreational assets they could become; and their hydroelectric power potential has not been fully developed.

We doubt, Mr. Chairman, that the New England Council would advocate legislation likely to cause a downward force on electric utility rates.

Senator DODD. I think it is fair to point out I do not think it follows at all that because some people are members or directors or have interest in power companies that the New England Council will exert its influence on this compact or Commission to impede efforts as to the use of power. Is that what you are suggesting? There are a lot of people in support of this. I happen to be one. I do not think the

League of Women Voters can be charged with having an interest or being interested in higher power rates. Do you?

Mr. ROBINSON. No, sir. I would be the last one in the world to accuse the League of Women Voters of supporting higher power rates.

Senator DODD. Maybe you ought to consider this on its merits. It may have support from quarters that would not agree with you about the power rate situation, but they can be right about this, can't they?

Mr. ROBINSON. About what, sir?

Senator DODD. About the need for this compact?

Mr. ROBINSON. Well, Mr. Chairman, I think that the water resources problems of New England could be much better solved by the traditional approach as suggested in S. 2246 which would, among other things, make \$50 million available to the separate States for studies.

Senator DODD. But what you are arguing here is that because the New England Council is for it, and because several members of the council are interested in private power, therefore the proposition ought to be rejected. It does not seem to me to be a very logical argument.

Mr. ROBINSON. Well I respect your opinion in that regard, Mr. Chairman. My point is—

Senator DODD. That is almost an argument of guilt by association.

Mr. ROBINSON. Yes, sir, I think that is probably correct. But it is our experience that an organization in which the investor-owned utility companies play a prominent part, and the policies for which many of their representatives are responsible, is not likely to support a low-cost power pattern.

Senator DODD. Well, I quite agree, but there are a lot of other people supporting this—

Mr. ROBINSON. That is one of the bases for my statement that I doubt the adoption of this compact would improve the power situation. Our primary interest is electric power.

Senator DODD. I told you I agree with you; I think our power rates are far too high, and I am generally in favor of any sensible measure that will bring about a reduction in them. But I think I can see value in this compact separate and apart from that question.

I do not want to have the impression in this record that everyone who is for this thing is for high power rates.

Mr. ROBINSON. Mr. Chairman, I could not agree with you more. I think that is a very fair statement. I would not want my statement to imply in any way that everyone who supports this compact is an advocate of high power rates. I do not think that is true at all.

Senator DODD. Very well, proceed.

Mr. ROBINSON. A year ago, I appeared on behalf of the National Rural Electric Cooperative Association before a joint subcommittee of the Senate Committees on Public Works and Interior and Insular Affairs in support of S. 2246. That bill, citable as the "Water Resources Planning Act of 1961," was proposed by the President, and supported by his administration, as the best practicable means of achieving complete nationwide planning for comprehensive development of all major basins. It was the President's answer to the need

for such development, as found to exist by the Select Committee on National Water Resources of the U.S. Senate. In this connection, Mr. Chairman, I might add it is my information that on March 14, 1962, the Federal Power Commission submitted a letter to the Senate Committee on Public Works reiterating its opposition to S. 374, which, as I understand it, is the Senate equivalent of H.R. 30. So the position of at least the Federal Power Commission has not materially changed since consent of the Federal Government was given to the Delaware compact.

S. 2246 would provide a vehicle for participation by each individual State in multiple-purpose river basin development planning and for cooperation between the separate States, affected interstate agencies, and appropriate Federal agencies in securing basinwide approval of comprehensive resource plans.

With their power to hold hearings and employ well-compensated staff personnel, the individual regional river basin commission, authorized to be appointed upon the request of State Governors under title II of S. 2246, would encourage the broadest cooperation at both the staff and policy level between Federal, State, and interstate agencies.

S. 2246 would authorize Federal grants in the amount of \$50 million to the several States to finance badly needed individual State water resources planning.

In addition, S. 2246 would establish a Cabinet-level Water Resources Council in the Federal Government. The Council would review the planning accomplished at State and regional levels to assure that such plans for water resource development as were generated within the machinery established by the bill, would conform to National policy.

And, I think it appropriate at this point, Mr. Chairman, to emphasize that in the final analysis, it is the United States of America that holds the basic constitutional power over navigable streams. Moreover, it seems unlikely that Congress is of a mind to relinquish this basic power; as evidenced by the reservations inserted in the legislation granting Federal consent to the Delaware Basin compact last year and the reservations inserted in the instant bill, H.R. 30 by the House committee.

It, therefore, appears to us that S. 2246 is a very appropriate vehicle through which to evolve comprehensive river basin development plans compatible with State and regional needs, but still harmonious with Federal policy which is paramount.

The compact embodied in H.R. 30 possesses several weaknesses we believe. Two States, Maine and Vermont have rejected it. And, as we understand it, none of the eligible States have ratified it in the form which passed the House of Representatives.

The broad veto power inherent in article VI of the proposed compact will most certainly hamper vigorous action and effective recommendations by the Compact Commission. Should Maine and Vermont, for instance, decide to participate, and should those States express an interest not compatible with that of other States to the compact, each of the remaining States would, in effect, possess an absolute veto power. The Federal representatives on the Compact Commis-

sion would, as a group, possess of themselves an absolute veto power under the language of the House bill.

Article VII of the proposed compact appears to limit to \$50,000 per year the power of the Commission to finance itself from funds provided by the participating States. In view of the fact that it costs on the order of \$1 million minimum to prepare even preliminary survey plans for a single river basin development scheme, there is left open a big question as to financing Commission activities.

In view of all of the foregoing factors, it appears to us that the interests of the Northeast, as they relate to comprehensive water resource development, would be more effectively and more promptly served by passage of S. 2246 than by passage of H.R. 30. At best H.R. 30 would create a relatively weak association of Government units with broad veto power and with limited financing authority. At worst, it would create an instrumentality that could impair and encumber and delay water resources development.

New England electric power rates are the highest in the Nation except for Alaska. The region badly needs water resource development that includes the generation and marketing of hydroelectricity on a minimum cost basis. This, we think, is better accomplished by S. 2246 than by H.R. 30.

We, therefore, respectfully ask that H.R. 30 not be enacted.
(The exhibits referred to are as follows:)

EXHIBIT 1

*Average electric bills for 250-kilowatt-hour residential service, Jan. 1, 1961
(selected States)*

Maine (3d highest in United States).....	\$8. 86
New Hampshire (highest in United States).....	8. 96
Vermont.....	7. 87
Massachusetts (2d highest in United States).....	8. 89
Connecticut.....	8. 11
Rhode Island (4th highest in United States).....	8. 74
Washington.....	4. 74
Oregon.....	5. 62
Nebraska.....	6. 26
Tennessee.....	5. 02
Alabama.....	5. 39
Georgia.....	6. 32
U.S. average.....	7. 45
New England average.....	8. 56

Source: "Typical Electric Bills, 1961," FPC.

EXHIBIT 2

*Average cost of wholesale power purchased by electric cooperatives (fiscal year
1961, selected States)*

	<i>Mills per kilowatt-hour</i>
Maine.....	14.9
Vermont.....	9.2
New Hampshire.....	14.1
Washington.....	2.9
Oregon.....	3.3
Tennessee.....	4.6
Georgia.....	6.0
Mississippi.....	5.4
Kentucky.....	6.7
U.S. average.....	6.8
New England average.....	12.7

Source: Annual Report of Energy Purchased by REA Borrowers, Fiscal Year 1961, REA.

EXHIBIT 3

Hydroelectric resources of New England States

State	Potential capacity (kilowatts)	Percent developed
Maine.....	1,756,756	28
New Hampshire.....	1,040,896	43
Vermont.....	653,635	31
Massachusetts.....	473,633	48
Connecticut.....	301,360	47
Rhode Island.....	4,317	100
Total New England.....	4,380,597	35

Source: "Hydroelectric Power Resources of the United States, 1960," FPC.

EXHIBIT 4

NEW ENGLAND COUNCIL EXECUTIVE COMMITTEE

Name and Electric Utility Company Association

President: Joseph A. Erickson, Wellesley Hills, Mass.; president, Federal Reserve Bank of Boston, 1948-61; H. E. Umphrey, director of Bank, also director of Maine Public Service Co.

Vice president: J. Fred French, president and director Amoskeag Savings Bank, Manchester, N.H.; A. R. Schiller, president, Public Service Co. of New Hampshire, also director of Amoskeag Savings Bank.

Vice president: Erskine N. White, president, New England Telephone and Telegraph Co., Boston, Mass.; White is director of First National Bank of Boston as is I. L. Moore, president, New England Electric System (holding company with 15 operating electric utility subsidiaries).

Vice president: Holmes H. Whitmore, president, Jones & Lamson Machine Co. Springfield, Vt.; R. W. Stoddard, director of Jones & Lamson is also director of First National Bank of Boston with I. L. Moore, president, New England Electric System.

Secretary: W. Gordon Robertson, president, Bangor & Aroostook Railroad Co., Bangor, Maine; director of St. Croix Paper Co. with H. E. Umphrey, director of Maine Public Service Co. Umphrey is also a director of Bangor & Aroostook Railroad.

Treasurer: Everett Ware Smith, senior vice president, New England Merchants National Bank of Boston, Boston, Mass.; president of Bank, R. C. Chapman, director of Tampa Electric Co.

Maine:

Chairman (per se): Norman J. Temple, Central Maine Power Co., Augusta, Maine.

Vice chairman: Richard J. Stride, president, Biddeford & Saco Bus Lines, Inc., Saco, Maine; also president, Burgess Forbes Paint, Portland, Maine.

New Hampshire:

Chairman: Francis E. Nugent, President, Second National Bank of Nashua, Nashua, N.H.

Vice chairman: Perley I. Fitts, commissioner, Department of Agriculture, Concord, N.H.

Vermont:

Chairman (per se): Glen M. McKibben, president, Green Mountain Power Corp., Burlington, Vt.

Vice chairman: Theodore F. Kane, president, Kane Associates, Inc., Montpelier, Vt.

Massachusetts:

Chairman: Edward L. Clifford, president, Worcester County National Bank, Worcester, Mass.

Robt. W. Stoddard, bank director, also director First National of Boston with I. L. Moore, president, Northeast Electric System.

Vice chairman: George H. Ellis, president, Federal Reserve Bank of Boston, Boston, Mass.

E. B. Whittemore, director of bank is director, Public Service Co. of New Hampshire.

Name and Electric Utility Company Association—Continued

Rhode Island:

Chairman: Svon Vaule, president, Vaule, Inc., Providence, R.I.
 Vice chairman: Erskine N. White, Jr., vice president, Gorham Corp., Providence, R.I.; son of president N.E. T & T; director of Eaton Paper Corp. with R. H. Trott; chairman, Rhode Island Hospital Trust; director; W. T. Brightman; also director of Naragansett Electric Co.

Connecticut:

Chairman: Graham R. Treadway, vice president, Connecticut Bank & Trust Co., Hartford, Conn.
 Sherman R. Knapp, president, Connecticut Light & Power Co., is director of Connecticut Bank & Trust Co.
 Vice chairman: Frank G. Chadwick, Jr., senior vice president & director, First New Haven National Bank, New Haven, Conn.
 W. C. Bell and W. J. Cooper, chairman and president, United Illuminating Co., respectively. Directors of First New Haven National Bank.

Source: "Moody's Bank & Finance Manual, 1961"; "Moody's Public Utility Manual, 1962"; Poor's Register of Directors & Executives, 1962"; "Who's Who in America, 1962-1963.

Senator DODD. Would you agree that these two measures are not incompatible?

Mr. ROBINSON. Well I think, Mr. Chairman, that enactment of H.R. 30 and the establishment of the interstate commission would certainly duplicate and possibly conflict with the regional commission that would be appointed under 2246.

Senator DODD. Don't you think the State would feel better to have a compact, that they would have more to say than they would without it?

Mr. ROBINSON. Well, Mr. Chairman, that may be true for some States, but at least two States have indicated they would not so feel in this case.

Senator DODD. But four have indicated that they would.

Wouldn't they feel, have a justified feeling, they would have something more to say about its programing than they would have under the provisions of S. 2246?

Mr. ROBINSON. Yes, sir; I think perhaps they feel they would have more to say, but I question whether that would necessarily result in the development of the regions water resources.

Senator DODD. I see your viewpoint.

Mr. SANDUSKY. Mr. Robinson, this is a matter that has come up twice before this morning. On page 6 you make the statement that none of the eligible States have ratified it, meaning the compact, in the form which passed the House of Representatives. Aren't you referring to material that is actually the enabling legislation and not the compact itself?

In short, you have reference to sections 2 through 6 of the bill.

Mr. ROBINSON. Well let me answer the question this way if I may. It is my understanding that each of the States must accept the language of the compact in exactly the way it is accepted by each of the other States and consented to by the Federal Government.

Mr. SANDUSKY. That is correct as to the compact itself. For example, the Congress would have no authority to change any terms in the compact. If that were done it would have to go back to the States. But the language of the enabling legislation is something else again. That is a congressional prerogative not under the jurisdiction of the States because it is not a part of the compact.

Mr. ROBINSON. Yes, but those States which have ratified, or passed such enabling legislation as is necessary for them to participate in the compact, did so prior to the time the House committee added section 4 to article 12.

Is that correct? I beg your pardon—

Mr. SANDUSKY. No, sir. You are referring again to the enabling legislation, the consent legislation.

Mr. ROBINSON. I stand corrected, sir. You are right.

Mr. SANDUSKY. I just want the record to be clear on that, Mr. Robinson. Because it was certainly my understanding that the compact itself was identical—

Mr. ROBINSON. That is correct. But the enabling legislation which was changed by the addition of section 4 to the original bill, H.R. 30, by the House committee might nor might not be now acceptable to the participating States.

Mr. SANDUSKY. I do not know what the situation will be there. There have been frequent changes in enabling legislation on various compacts. For example, in the Delaware compact the provision for the manner in which the Federal representative was to be appointed was changed.

Mr. ROBINSON. However, the addition of section 4 might affect the attitude of the interested States in the compact and might affect their desire to participate or not participate in it.

Senator DODD. I might say that I doubt that. We have heard from the representative of Connecticut, New Hampshire, and the man from the New England Council for Massachusetts. Senator Pastore was engaged in some other committee hearing, but I heard nothing from Rhode Island to indicate they are unhappy about it. It would seem to me they are not raising the objection that you suggest.

Senator AIKEN. Mr. Chairman, may I ask a question?

Senator DODD. Yes.

Senator AIKEN. Does the counsel contend the language of the enabling legislation is not binding on the States, and that they are not required to comply with it?

Mr. SANDUSKY. Let me phrase it this way, Senator Aiken.

Senator AIKEN. You asked almost the question I did. If the compact approved by the State has one set of provisions and the enabling act has directly conflicting provisions, what happens then?

Mr. SANDUSKY. I believe that was discussed by Dr. Wendell, and if the enabling legislation changed the basic character of the compact it would not be in effect—

Senator AIKEN. The next question is this: Can the Compact Commission accept the language of the enabling act as amendments to the compact without again securing approval of the signatory States?

Mr. SANDUSKY. The enabling legislation is not considered an amendment to the compact, so it would not have to go back to the States.

There is no further action for the States to take.

Senator AIKEN. Which is binding, the enabling legislation or the compact?

Mr. SANDUSKY. Certainly as far as the Congress is concerned, the enabling legislation will govern the degree of participation on the part of the Federal Government.

Senator AIKEN. And that controverts provisions of the compact, so how could the compact work?

Mr. SANDUSKY. I would say in case the enabling legislation defeated the purpose of the compact, that would defeat the working of the compact. I do not know of such a situation.

Senator AIKEN. There certainly is a great big gap in the provision for making amendments and altering interstate compacts which never has yet been fully taken care of.

Senator DODD. Well, Mr. Robinson, you have been a very helpful witness.

Mr. ROBINSON. Mr. Chairman, I very much appreciate the opportunity to appear and I thank the Chair for its most courteous consideration.

Senator DODD. It appears that you have taken my questions as being hostile, and they were not intended to be at all. I wanted to make your position clear on the record.

Mr. ROBINSON. Mr. Chairman, may the record show that Mr. Walter Cook, the member of our board of directors from the State of Vermont, accompanied my appearance this morning?

Senator DODD. Yes.

Mr. Alex Radin.

Before we start with Mr. Radin, are there other witnesses who want to testify?

Do you have any further witnesses?

Senator AIKEN. These are not my witnesses. A good many would like to have appeared, but I did not give them encouragement. I think you have about 18 or 20 telegrams from Vermont saying they would like to appear, but the testimony would have been largely duplication.

Senator DODD. We have several telegrams and my intention is to insert them in the record.

Senator AIKEN. And there were some from Massachusetts also I believe.

Senator DODD. Every one of them will be put in the record.

Senator AIKEN. I would like one last word, however.

It may seem a little peculiar that I am suggesting a thorough study of Senator Anderson's proposal for Federal studies of our river systems, and perhaps at one time I would not have done that. You may recall when we were trying to get the St. Lawrence through, you and Senator Kennedy were the only Democrats in New England to vote for it. I am sure you were called communistic for doing it as I was, but we never would have gotten that St. Lawrence power into Vermont had we relied upon the New England Council and the southern New England business interests. We just could not have done it. We had to get it through the Federal Government. And the year after we got that we were able to reduce the electric rates in Vermont approximately 10 percent, and the same year the electric consumers in New Hampshire got an increase in rates to the same amount.

So through the Federal Government we were able to get the power that has done us a great deal of good.

Senator DODD. Thank you very much, Senator Aiken.

Mr. Radin.

STATEMENT OF ALEX RADIN, GENERAL MANAGER, AMERICAN
PUBLIC POWER ASSOCIATION

Mr. RADIN. Senator, in view of the lateness of the hour I would like to ask that my entire statement be entered into the record and I would like to read only portions of it.

Senator DODD. That is all right. It will all be included. You may take as much time as you need.

Mr. RADIN. I am sorry I cannot claim to be from the State of Connecticut, as was the previous witness, but I hope to make this offering some concession to the committee.

The American Public Power Association is a national service organization which represents more than 1,100 local publicly owned electric utilities in 43 States and Puerto Rico, including municipally owned electric systems in the States of Maine, Vermont, Massachusetts, and Connecticut. The association's offices are at 919 18th Street NW., Washington 6, D.C.

Our association and its New England members heartily endorse the concept of comprehensive development of our water resources and favor the coordination of planning for orderly development of these resources.

During the present Congress we have submitted testimony in support of S. 2246, the Water Resources Planning Act, which would create a cabinet-level Water Resources Council, and authorize the establishment of river basin commissions.

Therefore, the association is in sympathy with the objective of S. 374, which we understand to be the coordination of efforts to plan for development of water resources in the Northeast.

We are not convinced, however, that the compact which would be approved by the pending bill would achieve this objective. On the contrary, it appears that conflicts of jurisdiction would be increased, that planning responsibility would be diffused, and that roadblocks would be placed in the way of orderly development under its terms.

During these hearings, held March 30 and 31, 1960, representatives of the Federal agencies which presumably would be represented on the proposed Northeastern Resources Commission expressed serious doubts about the effectiveness of the legislation in coordinating water resource development.

We share the apprehension expressed by representatives of the Federal Power Commission during these hearings that the planning procedure assigned to the proposed Commission—

would lead to conflicts, duplication, and confusion with respect to the existing functions of the various Federal agencies, particularly those of the Federal Power Commission relating to Federal and non-Federal water power development.

Mr. Chairman, it is my understanding that the only statement on the subject of this bill which has been submitted since the statement of the Federal Power Commission to which I just referred was the one that was submitted in March of this year before the Senate Public Works Committee and at that time the Federal Power Commission continued to state its opposition to this particular bill. So contrary to the statement of one of the previous witnesses this morning that the administration has changed its position, as far as we as an

outside agency are concerned there have been no published records to show that the administration has changed its position. And it was only this morning that I heard the Department of the Interior submitted a new statement. But I had not had a chance to see it and that was the first I had heard of it. And as far as I know the other agencies have not submitted new statements of position to this committee.

It is suggested by the FPC statement that the proposed Northeastern Commission could "delay or possibly nullify" the FPC's licensing function in the Northeastern States if a proposed license did not conform with plans developed by the regional commission.

With respect to major river basin developments in the Northeast which might be financed through Federal appropriations, and thus paid for by the entire Nation, it seems undesirable to our association to give a particular region what amounts to a veto power over national plans and to permit representatives of a single region to schedule projects which must be financed from the Federal Treasury.

As a practical matter, the Northeastern Commission's schedule of development will be meaningless if the necessary appropriations are not made by Congress. This schedule can be meaningful, however, in a negative way, if it prohibits developments which otherwise would go forward under Federal sponsorship.

The Department of Justice, in commenting on the 1960 legislation (hearings, pp. 85, 86) notes that although provision is made for seven Commission members representing departments and agencies of the United States—

a simple majority of State members present at a Commission meeting could veto the concurrence of all such Federal members.

It should be pointed out that only four of the six New England States have ratified the compact, and under terms of the bill the ratification of only three States, plus Federal approval, would put the compact into effect. What will be the role of the nonparticipating States, if they choose to remain in that category? Will a majority of the four participating State members have veto power over possible projects in Maine and Vermont, where extremely large hydroelectric power potential exists?

As we interpret article VI of S. 374, the contrary also would be true. In other words, a simple majority of the Federal members present could veto the concurring view of the State members. This possibility was referred to extensively in House debate on H.R. 30, the companion bill to S. 374.

This cumbersome voting procedure certainly would not, in our association's view, aid in the prompt development of resources in the Northeast. The possibilities of conflict between State and Federal Commission members are very great. The fact that the Federal agencies commenting on this legislation raised so many questions about jurisdictional problems involved in the proposed compact would indicate that disagreements lie ahead.

The House Public Works Committee report on H.R. 30 states that:

All of the Federal agencies concerned and the Bureau of the Budget have strongly endorsed the purposes of the bill, but they do not support the principle of equality of representation embodied in the compact * * *.

This statement, we believe, is somewhat misleading.

Far from supporting the bill, the Federal agencies in most cases expressed outright opposition to the bill.

For example, the FPC statement (H. Rept. No. 707, 87th Cong., 1st sess., p. 9) concludes:

For the reasons discussed herein, the Commission does not favor enactment of the bill.

The Department of Health, Education, and Welfare (p. 11) urged that the legislation—

be deferred, if feasible, until desirable overall Federal cooperative authorities can be more clearly outlined * * *.

The Department of the Interior statement (p. 12) declared:

We recommend that H.R. 9999 be not enacted.

The Department of Agriculture (p. 14) recommended—

that the Congress not give its consent and approval to a northeastern water and related land resources compact in the form of the compact set out in the bill.

The Department of Justice (p. 18) said:

We believe the United States should not acquiesce in the joint Federal-State arrangement contemplated by the subject bill in its present form.

The Department of the Army, while not expressing outright opposition to the bill, pointed out (p. 20) that the proposed compact—

is novel in that it would constitute a compact between the United States and a number of its constituent States, and some constitutional issues might thereby be raised.

In view of what appears to be a generally negative attitude on the part of the very Federal agencies which would be expected to cooperate in the work of the proposed Northeastern Commission, it is the view of the American Public Power Association that Congress should take a new look at the proposal in order to determine whether it would, in fact, have the effect of speeding progress of water resource development in the Northeast.

As was noted earlier, APPA supports the President's proposal to establish a cabinet-level Water Resources Council, a measure which recognizes the need for greater coordination effort among the various Federal agencies concerned with water resource development and proposes to implement this coordination at the highest policy level. We favor this approach.

S. 2246 also would provide for the creation of a river basin water resources commission for any region, major river basin, or group of related river basins in the Nation.

Through this procedure, a river basin commission could be established for the Northeast in the framework of an overall coordinating effort. Plans formulated by such river basin commissions would be subject to approval by the Cabinet committee before submission to the President.

I might say here it is my understanding from reading S. 2246 that each State in such river basin commission would be represented on the Commission by a person designated by the Governor of the State and approved by the President of the United States.

In the view of our association, S. 2246 would establish orderly procedures for river basin planning, utilizing existing agencies and defining clearly the authority of each.

The bill under consideration by your committee today, on the other hand, would disrupt present procedures in the Northeast without creating any clearly workable alternative procedures.

In conclusion, the American Public Power Association respectfully urges the committee to defer action on S. 274 and to consider, as an alternative, the coordination of water resources planning at the national level, in cooperation with regional groups.

We are strongly of the opinion that S. 274 will create more ills than it will cure.

Thank you very much, Mr. Chairman.

Senator DODD. The committee is very much interested in what you have had to say, and there is certainly no question you are a very experienced man. However, I ask you the same question I asked Mr. Robinson.

It seems to me the proposal which you favor will give the Federal Government the dominant part in this area—it is bound to—and there is a constant struggle, as you know, between the State and Federal governments.

Many people feel, and I sometimes do, that we are going too far in the direction of Federal control. Don't you think it desirable wherever we can to try to limit that control and get as much State participation as we can?

The other extremists, do not want the Federal Government in at all. And that seems just objectionable to me.

One of the reasons I look favorably upon this proposal is that it seems to be a mutual effort on the part of the Federal Government and the States.

Does that appeal to you at all?

Mr. RADIN. No, I think that in the final analysis the type of bill that is being discussed here today would just create confusion in the processes of water resources development.

I certainly agree with you, Senator Dodd, that there should be local initiative and State initiative, and our organization has been very active in this field itself because we consist entirely of local governmental units.

Just this past week the House of Representatives approved a conference report which would permit members of our organization in the Northwest to build the atomic power project which earlier had been proposed for Federal development. So we certainly want to do everything possible to permit State and local development.

However, we have found that in multipurpose river basin developments encompassing large regions of the country, and where there are directly conflicting interest between these States, it is almost essential to provide some leadership through the Federal Government to bring about the development of those resources.

And I have no doubt that in the final analysis many of the projects which will be proposed by this compact, or the Commission set up by the compact, would in the final analysis be financed or built by Federal agencies. And I think that to set up the type of mechanism that is provided for in this compact would just create conflicting views

and bring about disagreements and sharpen the area of disagreements and result in a stalemate or inadequate development.

Senator DODD. Well that is a good point and is a viewpoint many people have. I prefer to see these things worked out on a mutually cooperative basis if it is possible.

Mr. RADIN. But where you finally come down to the line of decision someone has to act, and if you continue to have controversy between the various States, and between the State and the State and the Federal Government, it seems to me that where there are interstate—

Senator DODD. We could do both, we could pass the bill you like and pass this one.

Mr. RADIN. I think you would find then there would be a great deal of conflict between the compact and the Commission, or at least overlapping of responsibilities between the Commission set up by the compact and the river basin commission that might be set up under S. 2246.

Certainly there would be a lot of unnecessary duplication of efforts and confusion. The States will be represented, as I say, on the river basin commissions that would be authorized by S. 2246.

Senator DODD. Well, the people in the area know best what they need and the Federal Government takes the wider view. And you put these two together and it looks to me like you are getting a pretty good job—

Mr. RADIN. They would be put together in S. 2246. The States would be represented adequately there. And as a matter of fact, as Mr. Robinson pointed out, S. 2246 goes further and provides for Federal assistance to the States in doing some of the resources work that they are now unable to do for lack of funds.

So I think actually you would strengthen State participation by providing, not only a means administratively, but financially to take a more active role in resource development.

Senator DODD. Well I value your opinion.

Mr. RADIN. Thank you very much for your consideration.

Mr. SANDUSKY. Mr. Radin, for the sake of clearing the record, I see that your comments were specifically directed to S. 374 which is not before this committee.

Would you like to state that they are equally applicable to the companion bill, H.R. 30, which is presently before us?

Mr. RADIN. Yes, I would.

Senator DODD. They are the same?

Mr. RADIN. Yes.

Senator DODD. Thank you again.

Mr. RADIN. Thank you, sir.

Senator DODD. Senator Aiken?

Senator AIKEN. I have nothing more. I just want to thank you, Mr. Chairman. I know that you have had three other jobs waiting your attendance all the time you have been sitting here.

I do not know how you could have done any more for your constituents. I know how much they wanted to testify, and while I think I will not call you a martyr, because I do not think that would be in order, they certainly have no complaint about the conduct of this hearing.

Senator DODD. Thank you, Senator Aiken.

We will adjourn this hearing and put in the record all of the letters and telegrams that you have received. And if any of you want to supplement your statements of your testimony you are free to do so.

We will insert in the record at this point Mr. Radin's complete statement.

(The statement referred to follows:)

STATEMENT BY ALEX RADIN, GENERAL MANAGER, AMERICAN PUBLIC POWER ASSOCIATION, CONCERNING S. 374

The American Public Power Association is a national service organization which represents more than 1,100 local publicly owned electric utilities in 43 States and Puerto Rico, including municipally owned electric systems in the States of Maine, Vermont, Massachusetts and Connecticut. The association's offices are at 919 18th Street NW., Washington, D.C.

Our association and its New England members heartily endorse the concept of comprehensive development of our water resources and favor the coordination of planning for orderly development of these resources. During the present Congress we have submitted testimony in support of S. 2246, the Water Resources Planning Act, which would create a Cabinet-level Water Resources Council, and authorize the establishment of river basin commissions.

Therefore, the association is in sympathy with the objective of S. 374, which we understand to be the coordination of efforts to plan for development of water resources in the Northeast.

We are not convinced, however, that the compact which would be approved by the pending bill would achieve this objective. On the contrary it appears that conflicts of jurisdiction would be increased, that planning responsibility would be diffused, and that roadblocks would be placed in the way of orderly development under its terms.

S. 374 would create a new entity, the Northeastern Resources Commission, with responsibility for collecting data, investigation and planning of projects, and programing (including scheduling) of water and related land resources development. It is our understanding that S. 374 is identical to H.R. 30, which was passed by the House on August 2, 1961, after the deletion of a provision calling for contribution of \$50,000 each year by the U.S. Government. S. 374 retains this provision (sec. 5, p. 12) at the present time.

The House Public Works Committee report on H.R. 30 in turn states that the House version of this bill is identical with legislation introduced during the preceding year, and on which House hearings were held.

During these hearings, held March 30 and 31, 1960, representatives of the Federal agencies which presumably would be represented on the proposed Northeastern Resources Commission expressed serious doubts about the effectiveness of the legislation in coordinating water resource development.

We share the apprehension expressed by representatives of the Federal Power Commission during these hearings that the planning procedure assigned to the proposed Commission "would lead to conflicts, duplication, and confusion with respect to the existing functions of the various Federal agencies, particularly those of the Federal Power Commission relating to Federal and non-Federal waterpower development."

FPC's official report on the 1960 legislation, which was reprinted in the 1961 House committee report, notes that the licensing function of the Federal Commission has been determined by the U.S. Supreme Court to permit licensing only of "projects which conform to national plans or development wherein the broad public interests are safeguarded and recognition is given to the needs of commerce, flood control, waterpower development, and other beneficial public uses, including recreational purposes."

It is suggested by the FPC statement that the proposed northeastern commission could "delay or possibly nullify" the FPC's licensing function in the Northeastern States if a proposed license did not conform with plans developed by the regional commission.

With respect to major river basin developments in the Northeast which might be financed through Federal appropriations, and thus paid for by the entire Nation, it seems undesirable to our association to give a particular region what amounts to a veto power over national plans and to permit representatives of a

single region to schedule projects which must be financed from the Federal Treasury. As a practical matter, the northeastern commission's schedule of development will be meaningless if the necessary appropriations are not made by Congress. This schedule can be meaningful, however, in a negative way, if it prohibits developments which otherwise would go forward under Federal sponsorship.

In the case of local water resource developments, we must bear in mind the responsibilities of the Federal Power Commission in licensing such projects. While the northeastern commission may program certain projects according to its own timetable, the projects would be subject to FPC licensing. Would the regional or national authority prevail? The bill seems to be obscure on that point.

The Department of Justice, in commenting on the 1960 legislation (hearings, pp. 85 and 86) notes that although provision is made for seven commission members representing departments and agencies of the United States, "a simple majority of State members present at a commission meeting could veto the concurrence of all such Federal members."

It should be pointed out that only four of the six New England States have ratified the compact, and under terms of the bill the ratification of only three States, plus Federal approval, would put the compact into effect. What will be the role of the nonparticipating States, if they choose to remain in that category? Will a majority of the four participating State members have veto power over possible projects in Maine and Vermont, where extremely large hydroelectric power potential exists?

As we interpret article VI of S. 374, the contrary also would be true. In other words, a simple majority of the Federal members present could veto the concurring view of the State members. This possibility was referred to extensively in House debate on H.R. 30, the companion bill to S. 374.

This cumbersome voting procedure certainly would not, in our association's view, aid in the prompt development of resources in the Northeast. The possibilities of conflict between State and Federal Commission members are very great. The fact that the Federal agencies commenting on this legislation raised so many questions about jurisdictional problems involved in the proposed compact would indicate that disagreements lie ahead.

The question was raised during House debate on the companion bill as to whether decisions of the proposed commission would be binding upon the individual States. There was a great deal of opposition to the possibility that a majority of Federal commissioners and a majority of State commissioners could require certain activities on the part of a minority of States. Likewise, the question arises as to whether simple majorities of the State and Federal commissioners could make decisions which would be binding upon the Federal Government, including agencies presumably opposed to the actions, and even independently of Congress. This is another "gray area" in the pending bill, and one which could lead to disputes in the future.

The House Public Works Committee report on H.R. 30 states that, "All of the Federal agencies concerned and the Bureau of the Budget have strongly endorsed the purposes of the bill, but they do not support the principle of equality of representation embodied in the compact * * *." This statement, we believe, is somewhat misleading.

Far from supporting the bill, the Federal agencies in most cases expressed outright opposition to the bill.

For example, the FPC statement (H. Rept. 707, 87th Cong., 1st Sess., p. 9) concludes: "For the reasons discussed herein, the Commission does not favor enactment of the bill." The Department of Health, Education, and Welfare (p. 11) urged that the legislation "be deferred, if feasible, until desirable overall Federal cooperative authorities can be more clearly outlined * * *." The Department of the Interior statement (p. 12) declared: "We recommend that H.R. 9999 be not enacted." The Department of Agriculture (p. 14) recommended "that the Congress not give its consent and approval to a northeastern water and related land resources compact in the form of the compact set out in the bill." The Department of Justice (p. 18) said, "We believe the United States should not acquiesce in the joint Federal-State arrangement contemplated by the subject bill in its present form." The Department of the Army, while not expressing outright opposition to the bill, pointed out (p. 20) that the proposed compact "is novel in that it would constitute a compact between the United States and a number of its constituent States, and some constitutional issues might thereby be raised."

In view of what appears to be a generally negative attitude on the part of the very Federal agencies which would be expected to cooperate in the work of the proposed northeastern commission, it is the view of the American Public Power Association that Congress should take a new look at the proposal in order to determine whether it would, in fact, have the effect of speeding progress of water resource development in the Northeast.

As was noted earlier, American Public Power Association supports the President's proposal to establish a Cabinet-level Water Resources Council, a measure which recognizes the need for greater coordination of effort among the various Federal agencies concerned with water resource development and proposes to implement this coordination at the highest policy level. We favor this approach.

S. 2246 also would provide for the creation of a river basin water resources commission for any region, major river basin, or group of related river basins in the Nation. Through this procedure, a river basin commission could be established for the Northeast in the framework of an overall coordinating effort. Plans formulated by such river basin commissions would be subject to approval by the Cabinet committee before submission to the President.

In the view of our association, S. 2246 would establish orderly procedures for river basin planning, utilizing existing agencies and defining clearly the authority of each. The bill under consideration by your committee today, on the other hand, would disrupt present procedures in the Northeast without creating any clearly workable alternative procedure.

In conclusion, the American Public Power Association respectfully urges the committee to defer action on S. 274 and to consider, as an alternative, the coordination of water resources planning at the national level, in cooperation with regional groups. We are strongly of the opinion that S. 274 will create more ills than it will cure.

Senator DODD. Senator Saltonstall, by the way, Senator Aiken, said he wanted to be here and would have been but he is engaged. However, any statement he may submit later will be included in the record.

Mr. WISE. Mr. Chairman, I understand the Governor of Rhode Island submitted a statement in support of this on a previous occasion.

Senator DODD. I believe that is true, Mr. Wise, and we will include that in the record as well.

(The document referred to follows:)

STATE OF RHODE ISLAND & PROVIDENCE PLANTATIONS,
Providence, August 16, 1962.

Hon. THOMAS J. DODD,
Senate Office Building, Washington, D.C.

DEAR SENATOR DODD: It is my understanding that you are presently holding hearings with regard to the northeastern water and related land resources compact.

I would like to go on record as urging congressional support of this compact. I feel that this is a step in the right direction toward the preservation of an essential water supply for this area of the country.

Yours sincerely,

JOHN A. NOTTE, Jr., *Governor.*

Senator DODD. As I said, and I do not know if you heard me, any further statements any of you want to submit we will be glad to receive.

Mr. JANETOS. Mr. Chairman, I have a digest prepared by the New England Council, April of 1961, and legal memorandum on the compact.

With your permission I would like to submit it for the record.

Senator DODD. Very well. It was not prepared in the power company's office, was it?

Mr. JANETOS. No, sir.

(The digest referred to follows:)

NORTHEASTERN WATER AND RELATED LAND RESOURCES COMPACT—BENEFITS TO
NEW ENGLAND

(A digest prepared by the New England Council, April 1961)

HIGHLIGHTS

(H.R. 30 and S. 374)

Purpose of compact

The purpose of the compact is to coordinate Federal and State efforts in developing one of the most important natural resources of the Northeastern United States in order to stimulate economic development in the region.

Creation of a commission

The compact's enactment by Congress will establish the Northeastern Resources Commission with six voting members representing their respective States and seven voting members representing those Federal departments and agencies having principal responsibilities for water and related land resource development. In addition, a small permanent staff will facilitate the work of the commission.

Commission functions

1. Planning of water and related land resource projects.
2. Central collection and analysis of data: maintenance of resource surveys.
3. Programing of construction and development.
4. Encouraging the referral of plans to the committee.

Costs

The States are to make a combined appropriation annually of at least \$50,000, apportioned on the basis of population and land area. The Federal Government is to contribute \$50,000 each fiscal year. These funds will support the continuing activities of the commission.

Voting

An affirmative vote of a majority of each group, both Federal and State representatives, is necessary for any action of the commission to become official policy except on matters concerning its internal management.

Limitations

The activities and responsibilities of the commission shall not infringe upon the activities and responsibilities of any other State or Federal agency. The Federal and State governments are not bound by acts of the commission, which are restricted to planning and coordination.

HISTORY

The floods of the mid-thirties resulted in the National Flood Control Act which authorized the Corps of Engineers to make extensive flood control studies of the major river basins of the Northeastern United States. Flood Control plans were developed and are gradually being carried out. However, floods constituted only one aspect of the overall water and land resources problem. This fact was recognized by the Federal Government and in 1950, the so-called New England-New York Interagency Committee (NENYIAC) was created by Executive order of President Truman to study the whole complex of problems—water pollution, soil conservation, water power, and recreation to name just a few. This committee was composed of the six New England States and New York, the Federal Departments of the Interior, Commerce, Labor, Agriculture, Army, Health and Welfare, and the Federal Power Commission, with a representative of each having a single voice and vote. The result was a voluminous report which included an inventory of water and land resources, presented problems and obstacles, and drafted plans and programs to further the region's economic development. The Federal Government and the States were then faced with two problems: (1) To coordinate State and Federal programs, and (2) to review old plans and draft new ones in the light of changing conditions.

In 1956 the Governors of New England and the Interagency Committee on Water Resources of the Federal Government set up a northeastern resources committee started by NENYIAC. Due to its lack of official status, problems of

financing and staffing arose. On March 2, 1959, the Governors of New England unanimously agreed to strive for the establishment of a compact agency to alleviate these problems, and enabling legislation was introduced at the State level. Four State legislatures, New Hampshire, Massachusetts, Rhode Island, and Connecticut, have adopted this compact. Bills were introduced in the House of Representatives and the Senate during the 86th Congress. During subsequent hearings by the House Committee on Public Works on H.R. 9999 and H.R. 10022, objections to the Federal support and participation provisions were raised, principally by the Federal agencies. Some minor changes were made in the wording of the original bills but these changes failed to satisfy the Federal agencies. Nevertheless, on June 8, 1960, a so-called clean bill, H.R. 12467, was reported favorably (with a minority report). No further action was taken during the 2d session of the 86th Congress. An identical bill, H.R. 30, was introduced by Congressman John McCormack and referred to the committee during the current session of the 87th Congress. In the Senate, S. 374 has been filed by Senator Bush and eight New England colleagues.

THE NEW ENGLAND COUNCIL'S POSITION

The New England Council supports the adoption of H.R. 30 because such action would strengthen regional planning in New England, would recognize the importance of a joint Federal-State government effort in water resource development, and would aid the efficient development of the region's interrelated water resources.

In order to permit smooth phasing of programs from the planning to the construction stage and continuous review of existing plans in the light of changing conditions, it is imperative to have active and responsible participation of not only the States, but also of those Federal agencies which are ultimately responsible for the execution of a large part of any water and related land resource development program. H.R. 30 is designed to achieve close cooperation between the various governmental agencies concerned with the whole complex of water resource development and to set the stage for a smooth transition from planning to execution.

Programs developed by Federal Government agencies are now submitted to the States and often encounter opposition and changes locally. Coordination early in the planning stage should overcome delays and confusion and thereby encourage efficient execution.

Establishment of the northeastern water and related land resources compact will serve the economic development of the entire region's resources for the benefit of the more than 9 million people living in New England.

ADVANTAGES TO NEW ENGLAND

1. A need exists for duly authorized agency to (a) carry on functions of coordination and planning, (b) consider regional needs as a whole, and (c) establish priorities.
2. These important tasks require formal rather than informal organization: Office staff, permanent files, funds to hold regional meetings, funds for special studies; in short, permanent machinery.
3. Establishment of project priorities would be facilitated; projects would more quickly reach the execution stage.
4. Duplication during a study and planning phase would be minimized.
5. Methods of study and planning would be standardized so as to permit an accurate comparative evaluation.
6. Financial contributions and voting participation provisions are likely to assure high-level appointments to the commission by both Federal agencies as well as State governments, facilitating the transition from the adoption to the implementation of a plan of action.
7. Establishment of an authoritative body would lend support to integrated and continuous action at all levels of government.
8. The commission would improve communication between Federal, State, and local governments as well as private groups and individuals concerned with water and related land resource development within the region.
9. A plan approved by a legally established commission with full participation of both Federal and State governments would have a better chance of successful accomplishment.

10. The compact would permit effective regional planning in an area with many State boundaries but interrelated water resources, and would thereby insure a more economic utilization of the vast amounts of moneys spent annually by Federal and State Governments on water resource programs in New England.

11. The adoption of the compact will not only increase both the geographic and functional scope of water and related land resource planning, but more important, will contribute greatly to the overall economic development of the New England region. Experience has shown that flood control projects, in particular, invite industrial growth. Water and resource development are closely related to efficient industrial and commercial planning.

12. The commission, while not usurping any prerogatives or powers of the Federal and State Governments, will relieve present Government agencies of many presently uncoordinated and burdensome functions.

LEGAL AND POLICY MEMORANDUM IN SUPPORT OF NORTHEASTERN WATER AND RELATED LAND RESOURCES COMPACT

Certain minority members of the House of Representatives Committee on Public Works expressed two principal objections to H.R. 9999 and H.R. 10022, the northeastern water and related land resources bills introduced during the 2d session of the 86th Congress. At page 20 of House Report 1767, the minority objected to both voting participation by the Federal Government and Federal financial contributions. Their objections are based on: (1) Constitutional considerations, and (2) policy considerations.

1. *Constitutional objections to a joint Federal-State compact.*—The Justice Department has suggested without elaboration that the retention of a "joint agency" provision would subject to question the constitutionality of the proposed compact (H. Rept. 1767 at 18).

Article III, section 8 of the United States Constitution provides that "the Congress shall have power * * * to regulate commerce * * * among the several States * * * and to make all laws which shall be necessary and proper for carrying into execution * * * (this) power * * *." Article III, section 10 forbids any State, without the consent of Congress to "enter into any agreement or compact with another State, or with a foreign power * * *." For the most part these provisions form the foundation for any discussion of the constitutionality of the New England "joint agency" proposal.

There is clear legal authority for Congress to legislate in the field of water and related land resources development. The absolute power of Congress in the area of interstate navigable streams has long been established. *Gibbons v. Ogden*, 22 U.S. (9 Wheat.) 1 (1824). Navigable waters "are the public property of the nation, and subject to all requisite legislation by Congress." *Gilman v. Philadelphia*, 70 U.S. (3 Wall.) 713, 725 (1866). The power over navigable waterways is not limited to navigation, however:

"It cannot properly be said that the constitutional power of the United States over its waters is limited to control for navigation * * *. Flood protection, watershed development, recovery of the costs of improvements through the utilization of power are likewise parts of commerce control * * *. That authority is as broad as the needs of commerce." *United States v. Appalachian Electric Power Co.*, 311 U.S. 377, 426 (1940).

There has also been express recognition of constitutional authority to extend flood control measures to watersheds and tributaries under a comprehensive plan of controlling the entire basin of a stream. *Oklahoma ex rel. Phillips v. Guy F. Atkinson Co.*, 313 U.S. 508, 525 (1941).

Although the commerce clause is the most significant source of power in this area, the clauses granting war powers, admiralty powers, and power to provide for common welfare and defense also have been accepted as proper bases for Congressional action, e.g., *United States v. Gerlach Live Stock Co.*, 339 U.S. 725, 738 (1950); *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 327-28 (1936).

Since Congress indisputably has the power to create law in this area, the only proper question remaining is: May it constitutionally establish among willing State and Federal signatories a joint agency which will have as its only purpose planning and coordinating matters in the field of water and related land resources?

"The sound construction of the constitution must allow to the national legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional" (*McCulloch v. Maryland*, 17 U.S. (4 Wheat) 316, 421 (1819)).

There is no constitutional provision which prohibits the Federal Government from entering into compacts with one or more of the States. The compact clause requires congressional consent for interstate and foreign Government-State compacts which tend to affect the political balance of the Federal system of government. *Virginia v. Tennessee*, 148 U.S. 503, 519 (1893). If protection of this balance is the main purpose of the compact clause, and if such balance is adequately secured merely by congressional consent, then a fortiori, this political balance is conclusively safeguarded where there is not only congressional consent, but actual Federal Government participation.

The United States Supreme Court has upheld Federal-State agreements in the nature of compacts on many occasions, e.g., *Ex parte Karstendick* (93 U.S. 396 (1876)) (agreement with State for the interment of Federal prisoners in State prisons); *Seawright v. Stokes* (44 U.S. (3 How. 150, 165-66 (1845)) (Federal-multi-State agreement concerning the maintenance and use of an interstate roadway); *Neil Moore & Co. v. Ohio* (44 U.S. (3 How.) 720 (1845)) (companion case to *Seawright v. Stokes*, *supra*). The Court has uniformly sanctioned obligatory conditions imposed by States upon the Federal Government in certain land cession agreements regarded as contractual in nature.

"The States of the Union and the National Government may make mutually satisfactory arrangements as to jurisdiction of territory within their borders and thus in a most effective way, cooperatively adjust problems flowing from our dual system of Government. Jurisdiction obtained by consent or cession may be qualified by agreement or through offer and acceptance or ratification * * *. These arrangements the courts will recognize and respect" (*Collins v. Yosemite Park & Curry Co.*, 304 U.S. 518, 528 (1937); *accord*, *James v. Dravo Contracting Co.*, 302 U.S. 134 (1937)).

In *Fort Leavenworth R.R. v. Lowe* (114 U.S. 525, 541 (1885)), the Court upheld contractual conditions imposed by Kansas upon the Federal Government in connection with the cession by the State of lands for the erection of Fort Leavenworth. The Court noted:

"Though the jurisdiction and authority of the general government are essentially different from those of the State, they are not those of a different country; and the two, the State and general government, may deal with each other in any way they may deem best to carry out the purposes of the Constitution."

Noting that a constitutional question "possibly" existed, the minority members of the House Public Works Committee postulated:

"A State cannot bargain away its reserved powers to the National Government, nor can the United States surrender its delegated powers to State control. Similarly, it would see equally true that neither the States nor the United States can bargain away their respective types of power to a new kind of Federal-State creature" (H. Rep. 1767 at 22).

The signatories to the proposed northeastern water and related land resources compact will bargain away nothing. The commission to be established has no authority to construct, approve, or authorize projects on behalf of the Federal Government or the States. Its sole function is to plan, coordinate, and recommend changes in law or policy—basically the same as that of its predecessor organizations, the New England-New York Interagency Committee and the Northeastern Resources Committee. The proposed bill seeks only to formalize and make permanent the heretofore loose arrangement which possessed no stable financing methods, no real permanency and no actual authority to implement even its modest purposes.

However, even if it is conceded, which we do not, that the Federal Government is "bargaining" away some administrative and regulatory duties, the constitutional precedent for it to do so is conclusively illustrated by the numerous acts creating new agencies which not only plan and coordinate, but regulate and administer as well. There would seem to be no constitutional limitations on Congress in appointing an agency to carry out the law in an area in which the Federal Government may clearly act (*McCulloch v. Maryland*, *supra*, p. 9).

Since the bill sets forth policy and standards to guide the proposed commission, it does not exceed the "limits of delegation which there is no constitutional authority to transcend." *Panama Refining Co. v. Ryan* (293 U.S. 388, 430 (1935)). Clearly State authorities may and frequently do administer Federal law as has been demonstrated in *Ex parte Karstendick* (93 U.S. 396 (1876)), *supra*, p. 10); *United States v. Hoffman* (13 F. 2d 269 (D.C. 111. 1925)), *aff'd*, 13 F. 2d 278 (7th Cir. 1926); 18 U.S.C. S. 4002 (1958). See also the Social Security Act, 42 U.S.C. S. 301, et. seq. (1958); *Carmichael v. Southern Coal & Coke Co.* (301 U.S. 495 (1937)); Clark, "The Rise of a New Federalism," pp. 82-108 (1938).

The Federal Government is in no way irrevocably bound to the proposed compact. Article XII, section 7, states specifically that "*the right to alter, amend, or repeat this act is expressly reserved*, and no change proposed to be made in the compact approved by the act shall become effective until it shall have been approved by Congress." [Emphasis added.] When Congress gives its consent to a compact concerning navigation and the regulation of commerce, there is no restriction upon congressional power to enact inconsistent legislation.

"The question here is, whether or not the compact can operate as a restriction upon the power of Congress under the Constitution to regulate commerce among the several States: Clearly not. Otherwise Congress and two States would possess the power to modify and alter the Constitution itself" (*Pennsylvania v. Wheeling & Belmont Bridge Co.*, 59 U.S. (18 How) 421, 433 (1856)).

Thus, it is clear that the northeastern water and related land resources compact constitutes no cession of power by the Federal Government to the States.

It is most difficult to conceive what "reserved powers" the States would "bargain away" to the Federal Government under the proposed bill. The States have no right to enter into an interstate compact without congressional consent and such consent may be granted under whatever reasonable conditions Congress may prescribe. Recent history has vividly demonstrated the numerous fields previously considered "reserved" to the States which Congress may enter; but in this instance the area being examined has never been within the purview of the States. See cases cited *supra*, page 8. Moreover, it is of no little importance that all of the executives of the States concerned and most of the legislatures have given complete support to the compact. Whatever State powers may have been "surrendered" to the National Government, if any, have been "surrendered" quite willingly. As observed by the Supreme Court in upholding the validity of the Social Security Act with regard to the depositing of State funds with a Federal agency: "The power to contract and the power to select appropriate agencies and instrumentalities for the execution of State policy are attributes of State sovereignty. They are not lost by their exercise." (*Carmichael v. Southern Coal Co.*, 301 U.S. 495, 526 (1937).)

It is clear that the proposed compact (1) in no way violates the sovereign powers of either the States or the National Government; (2) is fully within the powers of Congress to create; (3) is an accepted method of establishing dual and joint responsibility; (4) offends no constitutional principle, Congress reserving all rights to amend or terminate the compact; and (5) imposes no obligations upon either the State or Federal Government, beyond those agreements for which both have the power to contract without violating their traditional rights and responsibilities.

2. Policy objections to a Joint Federal-State compact.—Asserting that the bill was "completely unique in the history of interstate compacts" the minority members of the House Public Works Committee voiced further opposition to the predecessor of H.R. 30 by questioning "the wisdom * * * of such a radical departure from compact precedent * * *." (H. Rept. 1767 at 22.) Thus, in addition to "constitutional" questions, the minority apparently opposed a change in the method of accomplishing a purpose admittedly desirable (H. Rept. 1767 at 21).

The Supreme Court has often expressed a preference for the compact device of solving regional water resources problems, as opposed to a resort to the courts (e.g., *Hinderlider v. LaPlata River & Cherry Creek Ditch Co.*, 304 U.S. 92, 104-06 (1938); *Minnesota v. Wisconsin*, 252 U.S. 273, 283 (1920); *Washington v. Oregon*, 214 U.S. 205, 218 (1909)).

"We cannot withhold the suggestion, inspired by the consideration of this case, that the grave problem of sewage disposal presented by the large and growing populations living on the shores of New York Bay is one more likely to be wisely solved by cooperative study and by conference and mutual conces-

sion on the part of representatives of the States so vitally interested in it than by proceedings in any court, however constituted" (*New York v. New Jersey*, 256 U.S. 296, 313 (1921)).

The proposed northeastern water and related land resources compact approved as a Congressional enactment will have the usual presumption of constitutionality enjoyed by all other laws duly enacted by that body. Moreover, language in *West Virginia ex rel. Dyer v. Sims* (341 U.S. 22 (1951)) indicates obvious Supreme Court approval of the joint-agency method of attaining maximum efficiency in this field. In that case, the Court in resolving a State sovereignty question arising out of the Ohio River Valley water sanitation compact (54 Stat. 752 (1940)), remarked:

"The growing interdependence of regional interests, calling for regional adjustments, has brought extensive use of compacts. A compact is more than a supple device for dealing with interests confined within a region. That it is also a means of safeguarding the national interest is well illustrated in the compact now under review. Not only was congressional consent required, as for all compacts; direct participation by the Federal Government was provided in the President's appointment of three members of the compact commission" (id. at 27-28).

Although under the Ohio Valley compact a majority of States alone constituted a quorum for the exercise of business, nevertheless, there exists clear precedent for a joint Federal-State compact, similarly created to achieve inter-related goals mutually beneficial to all participating governments. Stronger precedent for such compacts exists in article VIII(a) of the Upper Colorado River Basin compact (63 Stat. 31, 35 (1949)):

"There is hereby created an interstate administrative agency to be known as the 'Upper Colorado River Commission'. The commission shall be composed of one commissioner, representing each of the States of the upper division; namely, the States of Colorado, New Mexico, Utah, and Wyoming * * * and * * * one commissioner representing the United States of America. The President is hereby requested to designate a commissioner. If so designated the commissioner representing the United States of America shall be the presiding officer of the commission and shall be entitled to the same powers and rights of the commissioner of any State. Any four members of the commission shall constitute a quorum."

Those who fear the domination of State governments by Federal authorities and vice versa should take comfort in the language set forth in the "voting" provision (article VI) of the proposed New England bill. It states in part:

"No action of the commission respecting a matter other than its internal management shall be binding unless taken at a meeting at which the majority of the State members and the majority of the members representing the United States are present and a majority of said State membership together with a majority of said members representing the United States vote in favor thereof * * *."

Thus it is readily seen that a Federal agency cannot override the wishes of the various State signatories nor can the States impose decisions on the Federal agencies involved against their will.

There is both precedent and Supreme Court approval for the compact method as proposed in H.R. 30 and S. 374. Opponents, however, raise other objections. Advocates of States rights, for example, have suggested that the proposed compact would result in an undesirable transfer of State authority to the National Government. The weakness of this argument is apparent when it is realized that the States supposedly "transferring their authority" are doing so not only most willingly, but with aggressive resolution. All of the New England Governors have endorsed the bill and statutory enactment by four legislatures already has been attained with a fifth presently giving the matter active consideration. Also, it is of no little significance that the Council of State Governments, an organization profoundly interested in the preservation of State sovereignty, has unequivocally supported the northeastern compact. (Hearings before the House Committee on Public Works, 86th Cong., 2d sess., No. 86-18, at pp. 62-64 (1960).) Moreover, local and State authorities in New England who have been exposed to area water and land resources problems are in full accord with the proposed bill. (See e.g., testimony before the House Public Works Committee of Francis E. Robinson, former manager, natural resources department, New England Council at pp. 12 and 64; Mrs. Elizabeth Roper, member of New England Ad Hoc Committee on Water Resources of the League of Women Voters

at p. 40; Mr. William S. Wise, director of the Water Resources Commission of the State of Connecticut, and vice chairman of the Northeastern Resources Committee at p. 23.) Indeed, it is difficult to acknowledge the existence of a valid and vital "States rights" argument in opposition to the proposed compact. This is particularly so, in view of the fact that there is no transfer of authority from the States to the Federal Government but rather the States are achieving a more prominent role in all levels of planning for projects within those States.

The strong support of the proposed compact voiced by local authorities emanates from a realization that there has been an unfortunate lack of adequate cooperation and coordination not only among the Federal agencies concerned but also in the area of Federal-State cooperation. Moreover, predecessor organizations in the field of water and related land resources in the Northeast have enjoyed neither continuous nor permanent status. The accomplishment of these ends, that is, adequate coordination and permanency, may only be realized through the adoption of the proposed compact. Obviously the difficulties confronting one geographical area would be quite dissimilar to those of another. What might be a beneficial and proper solution to water resources problems in the Midwest or Far West would not necessarily be appropriate for the Northeast.

Certain critics of the northeastern water and related land resources compact have voiced an objection that there will be a surrender of Federal power to the States. When one views voting section of the proposed bill as set forth above, it is readily seen that there exist reciprocal controls, rather than domination. Moreover, functions are delegated to the proposed commission, not surrendered. Such delegation of authority is not unlike that existing in the numerous agencies handling similar or related functions, except that it may be considered a lesser delegation.

Of no little importance is the realization that through coordination of Federal and State governmental agencies, there will be more economic utilization of Federal expenditures toward water resources development. A reduction of redtape alone should save considerable funds.

Opposition has been voiced that the proposed Federal-State agency would not be subjected to effective controls by the participating governments. Control as to the ultimate disposition of funds and construction of water and development projects will remain with each governmental agency within its own operative jurisdiction since, as noted above, the compact creates a commission for only planning and recommending purposes. Article IX of the proposed bill specifically states:

"Nothing in this compact shall be construed to impair, or otherwise affect, the jurisdiction of any interstate agency in which any party State participates nor to abridge, impair, or otherwise affect the provisions of any compact to which any one or more of the party States may be a party, nor to supersede, diminish, or otherwise affect any obligation assumed under any such compact."

In addition, the veto power of article VI provides further insurance for the maintenance of individual sovereignty.

The President of the United States has recently voiced concern over natural resource problems with particular emphasis on regional water resources development, 107 Congressional Record 2414 (daily ed. Feb. 23, 1961). This proposed compact is fully consistent with the recommendations contained in his natural resources message. The Secretary of Agriculture, in discussing his Department's role before the Natural Water Research Symposium held in Washington, D.C., on March 29, 1961, remarked: "The only way the conservation job can be done is by cooperative understanding, exchange of information, and genuine teamwork between State, Federal, and private land resource people working in all areas of conservation," 107 Congressional Record A2415 (daily ed. Apr. 12, 1961).

Although there are admittedly unique features of the proposed compact, such novelty should have no bearing upon an individual legislator's decision in view of the goals to be achieved and the shortcomings of the present system. As noted, all the Governors, a majority of the legislatures, and most authorities on water resources development in the Northeast have urged approval of the bill. The compact should go far to relieve the problem noted by the Presidential Advisory Committee on Water Resources in 1953: "The greatest single weakness in the Federal Government's activities in the field of water resources development is the lack of cooperation and coordination of the Federal agencies with each other and with the State and local agencies."

Senator DODD. The hearing will be adjourned.
(Whereupon, at 1:55 p.m., the hearing was adjourned.)

STATEMENTS SUBMITTED

ADDITIONAL TESTIMONY FROM SENATOR AIKEN ON H.R. 30

I appreciate the chairman's willingness to permit me to go over the testimony of the proponents of the compact and clarify the record.

After reading the testimony, I am more certainly convinced than ever that the compact in question:

(1) Is a dangerous device in that even the lawyers cannot agree where the compact commission's powers begin or end;

(2) Tends to add confusion to the already complex field of State-Federal relations;

(3) Seriously jeopardizes the licensing power of the Federal Power Commission;

(4) Permits a form of Federal participation which could result in actions harmful to Vermont and Maine even without their participation in the compact;

(5) Creates new areas of friction between the States and the Federal agencies, which could result in endless litigation in the courts and costly delays of months and years in reaching agreement on specific regional development plans of vital importance to all of the States in the Northeast.

As for specific statements regarding this compact, it will be recalled that I pointed out, in my initial testimony, the absurdity to direct or even authorize the compact commissioners to settle disputes between the Federal agencies or to supersede the Federal agencies in making recommendations to the President and to the Congress.

The absurdity of this proposal is emphasized by reference to existing Federal interagency committees and their functions, such as the excellent job being done by the Columbia Basin Interagency Committee made up of Federal and State representatives but operating as a Federal agency under Executive order authority, but utilizing the investigatory study, construction, and operating experience of all State and Federal agency resources on a voluntary basis.

Another point might be made of the recent establishment of the Water Resources Council at Cabinet level. It is anticipated this Council will operate in conjunction with study commissions to be established in areas such as New England to provide the organization, procedures, and money through which all levels of government in a given area may plan and urge a coordinated plan of development, but without encroachment upon the assigned functions of any of the Federal agencies. (S. 2246, 87th Cong., would set up such a program.)

It is illogical to expect the representatives of seven Federal agencies operating as members of a compact commission to effectively take any action better able to settle disputes among the agencies than could be taken by the agency heads to settle the same disputes. As a practical matter, the unsympathetic Federal agencies which would be expected to make up the compact commission membership, cannot be expected to take any meaningful affirmative action in furtherance of the work of a commission like the one proposed here, when the agencies are basically opposed to the means of accomplishing the purposes contemplated.

Mr. Sandusky attempts to rebut my contention that the compact proposed here is different from the compact approved by the State legislatures by pointing out a technical difference between the compact as quoted in articles I through XII in the bill (all in sec 1. of the bill or enabling act) and sections 2 through 6 of the bill which technically are not part of the actual compact. This contention by Mr. Sandusky appears defective for one major reason:

If the compact is not modified by sections 2 through 6 of the bill then the Federal agencies' original position that they would be bound by compact is still valid. It is upon reliance on the fact that the saving clause in section 4 repeals the binding effect of the voting provisions of the compact that the Federal agencies may have somewhat tempered their opposition.

Although none of the agencies seems to really understand the compact or what their role would be under it, certainly the FPC relied upon the section 4 saving

clause to nullify the parts of the compact it previously considered could restrict or void its licensing authority. After the saving clause was added, the FPC took the position that it would not be bound insofar as its licensing authority is concerned either by the FPC representative's actions as a member of the compact commission or by the actions of the compact commission taken by a majority vote of both the Federal and State members.

More emphasis should be placed on the undesirability of giving the States a veto power over areas of Federal responsibility. The success of the FPC in fostering development of our waterpower resources would have been nullified had not Congress given the Commission the power to override objections of both State and Federal agencies in deciding licensing cases after considering all the evidence. No national plan of development of our power resources can be successfully carried out under a procedure which gives the various States the authority to decide broad national policy questions—which seems to be the motive behind the northeast compact.

The problems inherent in building headwater reservoirs in one State primarily for the benefit of downstream States only serves to demonstrate the wisdom of reserving to the Federal Government the final authority to prescribe the plan of development and to determine how it should be executed. In the final analysis only the Congress or its agencies may enforce such a plan. The objection of one State is sufficient to block any such plan undertaken under State authority alone.

As for Mr. Wise's 10 reasons in support of H.R. 30, reasons No. 1 through No. 4 are mere conclusions of the witness with few, if any, facts or explanations as to their validity.

Reason No. 5

Mr. Wise says, "There is no evidence now that the two studies (corps flood control and HEW pollution, both on Connecticut River) will be coordinated or integrated or that the States will have a voice, a proper voice, in planning and programing."

This statement overlooks the provisions of the Flood Contract Act of 1944 which specifies in detail how the corps is to obtain views and cooperation of other agencies and how the corps must provide each State ample opportunity to make its views known to the corps before the plan is put in final form. The State and the Federal agency comments must also be submitted to Congress along with the Army Engineers Corps report and recommendations.

The corps also holds hearings which afford all levels of government an opportunity to be heard. In fact, a good argument could probably be made that the present procedures may be too involved, and tend to hinder and delay proper planning. There is evidence in the corps reports that States and localities have been very influential in the development of Army projects—in fact, some may contend that the Army tends to forget its national responsibilities at times in yielding to local pressures.

Reason No. 6

The conclusion that "The provisions of this compact * * * have been tested and found to be amazingly productive * * *" is based upon the erroneous assumption that the compact provisions are the same as the provisions under which the New England-New York Interagency Committee and the subsequent Northeastern Resources Committee operated. If this assumption were true, all controversy over the compact could be avoided by reactivating one of the committees.

Reason No. 7

The fact that all New England Governors endorsed the compact in 1959; that it has been thoroughly discussed in legislative halls; and that four State legislatures have approved the compact are immaterial as reasons to enact H.R. 30 if the compact and the bill in fact are detrimental to the public interest, particularly to Federal interests.

Reason No. 8

Senator Prouty's testimony details the major differences between the Delaware River compact and the proposed Northeastern compact. These seem to be a full answer to reason No. 8.

Reason No. 9

Mr. Wise states that "No attempt is made to judge the work of these commissions" (interagency study commissions), but in the next sentence he states that someone, unidentified, believes that the weakness of the study commissions is the "relatively minor role played by the States involved in these studies." He then concludes the compact would correct that weakness. All of this is a conclusion without facts in support.

Mr. Wise says, "We know that the northeastern resources compact * * * has been tried and proven to be tremendously successful * * *." There is no evidence in this record that either the compact or the "means" it would provide have been tried and proven.

Mr. Wendell says, "This is the first time in all of American history when persons connected with a State that might not wish to join a compact have said to four other States that do believe they want a compact, 'You shall not be able to join, etc.'"

This comment overlooks the fact that this is not the usual compact involving concrete areas of State agreement with Federal consent, but involves joint Federal-State action with the result that Federal participation could result in actions affecting Vermont and Maine without their participation under the compact.

Mr. Wendell, by implication at least, expects the Federal agencies to be bound by compact plans when he says the compact "is the only mechanism so far suggested that would get all of these governmental units into the same forum to do their planning." If no Federal agencies are to be bound they would not be in the forum.

Also, Mr. Wendell makes it clear that he thinks the compact provisions would bind "the commission itself with respect to the nature of the recommendations that it would make." The logical result of this would be that an agency like FPC would be bound by a plan recommended by the compact commission.

Mr. Wendell furthermore makes it clear that plans recommended by the compact commission are binding on the agencies and may be implemented by the Congress or Federal agencies. He fails to say they can be changed by a member agency without compact commission action. Of course, Congress can change or implement, but it seems implicit in the stated purposes of the proponents that the Federal agencies could not change compact plans. He very carefully uses the word "implement" several times. He never says the agencies may change compact commission plans.

Mr. Wendell's position is that the Enabling Act and the compact do not have to be uniform provided only that the provisions of the Enabling Act do not defeat the purpose of the compact. He contends sections 2 through 6 would not do so.

While he has probably correctly stated a general principle of statutory construction, Mr. Wendell's statement that the enabling act "merely specifies the ways in which the Federal Government would perform its participation under the compact * * *" is open to serious question. It seems apparent that the voting provisions of the compact attempts to bind member States and Federal member agencies—a basic purpose of the compact. It is also apparent that section 4 by its "saving clause" provisions reserving to the Federal agencies all authority and jurisdiction notwithstanding compact commission action, is intended to avoid completely the purpose of the compact to bind Federal agencies.

The fact that two such different interpretations of the provisions of H.R. 30 are possible is a strong reason for opposing the bill in its present form, particularly since the provisions in question form the heart of the compact.

The answer to Mr. Wendell's argument that "the Federal agencies have substantially changed their position" is to insist that the latest reports of agencies be put in the record. Agency reports speak for themselves.

I am at a loss to understand how Mr. Wendell could know of any new opinions of the agencies when they have not been printed and made public. The only agency reports I have seen were those filed in 1960, when each agency rendered an unfavorable report. In view of the objections raised at that time, it would be interesting to know why the agencies have completely reversed their previous positions if this is indeed the case. At this time, however, Mr. Wendell's assurance that the agencies have reversed themselves is at best only hearsay evidence.

Mr. Wendell says to make Federal members nonvoting would be to destroy the very feature for which the compact is framed. Similarly section 4 defeats the binding effect of the voting provision.

Mr. Wendell contends that if the compact commission recommends a plan involving need for legislative action by three States, one State may defeat execution of the plan by withholding legislative action. So could the Federal Government if its assent is required. But if the compact is to have a binding effect, neither the States involved nor the Federal Government should have authority to proceed with a conflicting project which would defeat the project recommended by the compact commission. The witnesses favoring the compact seem to avoid taking this position explicitly but it seems their testimony assumes that the States and the Federal agencies could not take conflicting action individually.

Finally, Mr. Wendell states that Vermont's refusal to join the compact would restrict compact commission action in some watersheds partially located in Vermont, but contends Vermont would not be "affected." This could be true under the usual interstate compact, but in a joint Federal-State entity situation such as this compact proposes, the Federal agencies, as compact members have the power to take Vermont resources into account and to incorporate them into a plan which might provide for Federal development or development under Federal authority, over opposition of the State of Vermont. Under these circumstances Vermont would be affected although not a member of the compact.

Also, there is nothing in the compact which would prohibit the compact commission from recommending a plan affecting Vermont and Maine resources in the event either State refused to join in the compact.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
August 13, 1962.

Hon. THOMAS J. DODD,
*U.S. Senate,
Washington, D.C.*

DEAR SENATOR: You are chairman of the Subcommittee of the Senate Committee of the Judiciary which is considering H.R. 30 or S. 374. This is proposed legislation approving the northeastern water and related land resources compact.

For your information I am enclosing herewith a letter from Governor Volpe of Massachusetts. I would appreciate it very much if you would put this in the record of the hearings. You will note that the Massachusetts Legislature and the Massachusetts Governor are heartily in favor of this legislation. I, too, support it in their behalf.

I am confident you are familiar with the problem so I will not go into it. I do hope your subcommittee will report it favorably to the full committee.

With best personal regards.

Sincerely,

LEVERETT SALTONSTALL, *U.S. Senator.*

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT,
Boston, August 8, 1962.

Hon. LEVERETT SALTONSTALL,
U.S. Senate, Washington, D.C.

DEAR SENATOR SALTONSTALL: I have just learned that a subcommittee of the Senate Committee on the Judiciary is planning to hold a hearing on August 14, 1962, on Senate 374, which is proposed legislation approving the northeastern water and related land resources compact.

I feel it is important to the Commonwealth that favorable action be taken by the Senate Judiciary Committee and the Senate on this bill. Companion legislation was passed in the House of Representatives during the last session of Congress.

The legislatures in Connecticut, New Hampshire, Rhode Island, and Massachusetts have already ratified this compact and the matter has been discussed at a number of the New England Governors' conferences. It is felt that this proposed compact is the best means of achieving an integrated water resources program for the New England States. As you know, there are a number of interstate compacts in operation in the New England States which have, through the years, proven to be extremely effective.

In view of the fact that both the States and the Federal agencies have inter-related responsibilities in the development of our water and related land resources, I feel that it is important that we have a compact of the type envisioned in Senate 374, which would insure closer, and I am sure more harmonious, working relationships between the New England States and the Federal Government.

I would appreciate it if you would give your assistance in securing favorable action on Senate 374.

Sincerely yours,

JOHN A. VOLPE, *Governor.*

STATEMENT OF HON. BENJAMIN A. SMITH II TO SENATOR DODD'S SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY AT HEARING ON H.R. 30, NORTHEASTERN WATER AND LAND RESOURCES COMPACT, SEPTEMBER 18, 1962

Mr. Chairman, I am happy to have this opportunity to express to your committee my strong support for H.R. 30, the northeastern water and related land resources compact.

This bill which was passed by the House under the sponsorship of the Speaker late in the last session of the Congress is vital to the long-range economic development of our New England States. It would give to our region guidance, direction, and leadership, in the orderly development of our natural resources.

New England's growth has depended heavily upon our industrial and manufacturing development. We have probably paid less attention to natural resources conservation and development than any other region in the country. One can point to many instances in which this has clearly operated to our disadvantage. This measure, H.R. 30, which would ratify a compact already approved by four of the New England States, including my own State of Massachusetts, is an important step in the right direction.

The northeastern water and related land resources compact is a very simple proposal. It merely would provide for the permanent establishment of an interstate agency with Federal participation to coordinate Federal and State efforts in developing our natural resources.

The northeastern resources commission would become a permanent body of six voting members representing their respective States and seven voting members representing responsible Federal departments and agencies. Both the States and the Federal Government would have an equal voice and could, in effect, veto the other. It is important to bear in mind, however, that this is a planning agency and it could not bind States nor could the Federal Government use it as an instrument to coerce the States into action that they did not consider desirable.

The commission would be a central source for the collection, analysis and maintenance of natural resource data. It would be a coordinating agency for plans affecting more than one State and it would assist the States in programing construction and development programs. The cost of operation with a small staff would be modest indeed and, in accordance with H.R. 30 as passed by the House, would be borne by the States.

This is an especially important compact for a region like New England. We are a relatively small area. Our problems are more often common than diverse and the problems of resource development know no State boundaries. Gradually over the years the New England States have joined in cooperative endeavors in a variety of areas; in water pollution, in forestry, in our penal system, in public works development and in many others.

The idea of an interstate compact to encourage cooperation in natural resources planning and development was initiated by the New England Governors in 1959. It has had strong support from at least four of the States and from civic interests throughout the region. It is curious to me that there has been any opposition at all to the ratification of this compact. You are aware that certain interests within New England oppose the passage of this compact. While the reasons are unclear to me, I none the less respect their point of view. The most significant response to this opposition, however, is the fact that no New England State has to join the compact. Any State which feels that the northeastern resources commission will be inimical to its own interests may simply not join and the planning which is done by the commission can in no way affect that State either legally or morally.

There has indeed been some opposition from the Federal Government although I am happy that in recent months this has largely been dissipated. The Congress

enacted and the President signed the Delaware River Basin compact, a plan which goes much further than the New England compact. Under the Delaware plan, the interstate agency will actually commit funds and manage water resource projects. This is a far cry from the planning functions of the northeastern resources commission. There has been opposition on the grounds that this commission would be dominated by the Federal Government. This contention is simply not supported by the facts.

All we ask in New England is the opportunity for our States to work together in cooperation with the Federal Government to encourage the orderly development of those limited natural resources at our disposal.

We do not turn to the Federal Government for all these answers; we will do the job ourselves. We ask only that the Congress ratify the compact already agreed to by four of our States.

U.S. SENATE
Washington, D.C., September 18, 1963.

Hon. THOMAS J. DODD,
*Chairman, Subcommittee of the Senate Judiciary Committee,
Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: I am writing in support of H.R. 30, a bill to ratify the northeastern water and related land resources compact which has been approved by four of the New England States including Rhode Island.

It is the hope of our State of Rhode Island that this bill, which passed the House more than a year ago, may be reported out favorably by your committee and adopted by the Senate before the end of this session.

Rhode Island, on its own initiative, has shown a progressive purpose in the development and conservation of its natural resources and our State has known the tragic and devastating effects of natural disaster. With Federal cooperation we have been doing something about it.

The compact contemplated by H.R. 30 would mean the cooperation of all the New England States among themselves and with the Federal Government in achieving maximum development and protection of resources with minimum duplication of planning and administration.

The need is urgent and the benefits are manifold. We look to the economic advancement of the New England area through this common endeavor and we see the preservation of deepest values as well—the saving of human life.

Rhode Island has endorsed and enacted compact legislation with enthusiasm and we look forward to the culmination of our hopes in the approval of H.R. 30 by your committee and its enactment by the Senate in its present form.

With every appreciation of your continuing courtesy, I am,
Sincerely yours,

JOHN O. PASTORE, *U.S. Senator.*

U.S. SENATE,
COMMITTEE ON COMMERCE,
August 10, 1962.

Hon. THOMAS J. DODD,
Judiciary Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR DODD: Enclosed is a copy of a letter which I received from Elisha T. Barrett, chairman of the joint legislative committee on interstate cooperation, New York.

I respectfully ask that his letter be made a part of the permanent record of the hearings to be held August 15 on the northeastern water resources and related land resources compact.

With every good wish,
Yours sincerely,

NORRIS COTTON, *U.S. Senator.*

STATE OF NEW YORK JOINT LEGISLATIVE COMMITTEE
ON INTERSTATE COOPERATION,
New York, N.Y., August 8, 1962.

Senator NORRIS COTTON,
U.S. Senate, Washington, D.C.

DEAR SENATOR: This committee has on past occasions adopted resolutions urging congressional enactment of the northeastern water and related resources compact. In this action we have been joined by interstate bodies such as, for

instance, the New York-Vermont Interstate Commission on the Lake Champlain Basin. This measure which has passed the House is now being considered by the Committee on the Judiciary of the U.S. Senate. Accordingly, we take this occasion to reiterate our earnest support of the measure. First, we feel that a regional planning body composed of both Federal and State officials is essential for the northeastern region. Second, while New York has not been asked to be a party by the New England States, we expect that eventually New York may well become a member to this desirable compact. To this end we would like to add that the recent enactment by the U.S. Congress and signature by the President of the Delaware River compact clears away all of the legal arguments, which we never regarded as formidable anyway, to the enactment of the northeastern compact. We urge your support of this measure.

Sincerely,

ELISHA T. BARRETT, *Chairman.*

STATEMENT BY MRS. CHARLES D. McEVROY, JR., MEMBER, BOARD OF DIRECTORS, LEAGUE OF WOMEN VOTERS OF MAINE, TO THE SPECIAL SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE IN SUPPORT OF THE NORTHEASTERN WATER AND RELATED LAND RESOURCES COMPACT, H.R. 30 AND S. 374

I would like to express the support of League of Women Voters of Maine for the northeastern water and related land resources compact, S. 374, now before this committee and passed by the House as H.R. 30 in August 1961.

Comprehensive planning of a region is unrealistic unless it includes Federal as well as State agencies. We feel that this compact will provide, in the northeastern region, improved facilities and procedures for the coordination of policies, programs, and activities in the field of water and related land resources of the United States, the several States, and private persons or groups. This compact is not intended to legislate projects, carry out projects or to violate the integrity of any single agency. It does provide for cooperation in planning, agreement on priorities, and pooling of information which should reduce duplication of effort and lead to greater efficiency within the agencies involved.

We sincerely hope the Maine Legislature will realize the advantages of joining the compact group once it has been established.

STATEMENT BY MRS. BRUCE B. BENSON, PRESIDENT, THE LEAGUE OF WOMEN VOTERS OF MASSACHUSETTS TO THE SPECIAL SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE, IN SUPPORT OF THE NORTHEASTERN WATER AND RELATED RESOURCES COMPACT, S. 374 AND H. 30

The League of Women Voters of Massachusetts wishes to record its continued support for the northeastern water and related land resources compact, S. 374, now before this committee and passed by the House as H.R. 30 in August 1961.

The members of the league of women voters for the past 6 years have studied the Nation's water resources and its related problems—conservation, dispersal, pollution, flood control, watershed management, soil conservation, and the recreation, industrial and economic aspects. The Massachusetts league applied the knowledge from the study of conservation and development of water resources of Federal programs to the State and local programs in the field of water resources. The members arrived at the conclusion that comprehensive regional planning is a necessity and that a regional mechanism for New England is needed to resolve the water problems and to meet adequately the needs of the State.

Massachusetts, a highly populated and heavily industrialized State, demands large quantities of good water. Industry is its biggest single water consumer. Although there is a safe yield from the present reservoirs for water consumption, increasing population and increased standard of living intensify the deep concern over the general water resources picture for the future. Pollution and flood control programs are functioning, yet more extensive and stronger controls are needed. Three major river basins of New England drain through the State, the Merrimack, the Connecticut, and the Thames. The Merrimack, the second largest stream of Massachusetts, is in dire need of being cleaned up from upriver to downriver. The demand for the use of the river for drinking water and for boating and swimming is increasing. Although reservoirs are located to protect Massachusetts and other downstream communities from upstream States,

there is a great need for more flood protection works. The people of Massachusetts are dependent upon the natural resources to sustain life and to contribute to the industry, the agriculture and recreation of the State. An important industry, fisheries, depends upon clean water. Tidal marshes are vital to the fish harvest and are necessary in flood and drought control due to the sponge-like quality of the marshes. Dredging and filling of coastal marshes is progressing rapidly. Predictions are that within 25 years they will virtually disappear if the present trend continues. This means loss of food and loss of employment and profits and when we consider the recreation aspects of the shoreline, there would be less intake economically.

We are in strong agreement that coordination of the various State and Federal agencies at the planning stage will provide better development of water resources for Massachusetts and for all the New England States. New England is a natural region with the river basins primarily within the borders. We feel that the mechanism set up in the northeastern compact is the type for New England and would benefit greatly the region and ultimately the Nation.

The compact has several strong points: (1) Considering the needs of the region as a whole is good; (2) planning at the beginning by all agencies and States concerned would eliminate needless conflicts, duplications, delays, and would present opportunities among the various agencies to the understanding of proposed projects; (3) giving equal representation with equal voice to each State and each agency with major concern for water is effective; (4) planning and recommending not implementing projects, would not jeopardize prerogatives and powers of Federal and State governments; (5) sharing of costs should be more acceptable with the States which have a say from the early stages.

The Massachusetts legislature has approved this compact.

The Massachusetts League, a member of the New England ad hoc Committee on Water Resources, supports the statement of the ad hoc committee. We respectfully urge that this committee give the compact a favorable report and we hope that Congress will give its consent to the northeastern water and related land resources compact.

Please include this statement in the report of the hearing.

APPENDIX

WAKEFIELD, MASS., August 14, 1962.

Senator JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.:

Municipal Electrical Association of Massachusetts comprised of 40 municipal electric plants concerned about lack of protection to the public interest and recommend strong opposition to S. 374.

A. G. SPURRELP,
President, Municipal Electrical Association of Massachusetts.

CRAFTSBURY COMMON, VT., August 13, 1962.

Senator JAMES EASTLAND,
Chairman, Senate Judiciary Committee,
Senate Office Building, Washington, D.C.:

As former Commissioner of Development for State of Vermont and now as private citizen I am very much opposed to passage of H.R. 30, northeastern water and related resources compact. Have just learned of hearing on Wednesday. Am convinced citizens of Vermont have not been made aware of bill or its provisions and have not had proper opportunity to express their feelings. At this late date I cannot be present at hearing but would like to know of any future ones being scheduled as would like to appear. Water is vital to Vermont's future and feel State is in very poor position to protect its interests if bill passes in present form.

W. E. BIRMINGHAM,
Headmaster, Sterling School.

MONTPELIER, VT., August 13, 1962.

Senator JAMES EASTLAND,
Chairman, Senate Judiciary Committee,
Senate Office Building, Washington, D.C.:

Please register one member of New England Council Natural Resources Committee opposed to northeastern water and related lands resources compact. My principal objection is loss of State's rights over its own resources.

KEITH WALLACE.

CHICOPEE, MASS., September 15, 1962.

Senator EASTLAND,
U.S. Senate, Washington, D.C.:

I wish to be placed on record as opposing the northeastern water resources compact bill in its present form. It would be a detriment to public power ownership.

JOHN J. KORKOSZ,
Manager, Chicopee Electric Light Department.

HOLYOKE, MASS., *September 13, 1963.*

Senator EASTLAND,
Washington, D.C.:

Recommend strong opposition to northeast water resources compact bill as in its present form it would cause complete confusion in planning of water resource development in the area.

F. H. KING,
Manager, Gas and Electric Department.

CAMBRIDGE, MASS., *September 17, 1962.*

Senator LEVERETT SALTONSTALL,
Senate Office Building, Washington, D.C.:

S. 374 northeastern water compact comes to vote in Judiciary Subcommittee tomorrow. We hopefully await passage.

MADELINE GRANT,
President, League of Women Voters.

MONTPELIER, VT., *August 13, 1962.*

SECRETARY, SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D.C.:

Wish to go on record opposing northeastern land and related resources compact as now written. Believe it requires more study.

SAILEY F. ENNIS,
General Manager, Washington Electric Co-op East.

BRATTLEBORO, VT., *August 13, 1962.*

SENATE JUDICIARY COMMITTEE,
U.S. Senate, Washington, D.C.:

Vermont has not ratified the compact bill H.R. 30. More time should be given to consider its reason. News releases inadequate to support any bill of this nature. Delay in hearings required to review committee's report and investigate provisions of the proposed act in defense of my opposition to the H.R. 30 bill.

RUBY W. SNOW.

GUILFORD, VT., *August 13, 1962.*

SENATE JUDICIARY COMMITTEE,
U.S. Senate, Washington, D.C.:

Deferment of scheduled hearings in regard compact bill H.R. 30 requested. Not sufficient time to review committee report and furnish statement against the compact.

RAY E. GATES.

BRATTLEBORO, VT., *August 13, 1962.*

SENATE JUDICIARY COMMITTEE,
Northeastern Water and Related Land Resources Compact,
U.S. Senate, Washington, D.C.:

I oppose bill and request postponement of the hearings now set for August 14 and 15 so I can prepare statement. Would like to see committee report.

FLOYD N. STONE.

JACKSONVILLE, VT.

BURLINGTON, VT., *September 17, 1962.*

JOSEPH DAVIS,
Secretary, Judiciary Committee,
Senate Office Building, Washington, D.C.:

I earnestly desire to register objection to passage of H.R. 30, northeast compact bill. Believe passage would seriously injure State of Vermont interest particularly in relations to electric power and water resources. Would like to

appear in opposition or file a statement in opposition to bill. Request that you advise if appearance or statement is preferred. Please incorporate this telegram of opposition in the records of proceedings in hearings examination of minutes of House. Hearing clearly establishes serious and adverse effect on Vermont interest.

FREDERICK J. FAYETTE,
Attorney for Electric Cooperatives of State of Vermont.

MARSHFIELD, VT., August 11, 1962.

SECRETARY OF SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D.C.:

Believe Vermont Legislature meeting in 1963 should have chance to review northeastern land and related resources compact before leaving Judiciary Committee. Request it not be passed this session.

CHARLES CARPENTER,
Treasurer, Washington Electric Co-op.

NEWPORT, VT., August 11, 1962.

SECRETARY, SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D.C.:

The bill northeastern water and related land resources compact. We wish the hearing be delayed for more information. I am much opposed to the bill the way it is set.

Yours truly,

JASPER D. SANVILLE.

IRASBURG, VT.

FAIRFAX, VT., August 11, 1962.

SECRETARY OF THE SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D.C.:

Have just read about action to be taken and northeastern water and related land resources compact. I would ask that action be delayed that I might prepare a statement in regards to this matter representing 100,000 electric consumers in Maine, New Hampshire, Vermont, and New York State.

Sincerely yours,

DOUGLAS WEBB,
President, North Eastern Association of Electric Co-op.

ENOSBURG FALLS, VT., August 11, 1962.

SECRETARY OF THE SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D.C.

DEAR SIR: I have received brief information of the H.R. 30 bill concerning the northeastern waters and related land resources compact. Therefore, until I have been fully informed and thoroughly understand H.R. 30 I would urge that it be delayed until I can file my opposition to it, if so warrants. As I now understand, its ultimate goal would be to deprive the people of the New England States access of their natural resources.

Respectfully,

FRED W. BOUDREAU.

CHICOPEE, MASS., August 13, 1962.

SENATOR JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.:

I wish to be recorded in opposition to S. 374 establishing northeastern resources commission.

JOHN J. KORKOSZ,
Manager, Chicopee Electric Light Department.

BARRE, VT., August 13, 1962.

SECRETARY, SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D.C.

Vermont Legislature 1963 should have chance to review northeastern land and related resource compact. Believe it is detrimental to Vermont as now written.

J. R. BRUCE.

CHELSEA, VT., August 13, 1962.

SECRETARY, SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D.C.:

Believe northeastern land and related resources compact detrimental to rural electric consumers of Vermont. Speaking for some 10,000 Vermont people, wish more study be made.

JOHN LARKIN,
President, Washington Electric Co-op.

ESSEX JUNCTION, VT., August 13, 1962.

CLERK OF SENATE JUDICIARY SUBCOMMITTEE,
Senate Office Building, Washington, D.C.:

Northeastern water and related land resources compact hearing on H.R. 30 should be delayed. H.R. 30 should be rewritten to give the States equal voting rights and the Federal agencies act only in advisory capacity. I am opposed to H.R. 30 in present form.

JAMES PILLSBURY,
President, Vermont Electric Coop., Inc.

P.S.—Serving 10,000 people.
JOHNSON, VT.

MONTPELIER, VT., August 13, 1962.

SECRETARY, SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D.C.:

Wish to support Senator Aiken's stand on northeastern land and related resources compact. Believe it needs more study.

GEORGE RICKER.

GROTON, VT.

MARLBORO, VT., August 13, 1962.

SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D.C.:

Postponement of hearing of the northeastern water and related land resources compact bill requested. Am against the compact and want time to study committee's report and submit objections opposing.

BERTHA AKLEY.

JACKSONVILLE, VT., August 13, 1962.

SENATE JUDICIARY COMMITTEE,
U.S. Senate, Washington, D.C.:

Announcement of hearing dates on northeastern water and related land resources compact bill too late to arrange to attend and state my views against such a bill.

MYRON ALLEN.

MONTPELIER, VT., September 14, 1962.

SECRETARY OF THE SENATE JUDICIARY COMMITTEE,
U.S. Senate, Washington, D.C.:

Having studied northeastern land and related resources compact believe not in best interest of rural people of Vermont. Wish opportunity to appear at hearing on 18th in opposition to bill.

SAILY ENNIS.

EAST MONTPELIER.

MONTPELIER, Vt., *September 14, 1962.*

SECRETARY OF THE SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D.C.:

Have studied northeastern land and related resources compact and still feel it is detrimental to rural electric consumers in Vermont. I would desire to testify at the hearing on September 18th, but if unable request this wire be made part of testimony at hearing.

JOHN LARKIN,
President, Washington Electric Co-op.

MARLBORO, Vt., *September 17, 1962.*

SENATE JUDICIARY COMMITTEE,
U.S. Senate, Washington D.C.:

Am opposed to the northeastern water and related land resources compact bill. Request time to be heard. Want this part of hearing record.

BERTHA AKLEY.

JACKSONVILLE, Vt., *September 17, 1962.*

SENATE JUDICIARY COMMITTEE,
Washington, D.C.:

Am opposed to H.R. 30 and ask postponment of hearing until I can study further the contents. If delay in hearing not arranged request this be part of record.

FLOYD M. STONE.

IRASBURG, Vt., *September 17, 1962.*

JOSEPH DAVIS,
CLERK OF THE SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D.C.:

Concerning bill H.R. 30 that I have read the past hearing and oppose bill. I would like to testify against the bill if time permits. I would like the wire included in the hearing testimony.

JASPER D. SANVILLE.

BURLINGTON, Vt., *September 17, 1962.*

JOSEPH DAVIS,
Clerk of Senate Judiciary Committee,
Senate Office Building, Washington, D.C.:

I have read the testimony of hearing and proposed H.R. 30. I would like to testify against this bill if possible and have this wire included in the testimony.

JAMES PILLSBURY,
President, Vermont Electric Co-op.

JOHNSON, Vt.

MONTPELIER, Vt., *September 14, 1962.*

SECRETARY OF THE SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D.C.:

Because of the detrimental effect of northeastern land and related compact on rural people in Vermont I wish to be heard in opposition to its passage. If I am unable to appear request that this telegram be verbally stated at the hearing on the 18th.

J. R. BRUCE.

WILLIAMSTOWN, Vt.

ENOSBURG FALLS, VT., *September 17, 1962.*

JOSEPH A. DAVIS,
*Judiciary Senate Committee,
Senate Office Building, Washington, D.C.:*

DEAR SIR:

Regarding H.R. 30 for the so-called northeast compact bill I read the past hearing testimony and the proposed bill and I would like to testify against the bill. If I cannot I would like this wire included in the hearing testimony.

Respectfully,

FRED W. BOUDREAU.

FAIRFAX, VT., *September 17, 1962.*

JOSEPH DAVIS,
*Clerk, Senate Judiciary Committee,
Senate Office Building, Washington, D.C.:*

Regarding bill H.R. 30 have read past hearing testimony and oppose bill. If time permits would like to testify against bill.

DOUGLAS WEBB,

President, Northeast Association of Electric Cooperatives.

NORTH TROY, VT., *September 17, 1962.*

JOSEPH DAVIS,
*Clerk of Senate Judiciary Committee,
Senate Office Building, Washington, D.C.:*

Have read the past hearing testimony on proposed bill would testify against bill if possible. Would like this wire included in hearing testimony.

ROBERT STARR,

Director, Vermont Electric Cooperative.

ENOSBURG FALLS, VT., *September 17, 1962.*

JOSEPH DAVIS,
*Clerk, Senate Judiciary Committee,
Senate Office Building, Washington, D.C.:*

Wish to testify on H.R. 30 if time permits. Please include in hearing record my judgment that northeast compact legislation as drawn is inadequate to forward future of area.

BERNARD G. O'SHEA.

BRATTLEBORO, VT., *September 17, 1962.*

SENATE JUDICIARY COMMITTEE,
U.S. Senate, Washington, D.C.:

Delay procurement in compact bill H.R. 30 hearing. Necessary more time required to prepare opposable arguments. Incorporate this into hearing records if deferment unallowed.

RUBY W. SNOW.

CRAFTSBURY COMMON, *September 17, 1962.*

JOSEPH DAVIS,
*Clerk, Senate Judiciary Committee,
Senate Office Building, Washington, D.C.:*

As former commissioner of development for the State of Vermont, as chairman of the planning commission for the town of Cabot, and as a teacher and student of American Government, the role of Federal action in the development of Vermont's rural regions remains a paramount interest for me. A study of H.R. 30, known as the northeast compact, and the previous testimony given at hearings has convinced me Vermont's interests have not been fully protected, and in time we would lose control of our most valuable natural resource, water, to the more populated States. Without proper compensation, control or planning, despite the apparent safeguarding written in the bill I am firmly convinced, after experience with similar groups, that in time the interests of our more powerful

States and groups within those States would prevail by sheer weight of numbers and financial backing.

I would like to appear to testify against H.R. 30 if my schedule and your courtesy permits this. I would also request that this wire be included in the hearing testimony. For large areas of Vermont, proper development depends on proper utilization of our remaining water resources. While important to any State, water is absolutely vital to Vermont. In simple justice to a small State God has not over endowed with natural resources allowed us to retain control of what He has given us, so we can work out our own destiny unhindered by the resources and pressures of larger, more organized groups and interests whose own desires may not be compatible with the best interests of the people of these green hills. A small State can prosper today if it is allowed the privilege readily engaged in by the larger States: the careful working out of its resources for the best interests of its own people. H.R. 30 denies Vermont this right and should be defeated for this reason if our Federal system of sovereign States has any meaning for us today.

W. E. BIRMINGHAM,
Headmaster, Sterling School.

GUILFORD, Vt., *September 14, 1962.*

SENATE JUDICIARY COMMITTEE,
U.S. Senate, Washington, D.C.:

Postponement in compact H.R. 30 hearings advisable am opposed to provisions and ask postponement to allow time to prepare objections. If requested postponement not arranged include this as part of hearing record.

RAY E. GATES.

JACKSONVILLE, Vt., *September 15, 1962.*

SENATE JUDICIARY COMMITTEE,
U.S. Senate, Washington, D.C.:

Still opposed to H.R. 30 as such request time to be heard. If hearing is held request this to be included in record.

MYRON W. ALLEN.

MONTPELIER, Vt., *September 14, 1962.*

SECRETARY OF THE SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D.C.:

The long-range plans of we Vermonters will be adversely affected by passage of the northeastern land and related resources compact, am opposed and wish to have committee so informed.

DEAN SHATTUCK.

EAST MONTPELIER.

MONTPELIER, Vt., *September 14, 1962.*

SECRETARY OF THE SENATE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D.C.:

The northeastern land and related resources compact is not in best interest of people of Vermont. I wish to go on record at the hearing as opposed to passage of this bill.

GEO. RICKER.

GROTON, Vt.

MONTPELIER, Vt., *September 14, 1962.*

SECRETARY OF THE JUDICIARY COMMITTEE,
Senate Office Building, Washington, D.C.:

In the interest of the Legislature of Vermont, who will be meeting in session 1963, and the people of rural Vermont, I wish to state complete opposition to the northeastern land and related resources compact as now written.

CHARLES CARPENTER.

MARSHFIELD, Vt.

100 NORTHEASTERN WATER AND LAND RESOURCES COMPACT

PROVIDENCE, R. I., September 15, 1962.

INTERSTATE COOPERATION HEARING,
New Senate Office Building, Washington, D.C.:

Regret unable to attend hearing. Copy of Rhode Island resolution "water and related land resources compact" sent 13th August. Trust you will take favorable action on subject.

Senator PRIMO IACOBUCCI,
Chairman, Rhode Island Commission
on Interstate Cooperation.



W. J. THURGOOD
Washington, D.C.

MEMORANDUM FOR THE SENATE JUDICIARY COMMITTEE

Postponement in compact H.R. 30 hearing advisable in view of the fact that the hearing is scheduled for the 20th of September. It is requested that the hearing be postponed to a date to be determined by the Senate Judiciary Committee. The hearing should be postponed to a date to be determined by the Senate Judiciary Committee.

JACKSONVILLE, Vt., September 14, 1962.

Will oppose to H.R. 30 as such request time to be heard. If hearing is held, request this to be included in record.

MONTPELIER, Vt., September 14, 1962.

The four main items of the Vermonters will be adversely affected by passage of the compact. The compact will result in the loss of Vermont's water and land resources. The compact will result in the loss of Vermont's water and land resources.

MONTPELIER, Vt., September 14, 1962.

The northeastern land and related resources compact is not in best interest of Vermont. I wish to see an record at the hearing as opposed to passage of this bill.

MONTPELIER, Vt., September 14, 1962.

In the interest of the Legislature of Vermont, who will be meeting in session on the 18th of September, I wish to state my opposition to the compact. The compact will result in the loss of Vermont's water and land resources.