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HEARINGS BEFORE THE COMMITTEE ON AGRICULTURE HOUSE OF REPRESENTATIVES EIGHTY-EIGHTH CONGRESS SECOND SESSION

ON H.R. 9180

TO ENABLE THE SECRETARY OF AGRICULTURE TO FURNISH, UPON A REIMBURSABLE BASIS, CERTAIN INSPECTION SERVICES INVOLVING OVERTIME WORK

JULY 1, 1964

H.R. 5406 and H.R. 10249

PLANNING CHANGES IN USE OF AGRICULTURAL LAND IN RAPIDLY EXPANDING URBAN AREAS

JULY 27, 1964

H.R. 9178

ELECTIONS OF COUNTY COMMITTEEMEN

JULY 27, 1964

S. 277

INCREASE THE NUMBER OF NEW COUNTIES IN WHICH CROP INSURANCE MAY BE OFFERED

JULY 27, 1964

H.R. 9181

FEED FOR FOUNDATION HERDS AND PENALTIES FOR MISUSE THEREOF

JULY 29, 1964

H.R. 3607

WHEAT SEED SCREENINGS

JULY 29, 1964

Serial AAA

Printed for the use of the Committee on Agriculture

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TO ENABLE THE SECRETARY OF AGRICULTURE TO
FURNISH, UPON A REIMBURSABLE BASIS, CERTAIN
INSPECTION SERVICES INVOLVING OVERTIME WORK

WEDNESDAY, JULY 1, 1964

HOUSE OF REPRESENTATIVES,
DEPARTMENTAL OVERSIGHT AND CONSUMER RELATIONS
SUBCOMMITTEE OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met at 10 a.m., in room 1310, Longworth House Office Building, Hon. Paul C. Jones (chairman of the subcommittee) presiding.

Present: Representatives Jones of Missouri, Abernethy, Hagen of California, Johnson of Wisconsin, Matsunaga, Dague, Harvey, and Beermann.

Also present: John Heimburger, general counsel; Martha Hannah, staff assistant.

Mr. JONES. The next bill we have is H.R. 9180, to amend the act of August 28, 1950, enabling the Secretary of Agriculture to furnish, upon a reimbursable basis, certain inspection services involving overtime work.

This bill was introduced by the chairman of the full committee, Mr. Cooley.

(H.R. 9180 follows:)

[H.R. 9180, 88th Cong., 1st sess.]

A BILL To amend the Act of August 28, 1950, enabling the Secretary of Agriculture to furnish, upon a reimbursable basis, certain inspection services involving overtime work

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 28, 1950 (ch. 815, 64 Stat. 561; 5 U.S.C. 576), an Act to enable the Secretary of Agriculture to furnish upon a reimbursable basis certain inspection services involving overtime work, is amended by adding at the end thereof the following: "The term 'inspection or quarantine services relating to imports into and exports from the United States' shall include inspection, seizure, quarantine, treatment, application of other remedial measures, disposal, supervision, or certification with respect to plants, plant pests, plant products, animals, animal products, persons, means of conveyance, baggage, stores, or other products or articles moving or moved into or from the continental United States, or into or from the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, or any other territory or possession of the United States, under the plant or animal quarantine laws, plant pest legislation, or related laws intended to prevent the introduction into or dissemination from or within the United States of plant or animal pests or diseases, or other laws administered by the Department of Agriculture."

SEC. 2. This Act shall take effect on such date as the Secretary of Agriculture shall designate, but not later than six months after date of enactment.

Mr. JONES. We have from the Department this morning Mr. Fredrick A. Johnston, Director, Plant Quarantine Division, Agricultural

Research Service, accompanied by Mr. John C. Frey, Administrative Officer.

I will ask the Department to explain the purpose of this bill and give us the recommendations of the Department.

**STATEMENT OF FREDERICK A. JOHNSTON, DIRECTOR, PLANT
QUARANTINE DIVISION, AGRICULTURAL RESEARCH SERVICE,
U.S. DEPARTMENT OF AGRICULTURE**

Mr. JOHNSTON. We appreciate the opportunity to comment on the proposed legislation to amend the so-called Import-Export Overtime Act of August 28, 1950.

Since passage of the act questions have occasionally arisen as to the geographic areas of the United States covered and the types of inspection services to be included under the term "imports into and exports from the United States."

The proposed legislation would define the geographic areas by including inspection for movements into or from the offshore areas of the United States as well as into or from the continental United States. In addition, the amendment would clearly state the types of inspection and quarantine activities for which reimbursement would be authorized.

The present wording of the act has in some instances been interpreted as covering only inspection of commodities and not baggage, certain treatment procedures such as fumigation of infested cargoes, application of other remedial measures, disposal under supervision, and other services not previously considered under the act. These measures are all a part of the Department's program to prevent entry and dissemination of injurious agricultural pests.

The Department is providing inspection service, without charge, to the utmost of its capabilities and has endeavored to prescribe tours of duty that will satisfy the requirements of the scheduled international transportation lines. Tours of duty are scheduled to provide inspection service to meet workload demands at all hours to the extent that the appropriation for inspection service will permit. However, it is not possible or practicable to pay the cost of manning every port of entry 24 hours a day, 7 days a week. Hence, generally, all means of conveyance, arriving at ports outside of regularly scheduled hours of duty must either await inspection during such regularly assigned hours, or, upon request, inspection will be performed on a reimbursable overtime basis. In many cases, however, this inspection is performed at the expense of the Government.

In many instances the overtime inspection services performed to clear irregular arrivals outside assigned tours of duty are for the benefit of individuals or groups who have occasionally questioned the authority of the Department to charge for such overtime services. Under the proposed legislation that authority would be clarified and the geographic areas and types of inspection services covered by the act would be clearly stated.

Requests are frequently received for agricultural quarantine inspection services at points removed from regularly staffed ports. These services are required in connection with both imports and exports and are primarily for the benefit of individuals or groups. They

are normally performed at the present time at the expense of the Government.

The Department fully recognizes its obligation to carry out inspection duties and does its best to perform them. It is to prevent a situation of not enforcing the quarantines on Sunday, and holidays, and outside of regular duty hours that we have had to resort to the reimbursable overtime procedure.

In enacting the 1950 overtime statute, Congress recognized the limitations on the Department's ability to provide inspection service at all ports of entry 24 hours a day, 365 days a year, and provided a means whereby those who do not wish to wait for inspection during the regularly scheduled hours of service could have it performed on a reimbursable basis.

In order to provide clear-cut authority for recovery of costs of inspections covering other than commodities performed primarily for the convenience or benefit of individuals or groups, and during times when free services cannot be provided by the Government, the Department recommends that the Import-Export Overtime Act be amended in accordance with the proposed legislation.

Mr. JONES. As I understand it, this would not add to the cost of the service because all of this extra service would be on a reimbursable basis; is that correct?

Mr. JOHNSTON. That is correct, it would not add to the cost of the Department.

Mr. JONES. In other words, this does not involve any additional cost to the Government?

Mr. JOHNSTON. No, it would not involve additional cost to the Government.

Mr. JONES. You say in some instances where this inspection service was performed, say on holidays or at times when the regular inspectors were not on duty, that the persons for whom that service was performed either declined or refused to pay for the inspection service?

Mr. JOHNSTON. That is correct.

Mr. JONES. Or the time involved?

Mr. JOHNSTON. That is correct.

Mr. JONES. They did that because the law did not provide for this reimbursable basis and the Department was trying to collect it, and in some instances they did and in some instances they did not. Is that the situation?

Mr. JOHNSTON. That is correct, in some instances we collected, in other instances it was refused. Many transportation lines now have standing requests for overtime services at such times as they arrive at odd hours for clearance.

Other transportation companies will not request such services.

The proposed legislation will clarify what is meant by imports and exports. In many instances they have held that baggage was not covered but only commodities were covered.

Mr. HARVEY. On the basis of reimbursement is this an hourly rate? What is the basis on which reimbursement is computed?

Mr. JOHNSTON. Computed on an hourly rate.

Mr. HARVEY. What is the hourly rate?

Mr. JOHNSTON. At the present time it is \$6.40.

Mr. JONES. Other questions?

This is for commodities other than animal quarantine?

Mr. JOHNSTON. The Animal Inspection and Quarantine Division also is covered for services. They may perform on an overtime basis.

Mr. JONES. This would cover them, also?

Mr. JOHNSTON. Yes.

Mr. BEERMANN. Does this cover the Clifton, N.J., Quarantine Station?

Mr. JOHNSTON. It would not cover the New Jersey station.

Mr. JONES. They are on a 24-hour basis there, around the clock and around the calendar?

Mr. JOHNSTON. Some of them live right there at the station.

Mr. JONES. We have been there.

Mr. MATSUNAGA. Have you had any trouble in Hawaii relative to this?

Mr. JOHNSTON. We have had a case last January where there were a great number of people departing Hawaii by plane for the mainland where our inspection services were not adequate to handle the traffic load. I believe United Airlines requested overtime service and was granted that overtime service to take care of it. In general, we do not have any great problems in Hawaii.

Mr. MATSUNAGA. The airlines used to pay for the service. Do you still provide the service anyhow?

Mr. JOHNSTON. We provide the service. In scheduling our inspection activities we try to cover the peak levels of arrivals or workload levels. It is not always possible to cover every one of them, but to the best of our ability we do schedule our tours of duty to cover the major peaks and activity.

Mr. MATSUNAGA. If the airlines refuse to reimburse you for the services, it means your employee works without overtime pay; is that right?

Mr. JOHNSTON. No, sir; he is reimbursed by the Government.

Mr. MATSUNAGA. Or is he just put on compensatory overtime?

Mr. JOHNSTON. We have no provision for compensatory time in lieu of overtime.

Mr. MATSUNAGA. You just pay him overtime?

Mr. JOHNSTON. If the employee works it, he is paid for it.

Mr. MATSUNAGA. Thank you.

Mr. JONES. Are there any other questions? We thank you, gentlemen. The committee will go into executive session.

(Whereupon, at 10:47 a.m., the subcommittee went into executive session.)

H.R. 5406 AND H.R. 10249, TO AUTHORIZE THE SECRETARY OF AGRICULTURE TO COOPERATE WITH STATES AND OTHER PUBLIC AGENCIES IN PLANNING FOR CHANGES IN THE USE OF AGRICULTURAL LAND IN RAPIDLY EXPANDING URBAN AREAS AND IN OTHER NONAGRICULTURAL USE AREAS, AND FOR OTHER PURPOSES

MONDAY, JULY 27, 1964

HOUSE OF REPRESENTATIVES,
CONSERVATION AND CREDIT SUBCOMMITTEE
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m. in room 1310, Longworth House Office Building, Hon. W. R. Poage (subcommittee chairman) presiding.

Present: Representatives Poage, Gathings, Hagen of California, Johnson of Wisconsin, Matthews, Stubblefield, Hagan of Georgia, Harvey of Indiana, and Dole.

Also present: Christine S. Gallagher, clerk; and John Heimburger, general counsel.

Mr. POAGE. We will now take up H.R. 5406 and H.R. 10249 to authorize the Secretary of Agriculture to cooperate with States and other public agencies in planning for changes in the use of agricultural land in rapidly expanding urban areas and in other nonagricultural use areas, and for other purposes.

(H.R. 5406 by Mr. Philbin and H.R. 10249 by Mr. Conte and the report of the Secretary of Agriculture on H.R. 5406 follow:)

[H.R. 5406, 88th Cong., 1st sess.]

A BILL To authorize the Secretary of Agriculture to cooperate with States and other public agencies in planning for changes in the use of agricultural land in rapidly expanding urban areas and in other nonagricultural use areas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the rapid expansion of the Nation's urban areas, resulting in the discontinuance of farming operations on large areas of agricultural land and the consequent serious deterioration of such agricultural land and other land through erosion by wind and water, and shifting uses of agricultural and other land in other nonagricultural use areas, are causing severe problems concerning needed changes in the use of such land and the effects of such changes on the protection, development, and utilization of the soil and water resources of such areas; and that it is the sense of Congress that the Federal Government should cooperate with States and other public agencies for the purpose of providing assistance in planning for such changes in land use and for the protection, development, and utilization of the soil and water resources of such areas, and thereby assist in preserving and protecting the Nation's soil and water resources.

SEC. 2. In order to cooperate with and assist States and their political subdivisions, soil and water conservation districts, regional, State, and local planning boards and commissions, and other public agencies in planning for orderly adjustments in the use of land in the Nation's rapidly expanding urban areas and in other nonagricultural use areas and for the protection, development, and utilization of the soil and water resources of such areas, the Secretary of Agriculture is authorized, upon the request of the State or other public agency, to—

(1) make investigations and surveys in connection with the classification and mapping of soils in such areas;

(2) make studies necessary for the interpretation of such soil surveys or other applicable surveys made by or available to the Secretary;

(3) furnish technical and advisory assistance in connection with such planning; and

(4) obtain the cooperation and assistance of other Federal agencies in carrying out the purposes of this Act.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, such sums to remain available until expended.

[H.R. 10249, 88th Cong., 2d sess.]

A BILL To authorize the Secretary of Agriculture to cooperate with States and other public agencies in planning for changes in the use of agricultural land in rapidly expanding urban areas and in other nonagricultural use areas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the rapid expansion of the Nation's urban areas, resulting in the discontinuance of farming operations on large areas of agricultural land and the consequent serious deterioration of such agricultural land and other land through erosion by wind and water, and shifting uses of agricultural and other land in other nonagricultural use areas, are causing severe problems concerning needed changes in the use of such land and the effects of such changes on the protection, development, and utilization of the soil and water resources of such areas; and that it is the sense of Congress that the Federal Government should cooperate with States and other public agencies for the purpose of providing assistance in planning for such changes in land use and for the protection, development, and utilization of the soil and water resources of such areas, and thereby assist in preserving and protecting the Nation's soil and water resources.

SEC. 2. In order to cooperate with and assist States and their political subdivisions, soil and water conservation districts, regional, State, and local planning boards and commissions, and other public agencies in planning for orderly adjustments in the use of land in the Nation's rapidly expanding urban areas and in other nonagricultural use areas and for the protection, development, and utilization of the soil and water resources of such areas, the Secretary of Agriculture is authorized, upon the request of the State or other public agency, to—

(1) make investigations and surveys in connection with the classification and mapping of soils in such areas;

(2) make studies necessary for the interpretation of such soil surveys or other applicable surveys made by or available to the Secretary;

(3) furnish technical and advisory assistance in connection with such planning; and

(4) obtain the cooperation and assistance of other Federal agencies in carrying out the purpose of this Act.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, such sums to remain available until expended.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, March 17, 1964.

HON. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: This is in reply to your letter of April 30, 1963, requesting a report on H.R. 5406, a bill to authorize the Secretary of Agriculture to co-

operate with States and other public agencies in planning for changes in the use of agricultural land in rapidly expanding urban areas and in other nonagricultural use areas, and for other purposes.

The rapid urbanization of previously agricultural areas is increasing the demand for services of the Department of Agriculture. Orderly transition from rural to urban uses of land requires information on the problems of landowners and operators in areas of change and information on capabilities of soils for location of industry, commerce, residential housing, parks and recreational areas, and strategic open space. Many urban areas seek to preserve open space in a rural setting. Soil surveys provide scientific information for interpretations and judgment decisions related to the capabilities and limitations of land for different uses and for management of soils during transition and in the new uses. The Department of Agriculture is currently supplying many of the services needed for rural-urban planning through its soil survey, extension, rural area development, watershed planning, forestry, and economic research programs.

Although the Department already has authority to make soil surveys, the proposed bill would serve essentially to give clear-cut recognition and emphasis to the need for such surveys and interpretive services for areas making specific requests. This is highly important to further cooperative efforts of rural and urban interests.

The Department of Agriculture is actively cooperating with other departments of the executive branch and is continuing its studies in cooperation with representatives of the other departments and agencies on the needs for an interpretation of soil surveys and related services in urban-fringe areas. These cooperative efforts are of major significance to the nonagricultural uses of land and makes unnecessary the conduct of soil surveys by Federal agencies other than the Department of Agriculture.

We suggest that the purposes of this bill might be clarified with the following substitute wording for items (3) and (4) in the bill:

"(3) furnish technical and advisory assistance for the protection, development, and economic utilization of the soil and water resources of such areas in connection with the planning by the State or other public agency for orderly adjustments in land use in such areas; and

"(4) consult with other Federal agencies participating or assisting in the planning and development of such areas in order to assure the coordination of the work authorized under this Act with the related work of such other agencies."

Since assistance to States or other public agencies, as set forth in the bill, would be provided only upon request from said bodies, it is not possible to foresee at this time the extent of requests for assistance requested or to estimate the additional requirements for funds.

Further study is being given to these needs by an ad hoc interagency committee which will make recommendations to the Director of the Bureau of the Budget identifying the magnitude of need for surveys and developing proposals, both for meeting these needs and financing.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

Mr. POAGE. H.R. 5406 is by Congressman Philbin, and Mr. Philbin is not present.

Mr. GAUCHER. Mr. Chairman, my name is Clifford O. Gaucher. I am administrative assistant to Congressman Philbin. Unfortunately, Mr. Philbin was delayed in Massachusetts. He had every expectation of being with you this morning but he has been delayed and has asked me to bring his statement over here and present to you some of the highlights, with your permission, and then have it extended in the record.

Mr. POAGE. We will be glad to hear from you.

STATEMENT OF HON. PHILIP J. PHILBIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS, PRESENTED BY CLIFFORD O. GAUCHER, ADMINISTRATIVE ASSISTANT TO MR. PHILBIN

Mr. GAUCHER. Thank you.

At the outset, Mr. Chairman, Mr. Philbin wanted to express his warm thanks to you and the committee for hearing the bill so soon. He is very, very grateful to you. It is a bill which properly concerns the Conservation Subcommittee.

I shall now present Mr. Philbin's statement:

More than other Members of Congress, by good friend and colleagues, the distinguished and able members of this subcommittee are fully aware of the impact of the rapid urbanization of previously purely agricultural areas on the Soil Conservation Service and the ever-growing demand for the services of this agency.

Requests for technical assistance on soil and water conservation problems from landowners other than farmers have increased steadily every year and the members of this subcommittee recognized long before the average Member of Congress that the resources of our soil conservation districts are being pressed in meeting these demands.

All of us recognize that the urban population is steadily increasing, producing an urban sprawl where we find entire regions becoming mixed rural-urban areas. This urban expansion is creating new serious pressures on the land.

These pressures include such needs as sites for new homes, shopping centers, schools, industries, highways, sewage disposal areas, water supply reservoirs, wildlife refuges, recreational areas, and just plain ordinary open green space.

This urban diffusion creates new areawide development problems also with solutions required not only for the farmer, but for the commuting suburbanite as well.

Many Members of Congress, familiar with the work of the Soil Conservation Service, are realizing that as more rural land becomes urbanized, the changing land use has brought about new local soil conservation district programs that more properly concern the communities within their boundaries, rather than the individual farmer.

The result has been that many of these local soil conservation districts are now devoting the greater proportion of their activities to proper land use, scientific land revision, and to land protection, improvement, and management of the changing areas.

Expanding urbanization has made it necessary for the USSCS districts to go into programs far beyond their original conception because a growing number of cities and towns are now applying for the Soil Conservation Service specialized soil surveys and interpretations to assist them in their planning activities.

In recent years, the trend has become increasingly significant—soil surveys, once used mostly for agricultural purposes, now are being put to use by planning commissions all over the Nation to assist them in making land planning decisions. In my own State, some 200 planning commissions have become aware of the importance of good soils information and there are nearly 50 cities and towns with requests pending for SCS soil surveys on a cost-sharing basis.

We recognize that all taxpayers contribute toward the cost of soil surveys and in many places there is an immediate direct share of the benefits of accurate and detailed soils information.

The further participation of our urban areas in these benefits would help reduce the cost of homes, roads, and other manmade structures and also help them in their efforts toward development of their natural resources.

Problems of the land are shared by all taxpayers, whether they are city dwellers, suburbanites, or farmers. No one questions that these problems increase with the rapid expansion of the many counties and metropolitan areas which have doubled their population in the past 10 years.

As more and more people leave the city for the suburbs or the rural fringe areas, few and fewer people live in truly rural areas. The farmer when he first came to the land had to know the potential and limitations of his soil. Now it is necessary for whole communities to know the kind of soils they have and where the various types of soil are located.

They have to know the extent of soils free from overflow, the soils that are dry most of the time, the soils that have high-bearing strength and do not require extensive foundations, the permeable soils suitable as septic tank filter fields, the deep soils that do not present problems of excavation for basements, pipelines, or highways.

All these facts, and many others, can be found in the SCS soil surveys. Today some of the biggest boosters of the SCS surveys and maps are engineers, planners, and local officials who are responsible for highway construction and suburban developments.

These local officials have learned that many of the basic principles that have made farming so efficient in this country can be applied equally as well to the selection and management of soils for housing, highways, recreation, and related uses. Basically, the soil classification and maps are the same in both rural and urban areas.

Local planning and conservation officials, concerned with providing new living space for city-based people, have great need for soil surveys especially in those areas changing from rural to urban use. In my own State, there are 351 cities and towns and at least half of them have need for soils information. In my own congressional district, there are only 132,000 acres soil surveyed out of about 800,000 and it will be 1985 before the SCS soils mapping job is completed.

The ever-growing need for good soils information in my own State has led me to introduce the bill now before you, H.R. 5406. This measure, drawn up for me by the Office of the Legislative Counsel of the House, would authorize the Soil Conservation Service to make soil surveys, furnish technical assistance, and obtain the cooperation of other Federal agencies in assisting urban areas in planning for the changing use of our soil and water resources.

In addition, by focusing attention on soils studies for urban planning, my bill would help to protect the land that should remain in agriculture because of its high productive capacity.

H.R. 5406 can be an effective tool for good urban planning—especially in the fringe areas where the interests of the farmer, the suburbanite, the businessman, the factory owner all meet—by making possible the expansion of the Soil Conservation Service in this vital field.

My bill adds no new authority to the Department of Agriculture for soil surveying. What it does do, however, is help clarify and emphasize the need for this scientific program, developed over the last 60 or more years, and permit funds on a cost-sharing basis to be used primarily to meet the critical needs of our nonfarm citizens.

The losses now being sustained by these citizens and by local governments from mistakes in soil selection probably run into hundreds of millions for the country as a whole. None of this sad waste is necessary because we have soils suitable for housing with the proper soil selection and designs. What is lacking in many places, including my own State, is up-to-date soils information which the Soil Conservation Service can provide.

As I have said, my bill adds no new authority to the Department of Agriculture, but it does provide a clear-cut congressional recognition of and emphasize on the need for soil surveys and interpretive services for areas requiring these aids.

The original purpose of soil surveys was primarily to serve rural areas. My bill now recognizes and seeks to fill the need for soils information by urban fringe areas. The soils surveys for these areas are basically the same as those for farming areas, except that the mapping is somewhat more detailed and different interpretations are emphasized and highlighted.

The use of soil surveys by both public and private agencies and by individuals continues to increase. While the major use for soil surveys continues to be a basis for guiding land use adjustments and for the orderly planning and applications of soil and water conservation on farms, ranches, and watersheds, my bill seeks to assist such non-agricultural users as State, city, and town planning and conservation groups in their growing need for soils information applicable to urban and urban fringe areas.

Since its introduction on April 2 last year, H.R. 5406 has aroused considerable interest and support in many sections of the country. Requests for the bill have become so numerous that I found it necessary to have reprinted remarks I made in the House when I introduced the bill and I respectfully ask the chairman to have included in the record of this hearing the text of my speech since it gives full information about the legislative background and need for the bill.

It would seem that the objectives of H.R. 5406 are desirable and worth while because of rapid growth of the country, the expansion of urban areas and the need for planning and accurate data to help solve the many problems of the population explosion taking place in this country. To delay in this matter will only create even bigger problems not only with respect to urban expansion, but also for our agricultural areas and our people engaged in agriculture.

I respectfully urge early and favorable consideration of H.R. 5406.

Thank you for your courtesy and attention.

Mr. POAGE. Thank you, Mr. Gaucher, and without objection Mr. Philbin's statement will be made a part of the record.

Now I note that the Department of Agriculture recommends that two sections of this bill be rewritten.

Mr. GAUCHER. Yes, sir. You very kindly made available to Mr. Philbin a copy of Secretary Freeman's letter of March 17 in which he made his recommendations.

Mr. POAGE. That items (3) and (4) be rewritten.

Mr. GAUCHER. Mr. Philbin certainly would have no objection to that, sir.

Mr. POAGE. I also note that the Secretary states that further study is being given to these needs by an ad hoc interagency committee which will make recommendations to the Director of the Bureau of the Budget. What is your feeling there? Should we act prior to the completion of this study by this ad hoc committee?

Mr. GAUCHER. Well, the bill spells out what the soil conservation program is accomplishing now and what it can continue to accomplish in better fashion with the language of the bill. These are facts no matter what the ad hoc committee decides to do. We hope the ad hoc committee will confirm what Mr. Philbin has said is desirable.

As you realize, these soil surveys, especially of towns, are on a cost-sharing basis. For instance, the community of Hanover, Mass., was among the first to prepare a soils interpretation for community planning under the present act and it has published this brochure [indicating] which is an excellent job and is in fact a pilot for other communities. They have received many requests for copies of this.

Mr. POAGE. I think the bill certainly has a desirable objective but would it have the result of slowing down the soil surveys in the United States? You understand we have soil surveys going on just as we have geological surveys going on. In our part of the country they are not making much progress with either survey because we do not have enough money to do it. How do you anticipate this would affect the regular soil surveys?

Mr. GAUCHER. I am surely aware of the fact that it is this subcommittee that has made possible the tremendous amount of soil mapping that has taken place under the SCS auspices. It would appear the SCS people need the encouragement, the congressional approval and the sanction and the funds that the Appropriations Committee, in its wisdom, decides should be allocated to this new area of activity in which the Soil Conservation Service now finds itself.

Mr. POAGE. We have now *x* dollars to carry on a soil survey of the United States.

Mr. GAUCHER. You would not want those funds to be reallocated to nonfarm uses.

Mr. POAGE. That is correct. It seems to me this proposal is desirable but I do not want it to stop the work that is going on.

Mr. GAUCHER. In many of the counties that are now mapped or are being mapped they are finding population explosions taking place. In Texas two of your counties would probably benefit considerably from this because of the expansion, because of the growth. You are doing a combined operation. You are assisting your farm people and your nonfarm people by making possible the more rapid mapping of many areas.

Mr. POAGE. This provides for matching funds. Does not the present law at least allow any community that wants to do a part of this work, so that if any community wants to hasten the soil survey the Department would be more inclined to designate their area as an area for a survey and to complete it?

Mr. GAUCHER. As I understand it, this soil survey is a long-range affair and the Department apparently makes decisions as to what counties or portions of counties shall be mapped. In Massachusetts

we have 50 communities out of 351 that have requests pending for this mapping information. I believe for Massachusetts it will be 1985 before the entire State is mapped the way it should be. Chester County in Pennsylvania I believe was very, very fortunate in having the Department go ahead, and they came back with an outstanding study similar to that of Hanover but much more extensive.

Mr. POAGE. I do not question the desirability of it. I would like to see both the soil survey and the geological survey completed now rather than dragging along. I think you are striking at something that saves improvident expenditures in certain areas, and I think that is sound, but I wondered what effect it would have on the soil surveys.

Mr. GAUCHER. We are hoping by focusing attention on an activity that is not too well known we can probably prevail on the Appropriations Committee and the Congress to make small additional appropriations, as advisable, in order to have the dual programs move along.

Mr. POAGE. Would it not be human nature, though, for communities to criticize the carrying on of the work elsewhere after they paid their half of the cost in their own community?

Mr. GAUCHER. Many Members of Congress have counties in their districts designated as areas where there is this potential great growth within the next 10 years. These counties would benefit from expanded soil surveys.

Mr. POAGE. Mr. Gaucher, you are evading my question. I am asking what will be the effect of this thing. Let us be very frank. How would your delegation stand on the appropriation for the rest of us?

Mr. GAUCHER. I doubt that the Agriculture Appropriations Subcommittee would let our nonfarm users have any advantage over agricultural needs. I am sure the committee would see to it that the mapping would continue at its present progress and we would hope it would make additional funds available. But I am not an expert.

Mr. HARVEY. If the gentleman will yield, would you have an estimate of what the proposal would cost?

Mr. GAUCHER. Unfortunately, in the Secretary's report it is indicated it is not possible to make any estimate of the overall cost because it would be based on a need that is not yet fully known.

Mr. HARVEY. My question is directed to you as a representative of Mr. Philbin. Surely in making a proposal of this kind Mr. Philbin must have had an idea of what the cost would be.

Mr. GAUCHER. As to concrete amounts of money involved; no, sir.

Mr. HARVEY. I do not want you to pin it down to the dollar but some estimate of how much it will take to start on these projects.

Mr. GAUCHER. I assume it would be done on a limited basis. As I have said, in Massachusetts there are presently 50 communities that have requests pending for these cost-sharing services. They are on a waiting list of some kind.

Mr. HARVEY. You said there are 50 communities in Massachusetts with request pending and if we followed through under the present pattern it would be 1985 before they would get around to filling the need so far as Massachusetts is concerned?

Mr. GAUCHER. As to fully mapping the area.

Mr. HARVEY. What assurance do you have that with all these communities waiting it will not be 1985 anyway before we get around even if we were to give our blessing to this kind of a program and it

was started in an orderly fashion? It seems to me it still might be 1985 before they could meet the need in Massachusetts.

Mr. GAUCHER. It might well be it would be 1985 for Massachusetts but this population explosion is taking place in many places right now. You have some areas that within 10 years have doubled their population.

Mr. HARVEY. Is there any provision in the ARA legislation that would have supported an effort of this kind? It seems to me that would be the proper place. Wouldn't that seem to be the proper place for this kind of a proposal?

Mr. GAUCHER. Where historically the Soil Conservation Service has conducted these surveys, it would be safe to keep the program there.

Mr. HARVEY. It would seem to me that as one of the problems of urban growth, they could employ technicians to come in. Maybe the Soil Conservation Service technicians could be loaned, but it seems to me if this is as urgent as you indicate the effort should be from the other side.

Mr. GAUCHER. The emergency treatment was pointed out in view of the fact some areas are growing faster than others. I was fortunate to see one of the soil conservation maps with a projection of 1974, a map of the whole United States. We begin with Maine and we have these areas of great urban expansion crisscrossed over all the country.

Mr. HARVEY. How much do you estimate there will be?

Mr. GAUCHER. I understand the Department of Agriculture has some 70 counties that have been pinpointed as areas of rapid urban expansion. We worked down from Maine to Georgia and we worked westward, and many counties are hatch marked as growing rapidly.

Mr. POAGE. There is one other point that should be clarified. This bill provides for cost sharing but it does not set out any formula for cost sharing.

Mr. GAUCHER. As I understand, it is a 50-50 arrangement.

Mr. POAGE. It does not say 50-50.

Mr. GAUCHER. I do not think the bill specifically pinpoints the allocation. The way it is working now it is 50-50. It has worked out fine and there would be no need to disturb that relationship unless you made the ratio 30-70 in favor of the local community. I believe Mr. Philbin feels it would be the same arrangement we have now, 50-50 cost sharing.

Mr. JOHNSON. Do you have copies of your testimony?

Mr. GAUCHER. I have only this copy for the reporter but you might want Mr. Philbin's very comprehensive statement that he made when he introduced the bill. I have four additional copies of that, sir.

(The statement referred to follows:)

[From the Congressional Record, Apr. 2, 1963]

SOIL AND WATER RESOURCES DEVELOPMENT BILL

Speech of Hon. Philip J. Philbin, of Massachusetts, in the House of Representatives

Mr. Speaker, the Agriculture Department in recent years has entered many new fields through programs authorized by the Congress. I cite the rural areas development program which is doing so much to revitalize many small rural communities. In a recent statement before the Senate Subcommittee on Agriculture Appropriations, Secretary of Agriculture Orville L. Freeman outlined the objectives of the rural areas development program.

According to Secretary Freeman, this program seeks to fulfill several high priority national goals, which he described as follows:

First. To give direction, purpose, and hope to rural America as it adjusts to rapid changes;

Second. To readjust the rural land use patterns, making more land available for the increasing needs of outdoor recreation and open spaces, while decreasing cropland areas;

Third. To fully protect and develop the Nation's renewable resources of soil, water, forests, fish and wildlife, and open spaces;

Fourth. To encourage more rapid rural industrialization and expansion of commercial enterprise in rural areas to provide new employment and other non-farm economic opportunities;

Fifth. To eliminate the causes of rural poverty;

Sixth. To strengthen the family farm pattern of American agriculture, insuring an efficient and productive source of food and fiber in a way that increased efficiency does not bring less income to the producer.

Another new USDA program, Mr. Speaker, was authorized by Congress last year. This is the public recreational development of watershed projects under the Food and Agriculture Act of 1962.

This program permits the Agriculture Department to help create, enlarge, or improve bodies of water within watershed projects to assist in developing recreational areas bordering the water.

Up to 50 percent of the cost of land, easements, and rights-of-way, construction and minimum basic facilities needed for public access may be paid the Agriculture Department. Land bordering the reservoirs developed under this program could be used for picnicking, camping, hunting, or other outdoor uses with the Department being able to provide local sponsors with funds to cover up to half the lands costs. In addition, the Department would help local sponsors pay for the land inundated for recreational purposes.

Among minimum basic facilities which could be cost-shared are boat docks and ramps, beach development, parking lots, public water supply, sanitary facilities, planting, and other shoreline or area improvements, roads and trails, other similar facilities needed for public health, safety, access to, and use of the recreational areas.

Since the Congress, in these new nonfarm programs, has recognized the need for greater utilization of the special skills, resources, and facilities of the U.S. Department of Agriculture, Mr. Speaker, and because of the growing interest of many communities in Massachusetts in conservation activities and the formation of local conservation commissions under the authority of a State law passed a few years ago, I am introducing in the House today a bill calling for increased participation of the Soil Conservation Service in such nonagricultural fields as the protection, development, and use of land in urban areas and the utilization of soil and water resources in these areas.

Many Massachusetts towns are taking advantage of the Massachusetts law which authorizes the establishment of local conservation commissions. In fact, this law has already enabled some towns to make desirable changes in land use through the cooperation and assistance of the Soil Conservation Service.

One community, the town of Hanover, has already gained favorable nationwide publicity through its community planning program prepared in cooperation with the Massachusetts Department of Commerce and the Soil Conservation Service. One of the features of the program is the remarkable use of scientific soil and water information, largely supplied by surveyors of the Soil Conservation Service, who made an acre-by-acre inventory of the town's resources.

Hanover has issued a planning document which is serving as a guide to other communities with similar problems. The plan features detailed maps of the town's natural resources which are helping the community in making decisions regarding future potentials and limitations in land use. In addition, the plan contains nine special soils maps rendered in colors and symbols to serve as guidelines in determining boundaries and locations of community facilities.

In previous years, Hanover had made random use of available soils information for construction projects, sewage disposal areas, and related activities, but now with the aid of the soil conservation experts the community has prepared a most helpful document outlining the quantity and quality of its natural terrain.

Most Massachusetts towns are not as fortunate as Hanover with its completed survey and, as a result, are seriously handicapped by the lack of soils information—the very same type of soils information made available from a soil survey used as a basis for a farm conservation plan. Some of these communi-

ties are becoming aware that the Soil Conservation Service can make available the same basic data for the development of land capabilities. Consequently, more and more local conservation commissions are turning to soil conservation officials for guidance on the best land use and water management. Local conservation commissions are learning that these same Agriculture Department officials can render expert assistance on proper land spacing, clean water, and other necessities in their rapidly expanding urban areas.

To meet the growing demand from urban areas for these special aids available from the Soil Conservation Service, I am introducing legislation directing the Secretary of Agriculture to provide technical help on community projects dealing with soil, land use and water problems. Early approval of my bill would help many small communities to complete their development plans.

It has become apparent in my State and elsewhere that basic soils information is needed for good decisions on the lands to be used for industrial plants, housing developments, shopping centers, highways, and schools. My bill would strengthen the national soil program and I urge the early consideration of my proposal by my colleagues on the Agriculture Committee.

Mr. Speaker, in my congressional district there are parts of five soil conservation districts—the Northeast Worcester County Soil Conservation District with the district office in Sterling, the Northwest Worcester County Soil Conservation District with an office in Barre, the Southern Worcester County Soil Conservation District with an office in Rochdale, the Middlesex Soil Conservation District with an office in Concord, and the Norfolk Soil Conservation District with its headquarters in Walpole.

When originally established, these districts dealt primarily with farmers on erosion control, drainage, and land improvements. With additional technical assistance from the Soil Conservation Service, the districts have expanded their programs to include assistance on watershed planning and flood prevention.

While our farmers have continued to receive direct help on their conservation problems, there has arisen in recent years a greater need for assistance from the communities within these districts with the result that the soil conservation staff is faced with a much greater challenge and a growing demand for technical assistance.

Many sections of my district, now one of the largest in the State with nearly 450,000 people, are experiencing large population increases. These rapidly growing towns are trying desperately to decide on their future development. They are confronted with intense pressures on their natural resources with almost daily growing demands for land for industrial plants, parking lots, highways, housing developments, and schools.

Local officials are doing their best to meet the urgent problems of increasing population and industrialization and still retain the more desirable aspects of country living, but they are finding that the whole character of the town is changing. These officials must make important decisions on how much good farmland can be retained for agriculture, how to utilize wet lands and woodlands as open green areas with water developments for recreation and wildlife.

Recognition of these special problems has brought about a new development in my State with the establishment of conservation commissions by many communities. Nearly 30 have already been established in my district alone and it is expected the total number in the State will soon reach 200.

These conservation commissions are working intensively on inventories of their towns' natural resources and are helping to develop plans for greenbelts and wildlife preservation. In increasing numbers, the commissions are turning to the soil conservation districts for help on the technical features of their soil and water management problems. Increasing requests for Federal assistance are reaching me in recent months and I am cooperating fully with many town officials in seeking for their communities Soil Conservation Service help on a large number of drainage and water problems.

I have previously addressed the House on the value and importance of the watershed program of the Soil Conservation Service. This program has been of great assistance to many Massachusetts communities which suffered losses in the 1955 floods.

There have been two watershed work plans developed in my district under the Small Watersheds Act with the State and the towns in each watershed contributing toward the total costs. The first is the Suasco project, named after the Sudbury, Assabet, and Concord Rivers in the watershed, which is being developed at an estimated cost of \$1,660,000 of which \$650,000 will be paid by the State, the towns benefiting and the local landowners.

The second is the upper Quaboag project with a total estimated cost of \$2,750,000, of which about \$1 million will be borne by the State, local towns, and landowners. The watershed plan for this project was completed in the summer of 1961. After careful review by the House and Senate Agriculture Committees, upper Quaboag was authorized for construction last September.

The upper Quaboag project consists of a dike, some channel enlargement, and eight reservoirs, three of which are multiple purpose. The work will also provide fish and wildlife habitat improvement, recreation and flood prevention. The State plans to add recreation benefits to one reservoir, while the town of Leicester plans to add municipal water supply to another reservoir in the group.

There are three great ponds in the watershed that will be greatly improved because the water level will not be raised to a great extent in time of flooding.

The upper Quaboag watershed project is located in the western end of my district with work earmarked for Shaw Brook in Spencer and Leicester, Turkey Hill Brook in Spencer, Meadow Brook in New Braintree, and Kittredge Brook in Spencer. The balance of the work will be done in towns lost to the Third District as a result of the congressional redistricting last year: Meadow Brook in North Brookfield, Sucker Brook in West Brookfield, Lamberton Brook in Warren, Horsepond Brook in Brookfield, and Rice Reservoir in Brookfield.

The project also calls for a concrete dike along the East Brookfield River in East Brookfield to protect industrial plants and stream channel improvements along the Quaboag, beginning in Warren and extending into West Brookfield to provide flood protection to industrial and residential areas at the Quaboag marshes and Quaboag and Quacumquasit Ponds.

The Suasco project with 7 dams and reservoirs when completed will provide flood protection and other benefits to a 31-town area extending from Shrewsbury to Lowell. As planned, Suasco calls for seven dams—one each in Shrewsbury and Westboro, two in Berlin, and three in Northboro.

The Suasco work is being carried out by the Middlesex and Northern Worcester County Soil Conservation Districts, the Massachusetts Water Resources Commission, and the Soil Conservation Service.

The Suasco watershed project is among the first to be approved for Massachusetts under the Watershed Protection and Flood Prevention Act of 1954. When completed, the project will help reduce and control floodwaters at key points on the Sudbury, Assabet, and Concord Rivers and their tributaries. The project starts at the Assabet River in Northboro and extends to the junctions of the Sudbury and Concord Rivers in Concord, then to the Merrimack River in Lowell. In all some 377 square miles of watershed are involved with the flood prevention work designed to help these Third District communities, some of which were added to my district as a result of the redistricting last year: Maynard, Upton, Marlboro, Boxboro, Sherborn, Berlin, Littleton, Westford, Harvard, Clinton, Acton, Bolton, Holliston, Stow, Natick, and Hudson.

Other towns included in the Suasco watershed are: Carlisle, Lincoln, Framingham, Shrewsbury, Chelmsford, Sudbury, Grafton, Tewksbury, Weston, Ashland, Westboro, Billerica, Wayland, Southboro, Boylston, Bedford, Concord, Hopkinton, and Northboro.

The watershed program is one of several important Federal programs administered by the Soil Conservation Service. Another is the national cooperative soil survey, which is helping to provide basic soils information to many of our towns on a cost-sharing basis.

Four towns in my district have initiated action to share costs with the Soil Conservation Service for the basic soil interpretations they need—Sterling, Millis, Littleton, and Acton. Of the 351 towns in Massachusetts, it is estimated that least half have urgent need for soils information.

This is a worthwhile program which deserves the support of the Congress, Mr. Speaker. My bill would help to improve and strengthen this national program.

For instance, my district has about 790,000 acres and only 132,000 acres have been soil surveyed. Completed soil survey maps are needed right now in Massachusetts, but the mapping job for my State is currently projected for completion by 1985, based upon current appropriations.

A large number of land use and water problems are being solved by many communities in my State in cooperation with the Soil Conservation Service and the soil conservation districts. It has been demonstrated that the skills developed in handling soil, land use and water problems on farms can be applied directly in many cases to similar problems on nonfarm land. My bill would provide greater authority to the soil conservation districts and the Soil Conservation

Service in making available their skills to the many communities in my State and in the Nation which could benefit considerably from these needed services.

As an illustration, I cite the town of Spencer in my district, which recently suffered the loss of its main industry through the relocation of a shoe factory to the nearby town of North Brookfield. Town officials have requested the Soil Conservation Service to provide water and flooding facts on a commercial development on great meadows adjacent to the Seven Mile River and Hare Brook near Route 9.

The town has a sewage plant in the area, which needs to be enlarged. The town has asked for information on the extent of flooding to be expected in the area after the upper Quaboag watershed project is installed. This information is needed to help control building in the area.

I have been assured that the Soil Conservation Service will make the necessary studies for Spencer as soon as personnel can be detailed to this work from other activities.

Under the provisions of my bill, the Soil Conservation Service and the soil conservation districts would be able to cope more efficiently and rapidly with the many demands for technical assistance in land and water use problems reaching them from many communities.

The Soil Conservation Service is very active in Worcester County and agricultural conservation program work in this county represents the largest share of Federal aid to farmers in Massachusetts. In all, there are about 258,000 acres of farmland in the county. Farmers employ some 16,000 workers and do about a \$27 million annual business. Farming is a most important part of the Worcester County economic picture.

However, as in other urban areas, Worcester County farms are changing year by year. Recent farm censuses show that farmland has decreased about 100,000 acres in a 5-year period. Individual farms with an average \$27,000 value are growing larger and are largely mechanized.

The full text of my bill follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the rapid expansion of the Nation's urban areas, resulting in the discontinuance of farming operations on large areas of agricultural land and the consequent serious deterioration of such agricultural land and other land through erosion by wind and water, and shifting uses of agricultural and other land in other nonagricultural use areas, are causing severe problems concerning needed changes in the use of such land and the effects of such changes on the protection, development, and utilization of the soil and water resources of such areas; and that it is the sense of Congress that the Federal Government should cooperate with States and other public agencies for the purpose of providing assistance in planning for such changes in land use and for the protection, development, and utilization of the soil and water resources of such areas, and thereby assist in preserving and protecting the Nation's soil and water resources.

SEC. 2. In order to cooperate with and assist States and their political subdivisions, soil and water conservation districts, regional, State, and local planning boards and commissions, and other public agencies in planning for orderly adjustments in the use of land in the Nation's rapidly expanding urban areas and in other nonagricultural use areas and for the protection, development, and utilization of the soil and water resources of such areas, the Secretary of Agriculture is authorized, upon the request of the State or other public agency, to—

"(1) make investigations and surveys in connection with the classification and mapping of soils in such areas;

"(2) make studies necessary for the interpretation of such soil surveys or other applicable surveys made by or available to the Secretary;

"(3) furnish technical and advisory assistance in connection with such planning; and

"(4) obtain the cooperation and assistance of other Federal agencies in carrying out the purpose of this Act.

"SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, such sums to remain available until expended:"

Mr. POAGE. Thank you very much, Mr. Gaucher.

Mr. Klingebiel is here and we will call on him at this time.

Mr. GAUCHER. He probably would have the answers to the technical questions. He is an expert.

Mr. POAGE. Mr. Klingebiel, would you care to be heard on this?

Mr. KLINGEBIEL. Yes; I would like to be heard.

Mr. POAGE. We are not drumming up business. We do not want to hear you unless you want to be heard, but if you care to make a statement, we want you to have the opportunity to do so.

STATEMENT OF ALBERT A. KLINGEBIEL, DIRECTOR, SOIL SURVEY INTERPRETATION, SOIL CONSERVATION SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. KLINGEBIEL. Mr. Chairman, several points were made earlier that perhaps I could clarify.

You asked a question about how this bill would influence our present soil survey program. As we anticipate, it would not influence or change the present program that we are now carrying out in the United States. It would merely give emphasis to our work in these urban fringe areas. We visualize that this bill, if it were enacted, would make it easier for the Department to cooperate with other agencies now dealing in urban planning, with the transfer perhaps of funds from one agency to another. It would give recognition to the Department that they have a responsibility in this area to provide basic soil conservation information that is very useful to people in urban areas.

I might say that in our work during the past year we have completed soil surveys of approximately 1 million acres in the direct path of urban expansion. At this rate we feel we are falling behind because the urban areas are expanding more rapidly than this. After these areas are built up there is not much we can do to help them. If we could make more surveys in these urban areas and provide this information to these people, they could avoid building on sites that are not suitable. Many people are not familiar with how these maps can be used in their communities.

I shall be happy to answer any questions.

Mr. POAGE. What is your judgment of the effect of this bill on the regular program?

Mr. KLINGEBIEL. We think it would be very helpful. We think by recognizing this kind of work in the Soil Conservation Service program it would make it easier for us to cooperate with the other agencies working in this area.

Mr. POAGE. Your problem is not cooperating but your problem is getting money?

Mr. KLINGEBIEL. That is a part of it, sir.

Mr. POAGE. That is what is holding you down?

Mr. KLINGEBIEL. Additional funds would be helpful.

Mr. POAGE. How is it holding you down?

Mr. KLINGEBIEL. Well, as you know, some of the other Federal agencies do have funds to work in this area and we have in some instances made arrangements with local communities to utilize some of these funds to make soil surveys in urban areas. We feel the passage of this bill would be helpful to us in recognizing these services.

Mr. POAGE. You are now actually cooperating with local agencies to carry on these services?

Mr. KLINGEBIEL. Yes, we are.

Mr. POAGE. And you actually do have authority to do it under present law?

Mr. KLINGEBIEL. We do have authority.

Mr. POAGE. But in the second place, let us take the urban areas. Waco, Tex., is spreading, like other cities. If we go into a proposition to put up half the cost and pay half the cost of a survey for the surrounding area, don't you think we would be less enthusiastic about the Federal Government carrying on the survey for the rest of the county?

Mr. KLINGEBIEL. The priority is developed by the State conservationists of SCS in cooperation with the State extension service and other interested agencies. They develop plans years ahead and designate priorities of work. If in your instance the city of Waco was interested in having a soil survey made of that city, and if under the present priority established, the survey would not be completed for 10 years, they would probably ask your community to contribute more than 50 percent if they were going to speed up that survey and complete it in a shorter time. We do not take people away from areas where the priorities are now set. Surveys in urban areas also contribute to the total survey of the country.

Mr. POAGE. I am talking about getting the money through the Congress. If I get the needed survey for Waco will I not be less enthusiastic about getting money to survey Mr. Hagan's counties? If I have already got what I want and have paid half the cost, would I be less enthusiastic about getting money for the others?

Mr. KLINGEBIEL. I cannot answer that, sir.

Mr. POAGE. I fear I see in here a threat to the whole soil survey program.

Mr. KLINGEBIEL. This has not been the case up to the present time, sir.

Mr. JOHNSON. You think this will affect the interest of the people?

Mr. POAGE. I do not know, Lester. I am just wondering if we are proposing something here that will move all this work into the communities that have the money. That would be a bad thing. I am just trying to find out.

Mr. KLINGEBIEL. I would like to cite an example in the State of Wisconsin where just recently seven of the southeastern counties in Wisconsin have drawn up an agreement with the Soil Conservation Service to complete the surveys in those counties in the next 3 or 4 years. We have hired some additional people as a result of this cost sharing and we have not reduced the work in the other areas. This is what we have been doing also in other States.

Mr. POAGE. I am not afraid of your doing that. What I am afraid of is that if you do this work in the urban areas and let them put up half the money, after you have done it will they be as anxious to see that the rest of the program is carried out? I am talking about human nature.

Mr. KLINGEBIEL. We mapped about 69 million acres last year, of which 1 million acres was in the direct path of urban expansion. We feel there is a need to double or triple this acreage in the next year or so.

Mr. POAGE. When do you think you will finish the soil surveys?

Mr. KLINGEBIEL. With present funds in approximately 22 years.

Mr. POAGE. This is not in your area, but do you know when the geological surveys will be completed?

Mr. KLINGEBIEL. I do not, sir.

Mr. POAGE. You and the geological surveys are both dependent on the topographic maps. Do you know when they will be completed?

Mr. KLINGEBIEL. No, sir.

Mr. POAGE. Any questions?

Mr. DOLE. Do you have any idea what additional cost might be entailed here, just an estimate?

Mr. KLINGEBIEL. It would be purely an estimate and would depend a great deal on the interest of the communities. We mapped approximately 1 million acres last year in rapidly expanding urban areas and we would anticipate 2 to 3 million acres during next year. The cost would be in the neighborhood of 50 cents an acre.

Mr. HARVEY. If the gentleman will yield, is not the progress you make in each area dependent on the number of survey teams you have available?

Mr. KLINGEBIEL. Yes.

Mr. HARVEY. And if you would undertake this in addition to the regular work you are doing it would mean you would have to recruit and train additional teams?

Mr. KLINGEBIEL. If additional funds were made available, yes.

Mr. HARVEY. Of course this is entirely predicated on the assumption that Congress would approve it, and obviously if you were going to proceed and maintain your regular people you would have to have additional survey teams. How long would it take, assuming Congress were to approve this, how long would it take to recruit and train and make available for the various urban communities survey teams?

Mr. KLINGEBIEL. Based on the assumption of mapping several million additional acres in rapidly expanding urban areas, this would not be a great task. This perhaps would be somewhere in the neighborhood of 75 to 100 people and we do not feel this would be difficult or require much time.

Mr. HARVEY. That is the limiting factor, is it not, in the progress? Assuming you have the money, the next factor would be to have adequately trained additional survey teams to send out?

Mr. KLINGEBIEL. Yes.

Mr. DOLE. How many acres do you plan to survey between now and 1985?

Mr. KLINGEBIEL. We would anticipate that the soil maps of the United States would be mostly completed by that time with our present appropriations.

Mr. DOLE. So this would accelerate the program?

Mr. KLINGEBIEL. Yes.

Mr. DOLE. How many people are now in this service?

Mr. KLINGEBIEL. Roughly 1,500 soil scientists making soil maps in the United States today.

Mr. DOLE. And do you anticipate there would be an additional number needed if this legislation were passed?

Mr. KLINGEBIEL. If additional funds were made available, yes.

Mr. DOLE. What happens if you speed this up and finish by 1975? What will you do then?

Mr. KLINGEBIEL. That would be a noble objective.

Mr. DOLE. It really would.

Mr. KLINGEBIEL. There is always need to interpret and reinterpret the soil's information. We are still using maps made 30 or 40 years ago and they are still reliable.

Mr. POAGE. Any further questions?

We are obliged to you for your appearance.

Does anybody else want to be heard on these two bills, H.R. 5406 and H.R. 10249?

If not, we will proceed to the next bill.

(The following letter was also submitted to the subcommittee:)

NATIONAL FARMERS UNION,
Washington, D.C., July 30, 1964.

HON. W. R. POAGE,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN POAGE: On Monday, July 27, your subcommittee held a hearing on H.R. 5406. I respectfully request that this letter setting forth the position of National Farmers Union on this bill be made a part of the record of the hearings.

H.R. 5406: We want to associate the Farmers Union with the comments you made in the hearings concerning the need to continue the work of the Soil Conservation Service in rural areas. We appreciate fully, however, the assistance that the Soil Conservation Service can be to urban areas through its programs of technical assistance. We believe the work that can be done in urban areas by the Soil Conservation Service is worthy of the appropriation of additional funds for this purpose. The Department of Agriculture provides many services to urban and city people. The enclosed list, which I request be inserted in the record following this letter, is illustrative of this. We are appreciative of the support of urban and city Members of Congress for commodity programs. We believe also that they should tell their constituents about the services of the Department of Agriculture to urban and city dwellers. Certainly, the purpose of the bill introduced by Congressman Philip Philbin is a further illustration of how an agency that serves farmers can also help solve problems peculiar to city and urban dwellers.

Sincerely,

REUBEN L. JOHNSON, *Director*.

USDA SERVICES THE CONSUMER

- (1) Food shopping: All food inspection and grading and help in purchasing.
- (2) Cooking: Meal planning, tips on cooking and preserving nutrients, and food care.
- (3) Health: Nutrition, diets, school lunch and special milk programs, and food distribution and stamp program.
- (4) Clothing and fabrics: Tips on buying and maintaining.
- (5) House and home: Location, plans, materials, equipment, electricity, and fire protection.
- (6) Pest control: Control and safe use of pesticides.
- (7) Gardening: Insect control; planning.
- (8) Recreation: Community projects, national forests and wilderness areas, farm vacations, and timber management.
- (9) Family finances: Consumer credit and mortgage loans.
- (10) Emergencies: Quarantine programs.
- (11) Research: Into all above.
- (12) Education: On all above.

(Thereupon, the hearing on H.R. 5406 and H.R. 10249 was concluded.)

H.R. 9178, TO AMEND SECTION 8(b) OF THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT, AND FOR OTHER PURPOSES

MONDAY, JULY 27, 1964

HOUSE OF REPRESENTATIVES,
CONSERVATION AND CREDIT SUBCOMMITTEE
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:30 a.m. in room 1310, Longworth House Office Building, Hon. W. R. Poage (subcommittee chairman) presiding.

Present: Representatives Poage, Gathings, Hagen of California, Johnson of Wisconsin, Matthews, Stubblefield, Hagan of Georgia, Harvey of Indiana, and Dole.

Also present: Christine S. Gallagher, clerk; and John Heimburger, general counsel.

Mr. POAGE. We will consider now H.R. 9178, by our chairman, Mr. Cooley, to amend section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes.

(H.R. 9178 follows:)

[H.R. 9178, 88th Cong., 1st sess.]

A BILL To amend section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the seventh and eighth sentences of section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590h(b)), are deleted and the following inserted in lieu thereof: "Farmers within any such local administrative area, and participating or cooperating in programs administered within such area, shall elect annually from among their number a local committee of not more than three members for such area. The members of the local committees shall, in a county convention, nominate and elect a county committee which shall consist of three members who are farmers in the county. At the first county convention held hereunder, one member of the county committee shall be elected for one year; one member shall be elected for two years; and one member shall be elected for three years. Thereafter, each member of a county committee shall be elected for a term of three years. No member of the county committee shall be elected for more than three consecutive terms."

SEC. 2. Section 503 of the Act of August 26, 1954 (68 Stat. 908; 16 U.S.C. 590h-3), is repealed.

SEC. 3. Section 1 of this Act shall become effective for elections of committees held on or after January 1, 1964.

Mr. POAGE. We have as the witness Mr. Ray Fitzgerald, Deputy Administrator for State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

Mr. Fitzgerald, we will be glad to hear from you at this time.

STATEMENT OF RAY FITZGERALD, DEPUTY ADMINISTRATOR FOR STATE AND COUNTY OPERATIONS, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. FITZGERALD. My name is Ray Fitzgerald. I am Deputy Administrator for State and County Operations, Agricultural Stabilization and Conservation Service. I am pleased to appear before the committee concerning H.R. 9178, introduced by the chairman of the House Agriculture Committee relating to the selection and functions of agricultural stabilization and conservation county and community committees. The Department of Agriculture strongly supports this bill which we feel would give more continuity and stability to the committee system and improve administration of farm programs by these local committees.

H.R. 9178 would establish 3-year staggered terms of office for county committeemen rather than the existing 1-year term.

At the first county convention held under this proposal one member of the county committee would be elected for 1 year; one member would be elected for 2 years; and one member would be elected for 3 years. Thereafter, each member of a county committee would be elected for a term of 3 years. The adoption of the proposal will bring fresh and perhaps different viewpoints to bear on the problems and issues which county committees face. It should also assure greater stability and continuity of operations.

The bill would also provide that county committeemen would be elected by all community committeemen instead of by the chairman of the community committee as is the current practice. The purpose of this is to involve more people in the selection process in an effort to find the best qualified people. No member of the county committee under this bill could be elected for more than three consecutive terms.

This legislation is the result of a comprehensive and detailed study of the ASCS county and community system by a special eight-man committee of farm and public administration specialists appointed by the Secretary of Agriculture to study and evaluate the committee system.

The committee report was made public December 30, 1962, and included other recommended changes in the community, county, and State committee operations primarily of an administrative nature. These changes too have been put into operation through various administrative determinations.

As you know there are approximately 90,000 elected county and community committeemen who are responsible for carrying out numerous and complicated farm programs to the farmers at the community and county levels. With this great responsibility we feel that the selection of the farmers to serve on such committee should be such as to assure a committee system that has continuity and stability.

We believe that this proposed bill would accomplish this purpose, enhance the prestige of these committees and encourage selection of the most competent local leaders.

Mr. POAGE. Thank you very much, Mr. Fitzgerald.

In your statement you refer to electing county committeemen. Actually you mean they are to be selected by all community committeemen

instead of being selected, as they are now, by the chairman of the community committee?

Mr. FITZGERALD. Yes, sir, I believe that is correct.

Mr. POAGE. Why should not the farmers of the county elect their county committeemen?

Mr. FITZGERALD. The primary objection I would have or that I would see would be that this might tend to make the election of a county committee a little more partisan than otherwise. I am not sure this is correct, but this has been my observation.

Mr. POAGE. You say it would make it more partisan. I do not follow that. We are very strong about having a democracy in nations where they have never tried it. We believe we ought to require a foreigner to vote directly for everybody, but when it gets to the United States, where we have tried it and made it work, what is the objection to it?

Mr. FITZGERALD. We are very hopeful that no county committeeman is elected on the basis of political affiliation or church affiliation or any other affiliation.

Mr. POAGE. In my county they are going to elect Democrats, in Mr. Harvey's county they are going to elect Republicans. We know it. It is a fact of life. What is wrong with it?

Mr. FITZGERALD. That is all right, except in my county, for instance, where we have perhaps six communities and select county committeemen through the community chairmen, I can see if someone wanted to go to the trouble, rather than running the campaign in each of the six communities, he could run the campaign countywide and might see to it that Democrats or Republicans or someone else was elected, whereas, to break it down into communities it seems to me would be a little more difficult with somebody with this sort of attitude to take over.

One more thing is we do have need for community committeemen. At any rate, we have to elect community committeemen. This gives them one more purpose, one more function.

Mr. POAGE. Are there any questions?

Mr. HARVEY. The present system seems to be functioning all right. Do you have any specific evidence that the present system is not working rather well?

Mr. FITZGERALD. No, sir, I do not. The committee appointed by the Secretary, however, did make a rather retailed study of the system. It was their finding that because of the complex nature of some of the things which must be done, some decisions which must be made by these county committeemen, that it would be better if the county committeemen were elected for a 3-year term rather than a 1-year term. It takes about a year for a member to become familiar with his duties and responsibilities, they say.

Mr. HARVEY. I have no particular objection to that theory. It seems all right. But I must say, so far as I have been able to observe in my district, which is composed of 10 counties, all having a separate county committee, at least I have had no complaints from them during the years I have been in Congress that the system is not working satisfactorily.

I suppose I am just hidebound enough to be reluctant to change a system that seems to have been working satisfactorily.

Mr. FITZGERALD. The fact is, Mr. Congressman, the committee on committees, after the study, did make certain recommendations. This is one to which as an agency we certainly had no objection. It did seem to us that probably it would add a little stability and continuity to the committee, but I agree with you there has not been any great hue and cry for a change.

Mr. HARVEY. I have noted the same men do continue over a period of many years' service. So apparently the present system does not result in upheavals that disturb the continuity of the program.

Mr. FITZGERALD. Very seldom, at any rate.

Mr. HARVEY. That is all.

Mr. POAGE. Thank you very much, Mr. Fitzgerald.

Mr. GATHINGS. Mr. Chairman.

Mr. POAGE. Mr. Gathings.

Mr. GATHINGS. Mr. Fitzgerald, would you tell us for the record how the community committeemen are selected at this time?

Mr. FITZGERALD. It varies in different parts of the country, Mr. Gathings. In a great part of the country new community committeemen are selected or elected on a ballot which is sent out to all qualified producers in the community. As a farmer, I get one, and I vote for five (three regulars plus two alternates) of the people who are on that ballot for community committeemen. The man who receives the most votes is the chairman. The other two, who receive the next highest votes, are the committeemen. In the same order the first and second alternates are elected. This is the way it is done in a great part of the country.

In some parts of the country, however, there is a community meeting. My three townships comprise a community. There is a public notice, and there are letters sent to the producers. At a certain time, on a certain evening, the farmers gather at a schoolhouse or a centrally located place in the community from these three townships, and they there select, nominate, and elect community committeemen, including a chairman.

Mr. GATHINGS. How many follow the former procedure and how many the latter?

Mr. FITZGERALD. I am sorry?

Mr. GATHINGS. In some instances you state it is by actual vote of the farmers themselves in the community involved. Then in other instances, where they come together and assemble in a place appointed for that purpose, they might have other business to transact as well, but there they make a choice of the committeemen. What is the percent of the first and second procedures?

Mr. FITZGERALD. You mean those who participate in the election?

Mr. GATHINGS. Yes. Is it about half and half, 75-25, or what?

Mr. FITZGERALD. I am sorry, I could not answer the question. I would guess about 75 percent by ballot and about 25 percent by meetings.

Mr. POAGE. He already said in the overwhelming part of the United States it was done by ballot without the local meeting. It would, therefore, necessarily be a small percent at the meetings.

Mr. FITZGERALD. We think it is more satisfactory and are trying to urge people to go on the mail ballot method.

Mr. JOHNSON. Mr. Chairman.

Mr. POAGE. Mr. Johnson.

Mr. JOHNSON. He says only 25 percent of the people vote at the meeting, whereas, 75 percent—

Mr. FITZGERALD. No, sir; I was answering Mr. Gathings' question. I just guess that in 75 percent of the United States the elections are conducted by mail ballot, where in about 25 percent of the United States perhaps they are conducted by meetings.

Mr. JOHNSON. How is your participation where you send out the ballot as compared with where you have the meeting?

Mr. FITZGERALD. Much better, by and large.

Mr. JOHNSON. Where the ballot is sent out there is more participation than where you have to go to to the meetings?

Mr. FITZGERALD. Generally speaking, yes.

Mr. JOHNSON. How do the meetings generally run, 10 percent present or what? Say there are a hundred farmers in the area. How many attend the meeting?

Mr. FITZGERALD. It depends, as usual, on what the interest is at the moment. There may be 90 percent, there may be 10 percent, depending on whether or not somebody wants a change.

Mr. JOHNSON. If there is a fight, they are all out; is that right?

Mr. FITZGERALD. Yes, sir; that is right.

Mr. DOLE. Mr. Chairman.

Mr. POAGE. Mr. Dole.

Mr. DOLE. Their responsibility is carrying out the programs after they have been enacted; is that right?

Mr. FITZGERALD. Yes.

Mr. DOLE. Not to propagandize programs prior to their enactment?

Mr. FITZGERALD. That is right.

Mr. POAGE. Thank you, Mr. Fitzgerald.

(The following letter was also submitted to the subcommittee:)

NATIONAL FARMERS UNION,
Washington, D.C., July 30, 1964.

HON. W. R. POAGE,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN POAGE: On Monday, July 27, your subcommittee held a hearing on H.R. 9178. I respectfully request that this letter setting forth the position of National Farmers Union on this bill be made a part of the record of the hearing.

H.R. 9178: With the establishment of the effective responsible farmer committee system, Federal farm programs have been administered in a climate noted for forward progress toward providing farmers with the programs they need to increase their bargaining power in the marketplace.

Farmers Union delegates in convention this year at St. Paul, Minn., pledged to continue their historic efforts to get active participation of farmers to support effective administration of Federal farm programs in the election of farmer committees. Our objective has always been to make the farmer committee system more responsive to the needs of family farmers. While in our judgment, the family farmer committee system is fulfilling its assigned role under the present election and other procedures, we have no objection to the committee's approval of H.R. 9178.

Sincerely,

REUBEN L. JOHNSON, *Director*.

(Whereupon, the subcommittee proceeded to the consideration of other business.)

S. 277, TO AMEND THE FEDERAL CROP INSURANCE ACT, AS AMENDED, IN ORDER TO INCREASE THE NUMBER OF NEW COUNTIES IN WHICH CROP INSURANCE MAY BE OFFERED EACH YEAR

MONDAY, JULY 27, 1964

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CONSERVATION AND CREDIT
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:45 a.m., in room 1310, Longworth House Office Building, Hon. W. R. Poage (chairman of the subcommittee) presiding.

Present: Representatives Poage, Gathings, Hagen of California, Johnson of Wisconsin, Matthews, Stubblefield, Hagan of Georgia, Harvey of Indiana, and Dole.

Also present: Christine S. Gallagher, clerk; and John Heimburger, general counsel.

Mr. POAGE. We have one more bill here before getting to the watershed projects. We have S. 277.

(S. 277 and the report thereon follows:)

[S. 277, 88th Cong., 1st sess.]

AN ACT To amend the Federal Crop Insurance Act, as amended, in order to increase the number of new counties in which crop insurance may be offered each year

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth sentence of section 508(a) of the Federal Crop Insurance Act, as amended (7 U.S.C. 1508(a)), is amended by striking out "in not to exceed 100 counties", and inserting in lieu thereof "in not to exceed 150 counties".

Passed the Senate August 28, 1963.

Attest:

FELTON M. JOHNSTON, *Secretary*.

[88th Cong., 1st sess., S. Rept. No. 450]

EXPANSION OF FEDERAL CROP INSURANCE COVERAGE

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 277) to amend the Federal Crop Insurance Act, as amended, in order to increase the number of new counties in which crop insurance may be offered each year, having considered the same, report thereon with a recommendation that it do pass without amendment.

This bill is identical to S. 2859 which was considered and passed by the Senate on June 23, 1962. The bill was also considered and reported favorably by the House Committee on Agriculture on September 19, 1962. However, this was too late in the session for it to receive consideration by the House of Representatives.

This bill would permit Federal crop insurance to be offered in 150 additional counties each year. At present expansion is limited to 100 new counties each year.

Crop insurance is offered farmers in selected counties by the Federal Crop Insurance Corporation. This Corporation is wholly Government owned and provides all-risk crop insurance protection against unavoidable causes of loss.

In 1948 the crop insurance program was placed on a limited, experimental basis to gain experience and accumulate actuarial data. This was done by Congress because of the adverse experience the crop insurance program had from 1938 to 1947 when it was on a national basis. During this experimental period (1948-61) expansion to new counties has been limited. In no year during this period did the number of new counties allocated approach the 100-county limitation. The objective was the development of a sound program that could be operated on a national basis.

Although expansion in the last 14 years has been limited, the Department feels that the experience gained during this period is sufficient to justify a more rapid rate of expansion so as to provide more farmers with the protection provided under the all-risk crop insurance program.

Table I summarizes the crop insurance operation for the crop year 1963.

TABLE I.—1963 crop year (estimated)

Number of counties.....	1,096
Number of county programs.....	2,379
Number of commodities insured.....	20
Number of crops insured.....	421,000
Premiums.....	\$28,500,000
Indemnities.....	\$25,600,000
Loss adjustment cost.....	\$1,050,000

In 1948, when the program was placed on a limited basis, the law provided that not more than seven commodities might be covered the first year and not more than three additional commodities each year thereafter. Table II shows the commodities now covered and the number of county programs in effect in 1963.

TABLE II.—Commodities insured and number of county programs in effect in 1963

Commodity	County programs	Commodity	County programs
Apples.....	3	Peanuts.....	33
Barley.....	164	Peas.....	13
Beans.....	26	Potatoes.....	9
Cherries.....	1	Raisins.....	7
Citrus.....	12	Rice.....	9
Combined crop.....	26	Soybeans.....	371
Corn.....	380	Tobacco.....	212
Cotton.....	198	Tomatoes.....	3
Flax.....	85	Wheat.....	573
Grain sorghum.....	67		
Oats.....	168	Total.....	2,379
Peaches.....	19		

Crop insurance is a program under which farmers pay a premium for the protection they get against crop losses. Premiums in effect for the various crops are designed to cover losses and provide for a reasonable reserve, but not administrative costs, although some administrative costs are paid out of premium income.

The total cost of the program, including administrative expenses, since its inception in 1938, amounts to \$202,061,804. Of this, \$68,506,130 are the losses experienced because indemnities and other costs charged against premiums exceeded premiums.

However, for the period 1948-62 premiums exceed indemnities and other costs paid out of premiums by \$4,493,870. During this period \$5,711,958 in loss adjustment costs and \$3,574,569 in administrative costs were paid out of premiums.

Administrative costs (appropriated) for the entire period 1938-62 amounts to \$133,555,674. Of this, \$87,728,600 is chargeable to the 1948-63 period.

Table III shows complete data on the program from its inception.

TABLE III.—Income and expenses, 1939-62

Crop year	Number contracts in force	Program operations								Net surplus or deficit program	Administrative cost (appropriated)	Surplus or deficit (-), including administrative cost
		Premiums (income)	Indemnities (cost)	Provision for uncollectible accounts (cost)	Income from commodity transactions	Loss adjustment cost	Administrative cost charged to program	Other net income (not distributed)				
1938	165,775	\$5,410,940	\$5,601,562		-\$1,418						\$234,546	
1939	360,596	9,155,000	17,751,210		-175,210						4,351,072	-6,945,212
1940	371,390	7,096,349	18,924,481		4,182,655						2,900,830	-6,065,713
1941	483,019	14,747,185	24,934,874		\$63,750						3,628,769	-12,071,306
1942	422,420	17,450,455	33,231,250		776,592						6,773,752	-13,472,406
1943												-21,724,251
Total, 1939-43	1,782,200	51,868,929	96,388,437		375,000		6,729,404				28,489,320	-66,625,796
1944	(1)											
1945	151,341	9,273,559	23,245,858		136,638		87,000				1,708,605	-1,708,605
1946	361,569	33,091,352	63,488,727		493,082		2,257,370				2,507,248	-10,524,485
1947	397,631	40,648,690	35,243,544		1,353,801		3,128,432				6,210,900	-34,864,057
Total, 1944-47	910,841	83,013,601	121,978,429		1,983,801		5,452,802				17,337,754	-52,201,278
Total, 1938-47	2,693,041	134,882,530	218,366,866		2,358,801		12,182,206				660,931	-118,827,074
1948	169,125	12,683,974	6,754,015		63,500		-25,937				4,284,468	1,556,054
1949	165,076	11,501,239	15,530,993		57,600		231,981				4,010,701	-7,806,074
1950	306,685	14,103,869	12,708,830		71,600						4,780,354	-3,546,804
1951	343,210	19,110,633	21,338,643		194,000						5,583,014	-8,005,024
1952	340,686	21,200,815	20,009,019		212,000						5,982,623	-5,572,227
1953	406,630	27,097,685	31,056,228		271,000						6,720,543	-10,636,150
1954	346,887	22,654,797	28,030,713		227,000						5,940,633	-11,542,949
1955	319,958	22,320,676	25,504,643		223,000		\$534,232				5,810,356	-9,742,555
1956	324,949	22,139,250	27,800,137		221,000		913,224				6,210,016	-13,233,381
1957	307,604	17,407,504	12,003,808		174,000			\$138,254			731,727	-3,348,715
1958	324,435	17,616,315	4,504,805		176,000		485,660				6,376,700	-3,348,715
1959	339,443	18,461,733	14,137,841		185,000		710,096				6,376,700	-143,260
1960	330,448	17,796,931	10,316,173		143,000		618,012				6,376,700	6,561,000
1961	320,292	18,149,059	16,083,470		145,000		649,311				6,549,928	-11,632,435
1962	363,760	21,867,345	23,966,775		175,000		1,050,000				87,728,600	-83,234,750
Total, 1948-62	4,709,208	284,120,895	270,536,102		1,464,408		206,044				1,453,968	4,493,870
Grand total, 1938-62	7,402,249	419,003,425	488,902,968		3,823,209		12,388,250				3,574,569	-68,506,130

1 No insurance.

2 Includes miscellaneous income items for interest earned on premiums, nonrefundable credits, and miscellaneous prior year adjustments of premiums, indemnities, and provision for uncollectible accounts.

The Department of Agriculture favors enactment of this bill. The report on the bill from the Department follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C. February 21, 1963.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of January 18, 1963, for a report on S. 277, a bill to amend the Federal Crop Insurance Act, as amended, in order to increase the number of new counties in which crop insurance may be offered each year.

The Department has no objection to the passage of this bill.

The bill provides for an increase in the number of new counties in which crop insurance may be offered each year from 100 to 150.

In 1948 the crop insurance program was placed on a limited, experimental basis to gain experience and accumulate actuarial data. This was done by Congress because of the adverse experience the crop insurance program had from 1938 to 1947 when it was on a national basis. During the period 1948-61, expansion to new counties has been limited. In no year during this period did the number of new counties allocated approach the 100-county limitation.

After 14 years of experience on a limited basis, expansion is progressing at a more rapid rate. For the 1962 crop year, 100 new counties were added to the program, and 100 additional counties have been allocated for the 1963 crop year. Current plans for 1964 also provide for expansion of the crop insurance program to 100 additional counties. If the limitation on new counties is increased from 100 to 150, it will permit expansion at a more rapid rate. The number of new counties that could be added to the program each year, would of course depend on the annual availability of funds for expansion of the crop insurance program.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italics*, existing law in which no change is proposed is shown in *roman*):

FEDERAL CROP INSURANCE ACT

* * * * *
"SEC. 508. To carry out the purposes of this title the Corporation is authorized and empowered—

"(a) Commencing with crops planted for harvest in 1948, for the purpose of determining the most practical plan, terms, and conditions of insurance for agricultural commodities, if sufficient actuarial data are available, as determined by the Board, to insure, or to reinsure insurers of, producers of such agricultural commodities under any plan or plans of insurance determined by the Board to be adapted to any such commodity. Such insurance shall be against loss of the insured commodity due to unavoidable causes, including drought, flood, hail, wind, frost, winterkill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation plant disease and such other unavoidable causes as may be determined by the Board: *Provided*, That, except in the case of tobacco, such insurance shall not extend beyond the period the insured commodity is in the field. In 1948 insurance shall be limited to not more than seven agricultural commodities (including wheat, cotton, flax, corn, and tobacco) and to not more than three additional agricultural commodities in each year thereafter: *Provided*, That other agricultural commodities may be included in multiple crop insurance (insurance on two or more agricultural commodities under one contract with a producer). Beginning with crops planted for harvest in 1954, crop insurance may be offered each year in not to exceed [100] 150 counties in addition to the number of counties in which such insurance was offered in the preceding year. In determining the new counties in which such insurance is to be offered and the commodities to be insured, the Corporation shall take into consideration the

demand of farmers for such insurance, to the extent to which such insurance is available to commercial producers of insured commodities, and the anticipated risk of loss to the Corporation. Reinsurance for private insurance companies shall be limited to not to exceed twenty counties which may be selected without regard to the other county limitations specified herein. Any insurance offered against loss in yield shall not cover in excess of 75 per centum of the recorded or appraised average yield of the commodity on the insured farm for a representative period subject to such adjustments as the Board may prescribe to the end that the average yields fixed for farms in the same area, which are subject to the same conditions, may be fair and just: *Provided*, That if 75 per centum of the average yield represents generally more protection than the investment in the crop in any area, taking into consideration recognized farming practices, the Board shall reduce such maximum percentage so as more nearly to reflect the investment in the crop in such area. Insurance provided under this subsection shall not cover losses due to the neglect or malfeasance of the producer, or to the failure of the producer to reseed to the same crop in areas and under circumstances where it is customary to so reseed, or to the failure of the producer to follow established good farming practices. Counties selected by the Board shall be representative of the several areas where the agricultural commodity insured is normally produced. The Board may limit or refuse insurance in any county or area, or on any farm, on the basis of the insurance risk involved. Insurance shall not be provided on any agricultural commodity in any county in which the Board determines that the income from such commodity constitutes an unimportant part of the total agricultural income of the county, except that insurance may be provided for producers on farms situated in a local producing area bordering on a county with a crop-insurance program. The Corporation shall report annually to the Congress the results of its operations as to each commodity insured.

“(b) To fix adequate premiums for insurance in the agricultural commodity or in cash, at such rates as the Board deems sufficient to cover claims for crop losses on such insurance and to establish as expeditiously as possible a reasonable reserve against unforeseen losses: *Provided*, That such premiums may be established on the basis of the parity or comparable price for the commodity as determined and published by the Secretary of Agriculture, or on the basis of an average market price designated by the Board. Such premiums shall be collected at such time or times, or shall be secured in such manner, as the Board may determine.

“(c) To adjust and pay claims for losses in the agricultural commodity or in cash, under rules prescribed by the Board: *Provided*, That indemnities may be determined on the same price basis as premiums are determined for the crop with respect to which such indemnities are paid. The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses on farms in such county. In the event that any claim for indemnity under the provisions of this title is denied by the Corporation, an action on such claim may be brought against the Corporation in the United States district court, or in any court of record of the State having general jurisdiction, sitting in the district or county in which the insured farm is located, and jurisdiction is hereby conferred upon such district courts to determine such controversies without regard to the amount in controversy: *Provided*, That no suit on such claim shall be allowed under this section unless the same shall have been brought within one year after the date when notice of denial of the claim is mailed to and received by the claimant.

“(d) From time to time, in such manner and through such agencies as the Board may determine, to purchase, handle, store, insure, provide storage facilities for, and sell the agricultural commodity, and pay any expenses incidental thereto, it being the intent of this provision, however, that, insofar as practicable, the Corporation shall purchase the agricultural commodity only at the rate and to a total amount equal to the payment of premiums in cash by farmers or to replace promptly the agricultural commodity sold to prevent deterioration; and shall sell the agricultural commodity only to the extent necessary to cover payments of indemnities and to prevent deterioration; *Provided, however*, That nothing in this section shall prevent prompt offset purchases and sales of the agricultural commodity for convenience in handling. Nothing in this section shall prevent the Corporation from accepting, for the payment of premiums, notes payable in the commodity insured, or the cash equivalent, upon such security as may be determined pursuant to subsection (b) of this section, and from purchasing

the quantity of the commodity represented by any of such notes not paid at maturity. The restriction on the purchase and sale of the agricultural commodity provided in this section shall be made a part of any crop insurance agreement made under this title. Notwithstanding any provision of this title, there shall be no limitation upon the legal or equitable remedies available to the insured to enforce against the Corporation the foregoing restriction with respect to purchases and sales of the agricultural commodity.

"(e) In connection with insurance upon yields of cotton, to include provision for additional premiums and indemnity in terms of lint cotton to cover loss of cottonseed, such additional premium and indemnity to be determined on the basis of the average relationship between returns from cottonseed and returns from lint cotton for the same period of years as that used for computing yields and premium rates.

"(f) Notwithstanding any other provision of this title, the Corporation is hereby authorized, under such terms and conditions as it deems consistent with sound reinsurance principles, to provide reinsurance on any crop or plantation insurance provided in Puerto Rico by a duly authorized agency of the Commonwealth of Puerto Rico: *Provided*, That, no application for reinsurance authorized herein shall be approved, unless the Corporation shall have determined that the reinsurance deemed necessary is not available from recognized private sources at reasonable cost."

Mr. POAGE. Mr. Morrison is here. We will be glad to hear from you to explain this bill. This increases the number of counties in which you can establish comprehensive crop insurance programs each year.

STATEMENT OF JACK MORRISON, DEPUTY MANAGER, FEDERAL CROP INSURANCE CORPORATION

Mr. MORRISON. I am Jack Morrison, Deputy Manager, Federal Crop Insurance Corporation.

S. 277 would amend the present legislation of the Federal Crop Insurance Corporation. At the present time we are permitted to increase the number of new counties in the crop insurance program each year by 100. This bill would permit us to increase counties by 150.

Mr. POAGE. What is the purpose or what is the need for this? What is the reason for recommending it?

Mr. MORRISON. Each year for the past 3 years we have expanded the insurance program into the maximum number of counties. We have had more requests for insurance from farmers in counties than we have been able to supply the new counties.

Mr. POAGE. Is there any real reason why we should limit the number of counties in which you can operate? I recognize you cannot operate in all 3,000 counties of the United States. Of course, it is obvious this insurance would become too expensive if you operated in counties where you did not have any substantial number of people taking it. But is there any real reason why the Congress should limit the number of counties?

Mr. MORRISON. Actually, the limitation was put on the Corporation in 1948. We were cut back at that time.

Mr. POAGE. That was the Hill bill?

Mr. MORRISON. Yes, sir. Since then we have increased from 848 counties, I believe, to the present number of 1,187. This bill would permit us to expand in such a manner that we would probably have all of the major agricultural counties in the program within 7 years.

Mr. POAGE. I come back to my question. Do you know any reason why there should be any limitation?

Mr. MORRISON. I believe that at this time it would be impossible for us to just remove the limit of the counties.

Mr. POAGE. I understand full well you cannot operate in all the counties. I understand that full well. Neither can the Miller Mutual Fire Insurance Co. sell fire insurance in every county in the United States. They are not equipped to do so. They do not have an organization to do that. Is there any reason we should say you cannot operate in a certain number of counties?

Mr. MORRISON. No, I would say there is no reason.

Mr. JOHNSON. The only reason I can see is it would be easier for the Department if they only go 150, whereas, if you left it wide open, it would be harder.

Mr. POAGE. It may be helpful to the Department to have it this way. That is what I am trying to get at. Are there any other questions of Mr. Morrison?

Mr. DOLE. Is there additional cost if you take the limit off?

Mr. MORRISON. If we would take the limit off, if we expanded into 150 counties as compared to 100, yes, we think the maximum cost would be \$500,000. That would be determined, of course, on the locality of the counties we went into and also the crop we insured.

Mr. DOLE. By expanding from 100 to 150, it costs about a half million dollars more a year?

Mr. MORRISON. Yes, sir.

Mr. DOLE. Did we not last year change it from 50 to 100?

Mr. MORRISON. No, sir; we have been under a limitation of 100 counties per year since 1954.

Mr. POAGE. Are you losing money on the program as a whole?

Mr. MORRISON. From the standpoint of the indemnities we paid over the premium income taken in, Mr. Chairman?

Mr. POAGE. Yes.

Mr. MORRISON. In the past, since 1948, we have had 8 years where the premiums have exceeded the indemnities. For 1963, which was the past crop year, our loss ratio was 76 cents on the dollar. We do have a reserve of premium over indemnities since 1948 of approximately \$21 million.

Mr. POAGE. But you do contemplate that as you go into a new territory, you will probably take losses there the first year, is that right?

Mr. MORRISON. I beg your pardon?

Mr. POAGE. As you go into a new territory, you contemplate taking some losses, is that right?

Mr. MORRISON. Not necessarily; no, sir. We are now insuring 22 different crops. Most of these, we have had enough experience on to go in with a reasonable expectation of breaking even.

Mr. POAGE. If you knew you could break even, it would not make any difference whether you added 60 or 500 counties if you were not going to lose anything.

Mr. MORRISON. That is right, sir.

Mr. POAGE. But you do contemplate you will take some losses in these counties?

Mr. MORRISON. I would say that would depend on the type of crops we insured in the counties and, of course, climatic conditions for the first year we offered the program in the counties.

Mr. POAGE. I know, but that first year might be a loss leader, as it were.

Mr. MORRISON. Yes, sir.

Mr. DOLE. I think we had hearings on them last year, did we not?

Mr. MORRISON. Yes; in 1962.

Mr. POAGE. Yes; we had hearings but did not authorize it.

If there are no further questions, thank you, Mr. Morrison.

(The following letter was also submitted to the subcommittee:)

NATIONAL FARMERS UNION,
Washington, D.C., July 30, 1964.

Hon. W. R. POAGE,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN POAGE: On Monday, July 27, your subcommittee held a hearing on S. 277. I respectfully request that this letter setting forth the position of the National Farmers Union on this bill be made a part of the record of the hearing.

S. 277: We strongly support Senator Fulbright's bill to amend the Federal Crop Insurance Act to increase from 100 to 150 the number of new counties in which crop insurance may be offered each year.

Since 1948 when the program was placed on a limited experimental basis, premiums paid by farmers of \$315 million have exceeded indemnities of \$294 million.

As a result of expansion made since 1960, farmers' crop investments protected against all unavoidable production risks under the Federal policy increased from \$266 to \$623 million in 1964. This indicates a need and interest on the part of farmers to protect the ever-rising production expenses required by modern farming. We believe that the legislation is clearly justified by this growth rate.

The Federal crop insurance program should be made available to all farmers as soon as possible. It can accomplish the objective that was given it 25 years ago when it was decided that administrative costs should be appropriated and the program should be developed so that premiums would pay the indemnities over a period of years. The basic objective then was to make it available to all farmers and on all crops.

We urge, therefore, that Congress authorize rapid expansion and the increase in appropriations that the Federal Crop Insurance Corporation needs to continue its expansion of service. Further, all administrative funds should be appropriated rather than a part being taken from the premium income needed to pay future losses in years of more widespread disaster than the recent ones.

We further urge that future provision be made to stabilize the premium rates which must be charged farmers for Federal crop insurance by the following reservations: (1) A specified catastrophe level above which the capital stock of the Corporation will be restored through appropriations which provide a sharing with the farmer of the cost of catastrophes which otherwise might make his rates prohibitive; and (2) a maximum rate and minimum protection for land suitable for production of the insured crop but currently without protection because the Corporation considers these areas to be too high a risk for sound operations under the present legislative directions.

Sincerely,

REUBEN L. JOHNSON, *Director.*

(Whereupon, the subcommittee proceeded to the consideration of other business.)

H.R. 9181, RELATING TO FEED FOR FOUNDATION HERDS AND ESTABLISHING PENALTIES FOR MISUSE THEREOF

H.R. 3607, RELATING TO WHEAT-SEED SCREENINGS

WEDNESDAY, JULY 29, 1964

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON LIVESTOCK AND FEED GRAINS
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to notice, in room 1310, Longworth House Office Building, Hon. W. R. Poage (chairman of the subcommittee) presiding.

Present: Representatives Poage, Matthews, Purcell, Olson, Matsunaga, Quie, Short, Mrs. May, and Harvey of Indiana.

Also present: Representative Stubblefield; Christine S. Gallagher, clerk; and Robert C. Bruce, assistant counsel.

Mr. POAGE (presiding). The subcommittee will come to order.

The subcommittee has met this morning to consider several bills. I believe that we have several people with us who want to discuss the matter of the grain program and the disaster program. I expect that the most expeditious way would be to hear from them first, and then to take up the bills that are before us.

I know that Mr. Parker and his associates are with us to discuss the disaster grain situation.

Is there anyone else here who wants to discuss that situation?

Would you like to discuss this, Mr. Oliver?

Mr. OLIVER. No, we have no statement.

Mr. POAGE. Would you care to make a statement, Mr. Glennon?

Mr. GLENNON. On the emergency situation?

Mr. POAGE. Yes. We will be glad to hear from you now.

(H.R. 9181 by Mr. Cooley follows:)

[H.R. 9181, 88th Cong., 1st sess.]

A BILL To establish penalties for misuse of feed made available for relieving distress or preservation and maintenance of foundation herds

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Act of 1949, as amended, is hereby amended by adding at the end of title IV the following:

"Sec. 421. Any person who disposes of any feed, which has been made available to him under section 407 of this Act for use in relieving distress or for preservation and maintenance of foundation herds, other than as authorized by the Secretary, shall be subject to a penalty equal to the market value of the feed involved, to be recovered by the Secretary in a civil suit brought for that purpose, and in addition shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$1,000 or imprisonment for not more than one year."

STATEMENT OF W. E. GLENNON, PRESIDENT AND CHIEF EXECUTIVE OFFICER, AMERICAN SEED MANUFACTURERS ASSOCIATION, CHICAGO., ILL.

Mr. GLENNON. Mr. Chairman and members of the subcommittee, I am W. E. Glennon, and I am president and chief executive officer of the American Seed Manufacturers Association with headquarters in Chicago.

Our organization represents the seed manufacturing industry on the national level. We have members in all States of the country.

In discussing the emergency livestock feed grain program, I am sure, as you know, last year about 600 counties in some 23 States were made eligible for the emergency livestock feed program. This entitled the farmers that had been certified as to eligibility and had been approved by the county committee to buy feed grain at 75 percent of the support price in the county for their basic herds and milk cows and other cattle. This meant that the Commodity Credit Corporation furnished the grain to them, and they bought the grain direct from the Commodity Credit Corporation. It did not provide for the dairyman who wanted a mixed ration in any way, where he could get a mixed dairy herd ration, where he could get the grain that he was eligible for, to receive, to incorporate it into his feed. The only chance that the industry had to participate in this program was if the local mixer had custom mixing facilities.

Any feed manufacturer who was distributing through dealers was not able to furnish his customers with the usual type of feed. So the industry was not able to participate in the program at all, and in many areas, particularly in the State of Texas, where there were, I believe, around 8 million bushels of grain shipped in there, the dairyman and the cattleman had to take the grain, and if they wanted it in any other form they had to find some way of taking care of it, or feeding it straight.

We would like to see a situation whereby, if the farmer wanted it—and I would like to make it clear that the farmer has the option—if he wants to take the straight grain, that is his privilege, but if he would like to have the grain that he is eligible to receive incorporated into a mixed ration or into a cattlefeed, from his regular supplier, that he would be able to do so.

This would mean that a manufacturer could process the grain from his own inventory, make it available to the feeders, and then the Commodity Credit Corporation could replace seed grain to the manufacturer. This would give all of the feed manufacturers that are serving a drought-stricken area an opportunity to participate in the program.

That is basically the situation at the moment.

Mr. POAGE. May I point out that I think that you have not described the situation quite as fully as it in fact is. You are, of course, speaking from the grain dealer's standpoint—from the standpoint of the farmer, the livestock grower who is in one of these disaster areas, and, incidentally, I am not in a disaster area—although unless we have more rain than we have had in the last few weeks, I expect that I will be—but in one of these disaster areas, under the program as it is now operating, as I understand it, the people in the disaster area need this change. In order to get any assistance now, the farmer has to go

to one location in the county, which might be 20 miles away from where he is, where they have moved the grain in to one dealer, and I would come in, let us say, some 18 miles away from where I live, and I would go to the one dealer, and I would present my certificate, and I will get my milo maize at 75 percent of the regular price. Unfortunately, maize without any processing is not the most desirable feed in the world, as you realize.

Mr. GLENNON. Yes.

Mr. POAGE. It is a useful element of the feed but it is not a very useful feed by itself, for most of these purposes. I could go and get somebody to mix it with other elements so as to have a balanced feed and pay him for the mixing and then haul it home.

And after I had done all of that I certainly would realize that I probably could have purchased the mixed feed cheaper than it cost me to go through all of this process.

Certainly if the Government is going to make this feed available—and I think it should in these disaster areas—it is a sound program, and if we are going to do it we certainly ought to make something available that is of some benefit to the farmers and some use to the farmers. So I think that a great deal more is involved in this amendment. It is a question of whether the trade is going to participate in it or not. That is not the only question. All of these things are kept within the normal channels of trade, or they should be, wherever we can do so, and whenever we can we should do so, and render assistance to the farmers, and it seems to me that in this case we can do it and render an even greater assistance to the farmers.

I see Mr. Fitzgerald is here and I know that he has to administer this thing.

I wonder if we might not ask you, Mr. Fitzgerald, what the Department's feeling is on this—do you see any objection to doing just what Mr. Glennon has asked?

STATEMENT OF RAY FITZGERALD, DEPUTY ADMINISTRATOR FOR STATE AND COUNTY OPERATIONS, ASCS, U.S. DEPARTMENT OF AGRICULTURE

Mr. FITZGERALD. The Department does not have any objection whatever. We think that we should make the feed more readily available to the farmers.

Mr. POAGE. Is it going to require a change in the legislation?

Mr. FITZGERALD. We are told by the Department General Counsel that it will require a change in the legislation; yes, sir.

Mr. POAGE. Have the lawyers prepared any legislation?

Mr. FITZGERALD. I have Mr. Bohr with me, and I believe that Mr. Glennon has something which is prepared.

Mr. POAGE. I understood that the Department has something prepared. Have you had occasion to see whether this by Mr. Parker is satisfactory to the Department?

Mr. FITZGERALD. Yes, sir; it is.

Mr. POAGE. Fine. We are very much obliged to you.

Mr. OLSON. Mr. Glennon, I gathered from your presentation that if the farmers were in a disaster area and did have a foundation herd which would qualify him for the emergency livestock feedgrain pro-

gram, he would be able to take the certificate as to his eligibility to a feed dealer for negotiation?

Mr. GLENNON. Yes.

Mr. OLSON. And that feed dealer would in exchange for the certificate sell the farmer a feed mix that would contain the equivalent feed-grains called for in the certificate and the dealer would have the feed-grain replaced by CCC.

Mr. GLENNON. In other words, he would take the grain that he had bought and paid for and would instruct the county officer that he would like to have this grain in his usual ration that he had been using for his livestock, such as dairy feed, for instance.

Mr. OLSON. Would the farmer have the grain delivered to the mill?

Mr. FITZGERALD. Yes.

Mr. OLSON. Then it is in turn delivered by the mill to the farmer?

Mr. FITZGERALD. Yes. This would be the farmer receiving the feed product. If he wants it mixed for his dairy cattle he would be able now under this legislation to go to the feed manufacturer after telling the county manager, "I want to go to this fellow—I want to get my mixed ration the same as I have always done for my cattle"; he would be able to do this and the Commodity Credit Corporation would replace the amount of grain which was sold in the mixed ration. And then there is the matter of the delivery costs—the transportation costs.

Mr. OLSON. In a county that is eligible now the farmer there who is eligible must go and pick up the grain at the bin site or the point of storage, wherever that is—

Mr. FITZGERALD. Yes.

Mr. OLSON. And what would you do, would you still require transportation costs from the bin site location where it is available to the mills and would that be borne by the farmer?

Mr. FITZGERALD. As to the cost of the transportation to the local elevator, whether it be the elevator or the mill where it is being mixed—where the farmer gets it—under this program we would stand the transportation costs to the mill or distribution point as in the past.

Mr. OLSON. He is responsible for going down to the bin site and bringing it home?

Mr. FITZGERALD. That is right.

Mr. OLSON. In this case you would now transport that corn from that bin site to the local mill where he chooses to get the feed mixed; is that right?

Mr. FITZGERALD. Not necessarily. I think by and large it usually is the case of shipping grain into the mill, probably from another location, rather than taking it out of the bin site to the mill and back to the farmer.

Mr. POAGE. Mr. Fitzgerald, am I completely wrong that in those areas like in my own where there is no grain storage you ship in at the present time into one location in the county—you ship the grain into that location and you pay the freight, the farmer comes to the one dealer in Waco, Tex., who is receiving grain from the Commodity Credit Corporation—you have paid the freight—the freight is exactly the same to him as if you would pay it to any of the other dealers there—the freight is exactly the same to either one of them.

Mr. FITZGERALD. Yes.

Mr. POAGE. If you have the grain available in the county in Government-owned storage, you make that available to the farmer if he wants it just the same as you make it available at this one dealer's place.

Mr. FITZGERALD. Yes.

Mr. POAGE. You do that at the present time?

Mr. FITZGERALD. Yes, sir.

Mr. POAGE. You, therefore, would not change your practice, as I see it. You would still make it available at your bin site, if the farmer wanted it there, but, instead in an area like mine—which I say is not yet a disaster area, but I think it will be—instead of sending that farmer to the one distributing point in the county, you would let him go to any grain dealer in the county and there pick up a mixed feed on which he would get a discount of 25 percent for that portion of the mixture for which he was eligible and would feed the mixture. And if it was 50-percent corn and he is eligible for 500 bushels of corn, he would have that discount on the 500 bushels and not the other elements of the feed.

Mr. FITZGERALD. That is right; yes, sir.

Mr. POAGE. If you want a mixed feed, all you get is a saving on that portion of the mixed feed to which the farmer is eligible to receive in the grain form?

Mr. FITZGERALD. Yes, sir.

Mr. POAGE. So that you would not change your freight rate situation whatsoever, or the payment of the freight—if you have it in the community and give it to the man out of your own bin, there is no freight involved, of course, but if you give it to him from some other source, there is a freight rate involved.

Mr. FITZGERALD. Yes, sir; we would anticipate that where the mixed feed is available we would also make available freight for these grains, whichever the farmer wanted to choose.

Mr. POAGE. That dealer is going to buy the Commodity Credit Corporation grain sooner or later, and to the extent that he buys the Commodity Credit Corporation grain and passes it on to the eligible certificated farmer he will get back his 25 percent that he would otherwise pay.

Mr. FITZGERALD. Yes, sir.

Mr. OLSON. All you really need then is a change in the program so that every feed dealer in the country is eligible to act as a distribution point. You would make it available to any eligible existing feed dealer who could become available by working with the local ASCS office. Is there any additional transaction needed—could you not make the feed available to the farmer and the farmer himself would be responsible for making the transaction, in getting the feed mixed?

Mr. FITZGERALD. Yes.

Mr. OLSON. You do not intend to make the transaction direct with the feed dealer, then, by some form of certificate, get it out to the farmer?

Mr. FITZGERALD. No. As the case is now we do make the feed available to the farmer, and he can go to the feed mixer or the local mill and have it adequately ground and mixed as he desires. Under this system we would anticipate that the farmer would tell the county committee, "I want a certain feed mixture, and I want to get it from John Jones, a certain mill," and he would go to that mill and would get

the mixture that he requested and the Commodity Credit Corporation would replace the amount equal to the grain which is in the mixture that the farmer ordered.

Mr. OLSON. May I interrupt you. I do not want to be too specific but I have six counties that are now drought disaster areas, and I have three more that are expected to be and I am highly interested in this subject. I believe that you are doing something that is good.

Can we not let the farmer himself make the transaction at the point, at the delivery point—could not the farmer make the transaction for the feed himself rather than the Commodity Credit Corporation or the ASCS office being responsible for dealing with the mill, as to whether the mixture was this much, or it contained this much corn or something else—and get rid of that problem. He might want so much oats or something else. So long as he is declared as being eligible for the disaster aid, would not this be a much cleaner transaction without any possibility of any kickback from anybody?

Mr. FITZGERALD. The problem seems to have been those places where they are used to using the mixed feeds. These people are delayed in getting this mixed feed released, because the mills are delayed in receiving the supply. The mill gets the corn from our outlet and takes it to the mill and mixes it themselves. He would like in some cases to be able to go, the minute that he gets the certificate, to the mill and get his feed and not wait until the Commodity Credit Corporation shipped it in.

Mr. OLSON. That is the difference in my proposal and yours. If the mill is eligible to act as a distribution point, he has already got the grain mixed and it will be replaced by the Commodity Credit Corporation, by the farmer having delivered his corn and the mills getting it. That is the only difference.

Mr. POAGE. The difference would show up in some years, some 5 or 6 years after the feed was delivered the General Accounting Office would audit the accounts and someone would say: "You delivered this feed to early, you delivered this feed before all of these details were worked out and, therefore, you cannot be paid on it." And they will collect a thousand dollars that way, even though the feed has been delivered and eaten by the very cattle for which it was intended. And nobody has gotten anything that they were not entitled to receive.

I understand that what he is saying and all these people are saying is, if I understand it clearly, "Let us have a system whereby the Department of Agriculture can make the determination that they are entitled to some feed." We can start with a thousand bushels of corn and we give the farmer a certificate for a thousand bushels of corn and let him take that certificate either to our warehouse and get the thousand bushels of corn, or let him take it to the mill and he can buy feed that has the oats in it, or the soybean meal in it, but it has the 1,000 bushels of corn in it, and in turn, he turns over the certificate to the mill, and with that certificate the mill can get another thousand bushels of corn from the Commodity Credit Corporation and at 75 percent of the normal price. That is all that they are asking.

Mr. GLENNON. That is very true.

Mr. OLSON. That is all I want. Actually, the corn goes to the farmer and the mill would not be involved in any of the dealing and nobody out here could claim that you did not properly mix the corn and the feed. That was the point that I was making.

Mr. FITZGERALD. We will give the farmer his choice—does he want this or does he want that.

Mr. POAGE. Did you want to say something more?

Mr. GLENNON. We have just a couple of brief points that I might present.

(1) The Secretary of Agriculture to specify the details of the program.

(2) The county committee to determine farmer eligibility.

(3) The eligible farmer purchases the grain from the county committee.

(4) The purchase order can only be used by the farmer to obtain straight grain, if he so desires, or he may designate that the grain be incorporated in a mixed ration as specified in the purchase order.

The purchase order can only be delivered by the farmer to the approved supplier specified in the purchase order.

(5) The farmer delivers the purchase order to the designated supplier and obtains the feed and certifies that the delivery has been made. The supplier certifies to the Commodity Credit Corporation that the delivery has been made against the specified purchase order.

(6) The supplier delivers the purchase order to the Commodity Credit Corporation for replacement grain.

(7) Any person regularly engaged in handling grain and/or feed shall be eligible to serve as a supplier if he agrees to comply with the U.S. Department of Agriculture regulations and furnishes a satisfactory surety bond to guarantee performance.

Mr. POAGE. I think that is pretty well fixed. Will you gentlemen prepare a bill—I know that you did not distribute those amendments—but will you prepare a bill—those amendments are not before us this morning in anything or as a part of the Cooley bill.

Mr. PARKER. Not at the present time.

Mr. POAGE. It has got to be a new bill.

Mr. PARKER. That is correct.

Mr. POAGE. Will you prepare the bill that will achieve these purposes and give it to Mr. Fitzgerald to see that the Department of Agriculture is satisfied with it? It is certainly my opinion that we will then introduce such a bill and get it passed if we can. Of course if these amendments can be made a part of the Cooley bill it might save time, but even then I would fear that we would need to introduce a "clean bill."

STATEMENT OF JOSEPH O. PARKER, ATTORNEY, AMERICAN FEED MANUFACTURERS ASSOCIATION

Mr. PARKER. Those amendments that I did prepare are keyed into an amended bill that I understand is before the committee that includes the amendments in H.R. 9181; I believe it is.

Mr. POAGE. Is that amendment included in the bill?

Mr. PARKER. These amendments will fit into it.

Mr. POAGE. That is what I was trying to get at. I did not know that these amendments fitted into the bill.

Mr. PARKER. Into the Cooley bill with the additional amendment that I understand the Department is presenting here this morning.

Mr. POAGE. I think that we should then wait and put these into the Cooley bill.

Mr. PARKER. As I understand, Mr. Chairman, there are amendments here in the committee room now that were sent forward by the Department just a few days ago, some technical amendments, and the amendments that we prepared are tied into those additional technical amendments.

Mr. QUIE. Are these the ones that Mr. Fitzgerald offered?

Mr. POAGE. I understand that Mr. Fitzgerald did see these amendments that Mr. Parker is proposing; is that right?

Mr. FITZGERALD. Yes.

Mr. PARKER. Yes.

Mr. POAGE. I had not understood that this could be fitted into the Cooley bill. Let us hold up the Cooley bill and see if we cannot understand this.

Mr. PARKER. As I understood it, this was the bill that was before the committee, and so these amendments are keyed into the Cooley bill, with the additional amendments.

Mr. POAGE. All right.

Mr. QUIE. Could we have the Department amendments?

Mr. POAGE. The Cooley bill is the Department's amended bill, is it not?

Mr. FITZGERALD. I have a statement in which I will discuss this.

Mr. POAGE. Then we had better work with the Cooley bill, because you did not tell us that you were talking about the Cooley bill. You just told me of some problems that you had to deal with and that the Department would be satisfied with this, and whether the Department would accept these amendments I do not know. Let us take up the Cooley bill, H.R. 9181, and let Mr. Fitzgerald discuss that bill.

Mr. GLENNON. Thank you.

Mr. FITZGERALD. I would like to have Mr. Frazier and Mr. Bohr sit with me if you do not mind.

Mr. POAGE. Very well.

Mr. QUIE. If you are going to refer to those amendments to H.R. 9181, could we not have them, or are they not in your statement? Do you have copies of those?

Mr. POAGE. Do you have copies of your amendment that we could pass out to the members of the committee, so that we would know what we are talking about?

Mr. PARKER. Yes, sir.

Mr. POAGE. Let us not make this secret.

Mr. PARKER. Yes, sir.

Mr. POAGE. Is that a substitute for the Cooley bill—is that what it is? We have so many bills before us this morning that we want to know.

Mr. FITZGERALD. It contains the material in the Cooley bill and adds a couple more things.

Mr. POAGE. It is a substitute for the Cooley bill?

Mr. FITZGERALD. Yes.

Mr. POAGE. You do not want to pass the Cooley bill and then this, too?

Mr. FITZGERALD. That is right.

Mr. POAGE. Then what we actually want to consider is the draft material in the form of a letter, is that right?

Mr. FITZGERALD. Yes, sir.

Mr. OLSON. Plus this?

Mr. POAGE. Plus that, that is correct.

(The letter dated July 27, 1964, to the Honorable John W. McCormack, together with the attachment entitled "A Bill" follows:)

JULY 27, 1964.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: We are enclosing a copy of a bill which would amend section 407 of the Agricultural Act of 1949 and Public Law 86-299 to facilitate the pricing of feed grain made available for use in emergency areas, extend the applicability of these provisions to the Virgin Islands, and establish penalties for misuse of feed made available for relieving distress or the preservation or maintenance of foundation herds.

The Department recommends enactment of the enclosed bill.

Sections 1 and 3 of the bill provide a simplified and more effective method of establishing prices on grain sold in emergency areas determined by the Secretary. At present, sales in emergency areas are based on a certain percent of the current support price with premiums and discounts appropriate for the quality of the grain delivered to the livestock owners. The grain which Commodity Credit Corporation makes available for sale in emergency areas is frequently of different grades and qualities. The grade and quality delivered often differs from that ordered and paid for by farmers. This places an administrative burden on local officials of this Department in making sales because of the need to calculate, and often to recalculate, the premiums and discounts applicable to the grain sold. Farmers are confused by these price variations for feed quality grain. The yare irritated by the small refunds and additional collections which are often required.

The proposed language would permit pricing of grain in emergency areas uniformly at not less than 75 percent of the basic county support rate or the basic county support rate with no adjustments for differences in grain of feed quality. (There would be included the value of any applicable price support payments-in-kind.) This will reduce administrative costs and be better understood and accepted by farmers. On a weighted average basis, there should not be any change in the total income received by Commodity Credit Corporation from sales if made under the proposed bill as compared with the proceeds of sales under present procedures.

Other language in the bill would extend to the Virgin Islands the applicability of provisions of section 407 and Public Law 86-299 which authorize action to relieve distress. At the present time feed grain can be made available for relieving distress in such areas only if the President declares it to be an area of major disaster under Public Law 875, 81st Congress, as amended. Recent distress conditions in the Virgin Islands indicate the desirability of extending the full authority of these acts to this area so as to provide the Secretary with the flexibility needed for an effective program of relief.

Section 2 of the proposed legislation is the same as H.R. 9181 introduced by Congressman Cooley as legislation recommended previously by this Department. It has been included in the attached bill in order to incorporate together all changes that are recommended in legislation governing sales of feed grain in emergency areas determined by the Secretary. This section is designed to provide penalties as severe for misuse of grain donated by Commodity Credit Corporation or sold at discounts from the support price as are currently provided in sales at no discount from the current support price under Public Law 86-299.

The Bureau of the Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

A BILL To facilitate pricing of feed made available for use in emergency areas, to establish penalties for misuse of feed made available for relieving distress or for preservation and maintenance of foundation herds and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 407 of the Agricultural Act of

1949, as amended, is hereby amended (1) by changing in the fifth sentence the words "not less than 75 per centum of the current support price for such feed (or a comparable price if there is no current support price)" to read "not less than 75 per centum of the current basic county support rate for such feed including the value of any applicable price support payment in kind (or a comparable price if there is no current basic county support rate)"; (2) by inserting in the fifth sentence "including the Virgin Islands" after "The United States" wherever it appears; and (3) by adding at the end of the sixth sentence "or other area".

SEC. 2. The Agricultural Act of 1949, as amended, is amended by adding at the end of Title IV the following:

"SEC. 421. Any person who disposes of any feed which has been made available to him under section 407 of this Act for use in relieving distress or for preservation and maintenance of foundation herds, other than as authorized by the Secretary, shall be subject to a penalty equal to the market value of the feed involved, to be recovered by the Secretary in a civil suit brought for that purpose, and in addition shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$1,000 or imprisonment for not more than one year."

SEC. 3. The Act of September 21, 1959, 73 Stat. 574, is amended (1) by changing the words "at current support prices," to read "at not less than the current basic county support rate including the value of any applicable price support payment in kind (or a comparable price if there is no current basic county support rate)," and (2) by adding at the end of Sec. 2, the following: "'State' means any State in the United States, Puerto Rico and the Virgin Islands."

STATEMENT OF RAY FITZGERALD, DEPUTY ADMINISTRATOR OF STATE AND COUNTY OPERATIONS, ASCS; ACCOMPANIED BY CHARLES L. FRAZIER, ASSISTANT DEPUTY ADMINISTRATOR, ASCS; AND ROBERT BOHR, OFFICE OF GENERAL COUNSEL, U.S. DEPARTMENT OF AGRICULTURE

Mr. FITZGERALD. Mr. Chairman and members of the subcommittee, my name is Ray Fitzgerald. I am Deputy Administrator of State and County Operations, ASCS.

I am pleased to appear before the committee to explain our position on the bill now before you.

The Department of Agriculture supported the provisions of H.R. 9181 in their recommendation to the Speaker. In the meantime a revised bill designed to accomplish the same identical purpose and two other relatively small changes in our legislative authority have been recommended by the Department. If it pleases the chairman I would like to comment on the provisions of the revised bill recommended by the Department.

The revised bill would authorize the Department to change the method of pricing grain; it would authorize the operation of this program in the Virgin Islands; it would also provide a more equitable penalty in the case of improper sale or misuse of grain provided under section 407 of the Agricultural Act of 1949.

One section of the modified bill is designed to simplify our pricing of grain to eligible producers when it is distributed in emergency areas. The basic authority for sale at the 100-percent level in the case of feeder livestock and at the 75-percent level in the case of foundation herds is not changed. The proposed modification grants us authority to price grain of variable grades at a common price without application of premiums and discounts.

The proposal may best be demonstrated by describing our present difficulty in the administration of the program.

Three cars of corn, each of a different grade such as No. 2, No. 3, and No. 4 may be received at the same distribution point and stored in commingled storage. As is commonly necessary this grain must be distributed to quite a number of producers who are eligible to buy in small quantities.

Under current authority we are obligated to apply premiums and discounts in the sale of grain because our pricing authority is based upon the price support structure. Such premiums and discounts can properly be applied in the price support work. However, we cannot really know which producers were given corn of a particular grade by the local handler in the example used.

The grain actually is mixed in storage and the several producers eligible to purchase must receive deliveries of grain of a common-quality as they come for it. We propose to charge them the same price which would be based on the basic price support rate set in that county.

In the example used we must, without the authority sought here, apply premiums on a quantity equal to the amount of No. 2 corn shipped and discounts on the No. 4 quantity. The modification will not result in an additional cost to the Government because the shipments will average out to the basic grade over a period of time.

Actual experience leads us to believe that farmers would be more equitably treated by the proposed new procedure. Generally we try to supply grain of a quality close to the grade on which the average county price support rate would apply.

This bill also would amend section 407 of the Agricultural Act of 1949. Under Public Law 86-299 the Secretary is authorized to sell CCC-owned grain in a designated emergency area to eligible producers at the current price support level for the preservation and maintenance of a part of his livestock (feeder and stocker cattle and hogs).

Under section 407, as amended by Public Law 87-127, similar authority exists to sell grain for the preservation and maintenance of foundation herds of cattle (including producing dairy cows), sheep, and goats at no less than 75 percent of the current price support rate. As a practical matter, the authorities contained in both statutes are used concurrently when an area is designated as eligible for emergency assistance.

We very often find a producer eligible for grain at both price levels because he has both types of livestock.

A statutory penalty is provided in Public Law 86-299 requiring that any producer who misuses or disposes of grain other than as authorized by the program shall be subject to a penalty equal to but not in excess of the market value of the feed grains involved, to be recovered by the Secretary in a civil suit brought for that purpose, and in addition shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$1,000 or imprisonment for not more than 1 year. No similar provision is included in Public Law 87-127 for grain sold at the lower price. Consequently we may be in the position of undertaking to impose two types of recovery action for the same misuse of grain purchased by the same producer—or even worse, we may treat two neighbors differently because they had different types of livestock and were eligible to purchase grain at different prices. We believe it to be highly advisable to have a uni-

form basis for recovery in case of violations involving purchases at either price level.

The third section of the modified bill will grant us the authority to operate an emergency feed grain program at both pricing levels in the Virgin Islands. Currently we can only make grain available in the Virgin Islands if there is a major disaster designation by the President under Public Law 875.

Puerto Rico and the Virgin Islands are currently experiencing a severe drought. We believe it appropriate that we have the authority to furnish grain in the Virgin Islands at the applicable prices any time circumstances indicate such a need which would serve as a basis for the Secretary declaring such an area to be an emergency area even though the President has not acted to designate it as an area of major disaster. The livestock industry is small in the Virgin Islands, but we believe these people should be eligible for assistance under these programs when dire circumstances make this form of assistance necessary.

Gentlemen, these proposals are all designed to improve the service that may be rendered to producers eligible under the laws now in effect. There will be no substantial increase in cost to the Government. In fact, we believe the program, if changed as proposed, will be operated more efficiently and in a more equitable manner.

Mr. POAGE. Now you have the amendment proposed by Mr. Parker?

Mr. FITZGERALD. Yes, sir; I do have that.

Mr. POAGE. And you are satisfied that those two amendments could be put into the bill and it would be practical in the operation of that program?

Mr. FITZGERALD. Yes, sir.

Mr. POAGE. Are there any questions?

Mr. SHORT. Could I put this in simple perspective, inasmuch as we had this emergency feed grain program in 1961 in my area and in my opinion it worked very well and without too much confusion? There was just one difference that existed there, although it did not completely exist, and that was the difference that would exist in an area where there was feed grain available in Commodity Credit Corporation hands and in an area like Mr. Poage has mentioned, such as Texas, where there might not be any. It did develop in North Dakota in certain areas where feed had to be moved in from other parts of the State because they used what was available locally. And before I go on, I would like to ask the gentleman from Minnesota about his remarks. I am sure that he did not mean to say it. He said the release price was 75 percent of parity. It is 75 percent of the current effective price support level; is it not?

Mr. FITZGERALD. Yes; that is correct.

Mr. SHORT. What we are dealing with here, as I understand it, in simple terms, is that we are authorizing the grain to be delivered to the feed dealers to replace the grain that has been delivered to the individual by the feed dealer, perhaps before CCC grain was available in an area in order to make the program more effective and to make the feed available to the farmer more quickly when he needs it.

Is this substantially what we are trying to do here?

Mr. FITZGERALD. Essentially; yes, sir.

Mr. SHORT. I was confused with Mr. Glennon's first remark. I thought that he was suggesting that the Commodity Credit Corporation make all of the feed available from the dealer to the farmer at the 75-percent level. Am I wrong there?

Mr. FITZGERALD. I do not think that Mr. Glennon meant that. This is not the case.

Mr. SHORT. Is not the proposition that the feed is made available to the farmer at 75 percent of the price support? We are talking about CCC feed grain.

Mr. FITZGERALD. No, sir.

Mr. SHORT. He can in whatever manner he elects to choose, either take it home and grind it himself or otherwise handle it. I know that we did this in hundreds of instances in North Dakota. We went to the ASCS office and, incidentally, Mr. Chairman, I think it is important that we know how this was done. I think the initial step was to ask the applying farmer to supply a list of the cattle he had, the livestock he had for which he needed feed—his own supply of available feed and he would come out with an amount of additional feed that he would need to carry his livestock through the winter.

There is one other thing that developed out there. Originally the allocation of the feed was limited on a month-by-month supply basis, but finally the ASCS did make enough grain available so that the rancher could secure enough grain for the full winter.

The farmer-rancher paid to the feed mill the cost of processing this grain just like he would any other time when he had been furnishing his own grain. The way this worked the farmer went to the ASCS office and he said, "I am going to have Joe over here at the mill process this feed for me." And he said, "I would like to have him authorized to take delivery of this grain from the Commodity Credit Corporation bin site." And then the farmer dealt with the processor for this little transportation cost, whatever that might be. Sometimes the cost was absorbed.

Mr. Chairman, I have no objection to this amendment that was offered. I think it will make the program work more efficiently, not necessarily in the area where I live, but certainly in areas where the grain might not be readily available at the bin site.

Mr. POAGE. These amendments read:

1. Item (3), Section 1 of the proposed bill would be changed to item (4), the word "and" prior to item (3) deleted, and the following added as a new item (3):

(3) by adding at the end of the fifth sentence the following:

"Provided: That the Secretary may provide for the furnishing of feed or mixed feed, in accordance with regulations prescribed by him, to such persons by feed dealers under an arrangement whereby the feed grains (or other feed being sold by the Corporation) in the feed so furnished would be replaced with feed owned or controlled by the Corporation and sold to such persons at a price determined as provided above."

2. Section 3 of the proposed bill would be changed by deleting the word "and" before item (2) and adding new items (3) and (4) as follows:

"(3) by adding at the end of section 3 the following:

"The Secretary may provide for the furnishing of feed grains or mixed feed, in accordance with regulations prescribed by him, to any such person by a feed dealer under an arrangement whereby feed grains in the feed so furnished would be replaced with feed grains owned or controlled by the Corporation and sold to such person at a price determined as provided in Section 1."

"(4) by inserting in section 4 after the word 'purchased' the words 'or furnished'."

Now, this is necessary, I understand, because of the bill which seeks for the same thing. Those in favor of the amendment—

Mr. SHORT. What does that wording "or other feed being sold by the Corporation" mean? Is this referring back to soybean meal?

Mr. POAGE. As I understand it, it simply means that you get \$1,000 worth of corn, that is, a certificate for that, and if they had barely there, you can take barley.

Mr. FITZGERALD. It could be soybean meal or cottonseed cake. We have not done that, but it could be used.

Thank you.

Mr. POAGE. Thank you for appearing here and we are obliged for your presence.

Mr. FITZGERALD. Thank you again.

Mr. POAGE. We will now pass on to H.R. 3608, by Mr. Short.

This is to permit the importation of certain screenings into the United States. Would you want to discuss this?

Mr. SHORT. Yes. I think that we should have some statement from the Department.

Mr. POAGE. We have the Department witnesses here.

Mr. SHORT. I would like to remind the subcommittee that this bill was passed by this committee 2 years ago and it was passed by the House of Representatives. I would like to point out that there is no opposition to this bill.

(H.R. 3607 by Mr. Short and the report of the Department of Agriculture dated October 31, 1963, follow:)

[H.R. 3607, 88th Cong., 1st sess.]

A BILL To amend the Federal Seed Act, as amended, with respect to screenings of seed

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 (2) (22) of the Federal Seed Act, as amended (7 U.S.C. 1561 (a) (22)), is hereby amended by deleting the word "live".

SEC. 2. Section 301(a)(2) of such Act (7 U.S.C. 1581(a)(2)) is hereby amended by deleting the following: "(except that this shall not apply to screenings of wheat, oats, rye, barley, buckwheat, field corn, sorghum, broomcorn, flax, millet, proso, soybeans, cowpeas, field peas, or field beans, which are not imported for seeding purposes and are declared for cleaning, processing, or manufacturing purposes, and not for seeding purposes)".

SEC. 3. Section 306(a)(2) of such Act (7 U.S.C. 1586(a)(2)) is hereby amended to read as follows:

"(2) any screenings imported contrary to this Act;"

DEPARTMENT OF AGRICULTURE,
Washington, D.C., October 31, 1963.

HON. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. COOLEY: This is in reply to your request of April 22, 1963, for a report on H.R. 3607, a bill to amend the Federal Seed Act, as amended, with respect to screenings of seed.

This Department recommends that the bill be passed, with changes suggested below. The wording of H.R. 3607 is identical to S. 1314 and H.R. 5546 introduced in the 87th Congress. H.R. 5546 passed the House of Representatives. S. 1314 was not considered by the Senate.

The bill provides that 15 kinds of screenings now permitted entry into the United States under the Federal Seed Act would be prohibited entry after passage of the bill. The bill also would amend the definition of the term "screenings" by deleting the word "live" so that in determining whether a ship-

ment is screenings, it would not be necessary to make a germination test to determine the percentage of live seed. "Screenings" would be offal from cleaning or processing of seed, consisting of less than 25 percent agricultural or vegetable seeds.

The Federal Seed Act provides for rigid controls with respect to the importation of agricultural and vegetable seeds containing certain harmful noxious-weed seeds and prohibits the importation of seeds containing in excess of 2 percent of any weed seeds. The State seed laws contain even more restrictive controls with respect to dissemination of weed seeds in seed. The State restrictions are recognized in the enforcement of the interstate provisions of the Federal Seed Act. The feed laws in some States have restrictions on the number of viable noxious-weed seeds that may occur in feeds offered for sale or transported within the States. Despite all of the controls being exercised with respect to the dissemination of weed seeds in seed in the United States, the Federal Seed Act now permits the importation of screenings of seed containing weed seeds, without any limitation on the weed seed content.

The importation of screenings may be the source of many infestations of noxious-weed seeds in the United States, either because of dissemination of the weed seeds in the transportation of the screenings or through the use of such weed seed infested screenings in various kinds of foods.

Limited inspections of samples taken from such importations indicate that many lots of such screenings contain up to 35 percent or more of weed seeds, many of which are considered to be extremely harmful to agriculture in the United States.

A study of the extent of such importations indicates that between 1950 and 1961 there were imported about 235 to 652 million pounds of grain screenings annually. The declared value of these screenings was about \$2 to \$6½ million annually. In addition, the importation of flaxseed screenings between 1954 and 1961 was 35 to 92 million pounds annually with a declared value ranging from about \$450,000 to \$1,600,000.

It is our understanding that Canadian screenings grades designated No. 1 feed screenings, No. 2 feed screenings, and uncleaned screenings would not be considered "screenings" as defined under the Federal Seed Act, as these Canadian grades are required to contain in excess of 35 percent crop seed. The only category of Canadian screenings that would be prohibited by H.R. 3607 would be that portion of the lowest grade called "refuse screenings" which contains less than 25 percent crop seeds.

Screenings are imported largely from Canada under tariff paragraph No. 731 (19 U.S.C. 1001, par. 731) dutiable at 2½ percent ad valorem under the trade agreement program of the United States. This duty is bound to Canada under the general agreement on tariffs and trade. It is believed, however, that the overriding consideration here in the protection of U.S. agriculture from harmful weed seeds. Article 20 of the General Agreement on Tariffs and Trade provides, in part, "* * * nothing in this agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures; * * * (b) necessary to protect human, animal, or *plantlife* or health: * * *." [Italic supplied.]

Any measures to control the spread of weed seeds within the United States must begin by stopping or slowing the flow into the United States of screenings consisting largely of weed seeds. Studies now underway by professional organizations of weed control technicians and weed control officials are expected to result in recommended uniform State and Federal legislation, which, if adopted, will more adequately control the movement of weed-infested material within, as well as into, the United States.

In order to permit weed-infested whole screenings to be ground previous to admission into the commerce of this country and still prevent the introduction of harmful noxious-weed seeds or large numbers of common weed seeds, it is suggested that section 2 of H.R. 3607 be reworded to read as follows:

Sec. 2. Section 301(a) (2) of such Act [7 U.S.C. 1581(a) (2)] is hereby amended to read as follows:

(2) screenings containing any seeds subject to Title III of this Act, unless the screenings are denatured, do not contain any noxious-weed seeds and do not contain more than 100 weed seeds per pound of denatured screenings;.

It is estimated that enactment of this proposed legislation would result in a need for additional funds in the amount of \$50,000,

The Bureau of the Budget advises that the Department of State opposes passage of H.R. 3607 for the reasons given in the enclosures, but the Bureau has no objection to the submission of this report provided the views of the Department of State are included.

Sincerely yours,

CHARLES S. MURPHY,
Acting Secretary.

Mr. POAGE. Right now we have the Department witnesses with us. Mr. Davidson, we will be glad to hear from you now.

STATEMENT OF WALTER A. DAVIDSON, DIRECTOR, GRAIN DIVISION, AMS; ACCOMPANIED BY DR. W. B. ENNIS, JR., CHIEF, CROP PROTECTION RESEARCH BRANCH, ARS; AND BYRON G. ALLEN, ASSISTANT TO THE SECRETARY, U.S. DEPARTMENT OF AGRICULTURE

Mr. DAVIDSON. Mr. Chairman and members of the committee, my name is Walter A. Davidson and I am Director of the Grain Division of the Agricultural Marketing Service of the U.S. Department of Agriculture.

Our primary interest in the passage of H.R. 3607 is the effect it would have on the introduction and dissemination of weed seeds. The Federal Seed Act is administered by the Grain Division of the Agricultural Marketing Service. The act restricts the dissemination of weed seeds in seed for sowing purposes in interstate commerce in accordance with the laws of the States into which seed is shipped. It also restricts the amount of weed seeds in seed imported for sowing purposes.

Through the years we have been aware of concern on the part of State officials about the rather widespread dissemination of weed seeds in screenings when, at the same time, strenuous efforts were being made to prevent such dissemination in seed for sowing purposes.

Particular objection has been raised with respect to the importation of screenings. The present wording of the Federal Seed Act makes a substantial contribution in its prohibition against the importation of screenings of many kinds of seeds. Exemptions were made, however, for 15 kinds of screenings presumably on the assumption that these screenings have feed values.

Fairly extensive sampling of imported screenings show that the weed seed content ranges as high as 60 percent, with the average about 35 percent. Samples tested during the last few days range from 11 to 60 percent weed seeds. Much of this consists of noxious weed seeds which is specifically legislated against under the weed seed laws, and the Federal Seed Act.

These lots contained practically no seeds of crops such as flax and wheat.

In a survey conducted with the States in 1959, 24 out of 35 States replying to a questionnaire indicated a desire for Federal legislation restricting the importation of screenings. The question to which the States replied was worded as follows:

In your opinion would Federal legislation prohibiting or restricting the importation into the United States of screenings containing excessive amount of weed seeds be helpful in your efforts to control the dissemination of weed seeds in seed in your State?

One experienced State feed and seed control official has stated that in his opinion the greatest carrier of viable weed seeds has probably been the low-grade dairy feeds that often carry screenings as an ingredient.

I am referring here to the seed control official in the State of Indiana.

At least 37 States have some measure of control over the weed seed content of feed offered for sale. Ten of these have prohibitions against the presence of weed seed or a requirement that the weed seed be devitalized.

Research has shown that weed seeds are not always rendered non-viable even if the screenings are ground and subsequently ingested by animals. All screenings are not necessarily ground for feeding purposes.

Dissemination of weeds results.

The vast bulk of imported screenings come from Canada. Between 1959 and 1963 imports of grain screenings have averaged approximately 110,000 tons per year and flax screenings have averaged approximately 20,000 tons per year. These were valued at approximately 2,750,000 annually.

In 1960 the Weed Society of America adopted a resolution urging that steps be taken to restrict the importation of screenings.

The National Association of State Departments of Agriculture at its annual convention in September 1963, adopted the following resolution:

RESOLUTION No. 32, UNIFORM WEED LAW

Whereas noxious weeds are a problem in all States of the United States and it is difficult for States individually to be effective in control efforts without the cooperation of the Federal Government; and

Whereas the interest of the Weed Society of America is by its nature primarily concerned with the development of control of the growing plant: Now, therefore, be it

Resolved, That the National Association of State Departments of Agriculture in convention assembled at Winston-Salem, N.C., September 22-26, 1963, instruct the executive committee to form a committee of specialists from among the States and the U.S. Department of Agriculture to cooperate with the Weed Society of America to draft a suggested uniform State weed law and companion Federal weed law designed primarily to control unwanted growth and dissemination of noxious weed.

The U.S. Department of Agriculture is in the process of formulating a cooperative activity toward this end.

The committee will note that in the Department of Agriculture's report signed by Under Secretary Murphy on October 31, 1963, that a certain amendment to the bills under consideration by your committee is proposed. This proposal is an outgrowth of some of the objections to the original bill as revealed in the report of the hearing before the subcommittee on H.R. 5546 dated May 10, 1962. These objections concerned primarily the trade with Canada and the contentions from processors that the screenings constitute a desirable and valuable ingredient for livestock feed.

The amendment contained in the Department report would permit the screenings to enter the commerce of the United States provided they are denatured such as by grinding and do not contain noxious weed seeds as defined in title III and not more than 100 other weed seeds per pound.

And in the tests which we have made in recent days, we encountered one which was denatured by grinding and we find still whole in the lot 1.84 percent of weed seeds including glume chaff which is a common noxious weed seed particularly in the north States, at the rate of 81 seeds per pound. It is possible to grind these screenings to devitalize these weed seeds, but it must be done with great care.

Now, I would like, if it may be permitted, Mr. Chairman, to have Dr. Ennis, Jr., who is Chief of the Crop Protection Research Branch in the Agricultural Research Service and Mr. Byron G. Allen, who is in the Secretary's Office make very brief statements on the efforts to minimize the production and distribution of harmful weeds that are carried on by the Department of Agriculture at this time.

Mr. POAGE. Before you do that, I wondered if you would explain the statement that you made that you cannot grind these seeds fine enough to destroy all of the viable weed seeds, and then suggest an amendment that we admit these things if they have been denatured.

I understood you to say that it is impossible to denature it effectively.

Mr. DAVIDSON. I did not mean to say that. I do not believe that this was the thought which I intended to convey.

Grinding does not always devitalize these weed seeds. The grinding is usually done with a hammer mill and if this mill is dull to any extent, then these weed seeds, the small ones come through in their whole condition. And a proposed amendment would provide that the screenings be denatured and do not contain these noxious weed seeds.

In other words, both conditions must prevail.

Mr. POAGE. But you would permit weed seeds from Canada?

Mr. DAVIDSON. That is right, of the nonnoxious weed seeds, other than those defined as noxious under title III of the act.

Mr. POAGE. You would prevent those from entering?

Mr. DAVIDSON. Yes.

Mr. SHORT. It seems to me, Mr. Chairman, if I may be permitted, this amendment does in effect say, "We will, if we can change the percentage of weed seeds in these seeds, let them come in and if we cannot, we will not let them come in." It seems to me that this should be more positive. If it is important enough to enact legislation to prohibit the importation of these weed seeds, and it seems to me that it is, it should be positively stated in the legislation.

Mr. DAVIDSON. Yes. There was objection registered in the testimony at the hearing in 1962 that these screenings do have some feed value. We are trying to meet this objection. We have in mind the fact that in 37 States, I believe it is, there are restrictions against the sale of seed containing, or screenings containing an ingredient which is noxious weed seeds. The restriction here is consistent with the restrictions which are contained in these State seed laws.

Mr. SHORT. In the State laws?

Mr. DAVIDSON. That is right. It is, of course, not possible to be absolutely certain that any lot of a ton or several tons of seeds contains no noxious weed seeds. This is an impossibility or it is an impractical thing to make this determination.

Mr. POAGE. I would agree that we should not get into the business of prohibiting the importation of screenings simply because we have plenty of feed at home. I never did believe in keeping commodities

out because we did not want to compete with them here but I do strongly believe that we ought to keep out anything that is going to bring in a disease or anything that may bring noxious weeds into this country. And the fact that these screenings can be used as feed does not seem to me is any reason in the world for admitting them. Johnson grass seed is a real good feed. It is a real good feed when mixed up with other grains.

Mr. DAVIDSON. Yes.

Mr. POAGE. But my State has a law against moving it because we know what a noxious pest it is in our part of the country. I know it is not involved in the Canadian situation.

Should we bring in a noxious weed just because it is good feed? If we admit that, maybe all of these weed seeds are good feed. I do not think they are. But if we admit they are all desirable feeds we do not need the feed and I do not think we ought to legislate to keep feeds out as such, but is that any reason why we should admit something which threatens our agriculture in the United States just because it could be used for feed. We do not need the feed, so why take that risk?

Mr. DAVIDSON. This was the nature of our testimony 2 years ago, Mr. Chairman, but there was so much objection to it on this ground that it did have feed value that we thought we were pointing more directly here to the thing we wanted to accomplish by restricting the importation of screenings that contain noxious weed seeds within this limitation.

Mr. POAGE. May I say this off the record.

(Discussion off the record.)

Mr. POAGE. Back on the record.

Mr. SHORT. The grinding process seems to be suggested in the amendment. You use the word "denatured" and I always thought of that in connection with alcohol. [Laughter.]

But you use it here in connection with weed seeds. I assume that the word is intended to mean that the germination of the seed is destroyed.

Mr. DAVIDSON. Yes, sir.

Mr. SHORT. Could you give us some figures as to the extent of the denaturing that would take place with ordinary, average grinding—is it reduced to 10 percent of the normal viability of these seeds? What figure do you have?

Mr. DAVIDSON. I presented no figure and have none on this except that I do know that the research on this has shown that unless the burrs are sharp, unless the grinding is very carefully done, weed seeds survive the grinding and remain viable even after they are used for feed for livestock.

Mr. SHORT. What I was getting at is this, by accepting this amendment to what extent are we sort of leaving the door open?

Mr. DAVIDSON. We thought that we were providing adequate protection or, at least, some protection in the wording which would prohibit the importation of this denatured screening provided it contained no noxious weed seeds and not more than 100 per pound of other weed seeds. Even in our Federal Seed Act we have a very definite restriction against the importation of seeds containing weed seeds, but there still is a small tolerance permitted.

Mr. SHORT. In reverse, is there any such tolerance as this permitted, if I understand this rightly, where a farmer has to go across the line into Canada and buys a load of screenings—this is what this bill is addressed to—he could not turn around and change his mind and take that load of screenings back into Canada, could he? Their laws would not permit him to grind the screenings and bring them back into Canada—they will just not permit them to come back, period; is that not right?

Mr. DAVIDSON. I was of this impression in our testimony 2 years ago which will show that my answer to your question would have been yes. This impression was gained from the wording of the Canadian Seed Act, which apparently does have such a restriction, but they have a seed act which creates a different impression and I am not competent to testify, really, what that description is. I think that economically there is no real movement of screenings in that direction.

Mr. SHORT. Thank you.

Mr. PAGE. We will hear from your associates now.

STATEMENT OF W. B. ENNIS, JR., CHIEF, CROP PROTECTION RESEARCH BRANCH, AGRICULTURAL RESEARCH SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. ENNIS. Mr. Chairman and members, I am W. B. Ennis, Jr., Chief of the Crop Protection Research Branch of the Agricultural Research Service. We have had a tremendous drain on the American economy due to the damages from weed seeds, to all facets of our economy. Recent estimates show that the losses in yields and quality of our crops due to weeds total about \$2,500 million per year.

In addition, the cost of controlling the weeds on our farms amounts to almost another \$2,500 million for a total of almost \$5 billion annually.

Since World War II a great deal of progress has been made toward finding ways of controlling weeds on farms. There has been a tremendous interest, a mushrooming interest in the development of chemicals to control weeds selectively. And some of these do an excellent job of controlling weeds, as you know.

In 1959 there were about 52 million acres of our cropland treated with herbicides for weed control at a cost of about \$128 million. In 1962 about 70 million acres were treated at a cost of about \$272 million.

As herbicides are used more extensively and on such crops, such as wheat, the herbicide resisting weed tends to gain dominance and become a problem.

For example, some of the annual brome grasses have become problems in wheat—weeds that previously were not a problem, through the removal of the broad leaf, and herbicides such as 2,4-D have produced shifts that create other problems. And there are strains of some of the weeds that do show resistance to certain of the herbicides. And, of course, when we remove the competition of other weeds, these gain dominance.

So although progress has been made there still are problems that confront us in the controlling of the weeds that are problems on American farms.

I would say with the chemicals that are now available and with those that we can see on the horizon in our research programs that there is little doubt that great inroads can be made in the burdensome losses caused by weeds on farms and noncrop areas such as lawns, parks, rights-of-way, irrigation drainage systems, and so on. But the battle of reducing the reservoir of weed seeds that occur in the soil in our farms cannot be won if weed seeds are continually introduced or reintroduced on the farms.

Many of our most serious weeds were introduced from abroad as contaminants in farm seeds and other materials because of the failure to restrict their inflow. And the continuation of the importation of weed seeds from outside our boundaries would appear extremely unwise.

Thus any steps that can be taken to prevent further addition of weed seeds to the tremendous reservoir that we already have should be pursued with vigor, it would seem to me.

So the proposal to restrict the importation of materials into this country that contain weed seeds would appear extremely sound from a research point of view. Thank you, Mr. Chairman.

Mr. POAGE. Thank you. Do you have someone else?

**STATEMENT OF BYRON G. ALLEN, ASSISTANT TO THE SECRETARY
OF AGRICULTURE, U.S. DEPARTMENT OF AGRICULTURE**

Mr. ALLEN. My name is Byron G. Allen, Assistant to the Secretary and I am the liaison officer in the Secretary's staff with State agricultural agencies such as the State departments of agriculture, and in the State departments of agriculture in most of the States you have the regulatory responsibility for controlling and eradicating weeds.

My colleague, Mr. Davidson, read to this committee and put into the record a resolution adopted by the National Association of State Departments of Agriculture which resolution was adopted at Winston-Salem, N.C., last September of 1963. This resolution instructed the executive committee of this national association of State regulatory people to confer with counterparts in the U.S. Department of Agriculture and to work with the Weed Society of America, which is made up in its membership of regulatory officials and scientists such as Dr. Ennis.

The committee has been formed and is at work to develop and propose State legislation, legislation to be presented to the Congress for consideration which would make a united front on the part of State governments and the Federal Government in combating the weed problem of the United States. It so happens that one of the pieces of legislation on this subject is the one now under consideration before this committee. There is a great interest in it on the part of these State regulatory people, because they are not only interested in the importation of seeds from foreign countries—they are very often interested in the movement of weed seeds from one State to another. And since foreign commerce and interstate commerce is the responsibility of the Federal Government, there is very little that the States can do by their regulatory officials if we have a continual importation of weed seeds and especially noxious weeds.

There have been some recent rather new introductions of weeds into the United States that are a great threat, such as the skeleton weed found in the West and the much talked about witch weed in the Carolinas.

The State governments and the agencies dealing with this problem are attempting to work with the U.S. Department of Agriculture in developing a whole legislative program. And it is the consensus of opinion of these people that this particular legislation now before you ties in with an overall program. It is also their opinion that the Congress might go further and make it possible for the States to do more in regulating the movement of noxious weeds from one State to another, because too often the interstate commerce responsibility of the Federal Government interferes with the States' responsibility and ability to control the movement of screenings and seed and so on.

That would be a brief explanation of my reason for appearing here, because I have been working with this committee made up of Federal and State regulatory people.

Mr. POAGE. Would you feel that that committee endorsed this amendment which has been proposed—would they endorse the bill as written, only that?

Mr. ALLEN. I would say, Mr. Chairman, that legislation is the art of the possible. I suppose it could.

Mr. POAGE. I am not asking you whether the Department favors it. I am asking you whether the State officials would.

Mr. ALLEN. They would favor an outright barring of seeds moving into the United States that contain noxious weed seeds.

Mr. SHORT. You prefer the bill without the amendment?

Mr. ALLEN. I would say that it was the consensus of opinion of this committee they would.

Mr. POAGE. Any other questions?

Mr. ALLEN. And this committee, I am sure, will be bringing to your committee or the Members of Congress for introduction legislation having to do with the interstate commerce in this same field of screenings.

Mr. SHORT. There is nothing to prevent an individual State from enacting a law preventing the sale within the State of the mixed feed containing screenings that contain viable weed seeds, is there?

Mr. ALLEN. There is nothing to prevent them passing that type of a law, but the States are limited in their ability to prevent the movement in interstate commerce of screenings.

Mr. SHORT. North Dakota, the State could prevent the sale of the weed seeds?

Mr. ALLEN. Well, Mr. Short, you are from North Dakota and I am from Minnesota. And the State departments of agriculture have been vying with one another up there, because there is a movement of screenings that are contaminated from Minnesota into North Dakota and from North Dakota into Minnesota. And all along the railroad rights-of-way of northern Minnesota into the State of North Dakota, along the railroad rights-of-way and the highway rights-of-way, you can go out there and see the weeds and see the effect of the transportation by truck of screenings. It brings a problem to both States.

Mr. POAGE. We appreciate your appearance here today, and we thank you.

Mr. OLSON. I just want to ask a question as to page 2, paragraph 3. I would like your comments on this statement:

It is our understanding that Canadian screenings grade designated No. 1 feed screenings, No. 3 feed screenings, and uncleaned screenings would not be considered "screenings" as defined under the Federal Seed Act as these Canadian grades are required to contain in excess of 35 percent crop seed.

It seems to me that this is something that ought to be looked into, and something done about.

As I read it you have no control at all here. Or do you have legislation that controls the noxious weed seed content in these categories of No. 2 feed screenings and the other feed screenings?

Mr. DAVIDSON. No; there is not.

Mr. OLSON. There is no legislation that does anything about the content of noxious weed seeds in these categories of screenings coming in?

Mr. DAVIDSON. That is right, sir.

Mr. OLSON. You could haul in screenings with about 65 noxious weed seeds, could you not?

Mr. ALLEN. I have seen some.

Mr. OLSON. If we are worried about weeds we best do something to remedy this situation also.

That is all I have.

Mr. POAGE. Thank you.

Mr. DAVIDSON. I have some samples if the subcommittee members would like to look at them.

Mr. POAGE. We will be glad to look at them.

We will now hear from Mr. Kendrick.

STATEMENT OF KEN KENDRICK, EXECUTIVE VICE PRESIDENT, NATIONAL ASSOCIATION OF WHEAT GROWERS

Mr. KENDRICK. Mr. Chairman, members of the committee, I appreciate the opportunity to file a statement for the National Association of Wheat Growers in support of H.R. 3607, a bill to amend the Federal Seed Act, as amended, with respect to screenings of seed.

The bill would place further limitations on the importation of screenings of all agriculture and vegetable seeds not now included in the act.

The National Association of Wheat Growers, at its annual meeting in Amarillo, Tex., in January 1964, adopted the following resolution:

Importation of screenings, weed seeds, and harmful insects: Since wheat screenings imported from Canada contain live weed seeds * * * Now, therefore, be it

Resolved, That the National Association of Wheat Growers work for legislation or regulations which would prevent the import of such screenings.

Mr. Chairman, my association respectfully urges H.R. 3607 be passed for the following reasons:

1. The Federal Government, our States, and thousands of individual farmers, each year are spending millions of dollars trying to control and eradicate noxious weeds in this country.

2. The present law now permits the importation of screenings of weed seeds, without any limitation on the weed seed content and there is great danger this could be the source of many infestations of noxious

weed seeds in the United States. This could happen either in the transportation of the screenings or when used as feed.

Many States now have laws requiring combines to be cleaned before crossing State lines.

Most all farmers using commercial combines for harvest require the operators to thoroughly clean the machines of all seeds before entering the field, to prevent possible infestation of noxious weeds.

3. We have surpluses of both wheat and feed grains in the United States. Every pound of screenings imported into this country is direct competition with our wheat and feed grain. It seems unreasonable to encourage the importation of several hundred thousand tons of feed stuff each year when the Federal Government is spending millions of dollars to reduce the quantity of feed produced in the United States.

The National Association of Wheat Growers recommends passage of H.R. 3607.

Mr. POAGE. I assume that you do not recommend the passage of the amendment?

Mr. KENDRICKS. Mr. Chairman, I am a farmer myself and I am presently representing the National Association of Wheat Growers and I would like to say that I certainly have a personal experience with this problem and have spent a great deal of money on my own farm trying to get this very problem of keeping noxious weeds off the farm. And every farmer, it does not matter what part of the country he lives in, has this problem. It is of real concern and it affects the value of the land.

Of course, my association is definitely interested in keeping the noxious weed seed out of our country.

Mr. POAGE. I assume that the Department is interested in keeping noxious weed seeds out of the country. I have no reason to question that. But I think that the real reason is what price do we have to pay to pass this bill.

The Department feels that they have got to pay a price. They apparently feel that it would be better to get part of what we need than to get all of nothing. The real question, I think, is, Do we think we are faced with all of nothing and is it your opinion that if we do not adopt this amendment that the feed interests are strong enough that they can wreck the passage of this bill? Obviously, if they can prevent the passage of this bill unless we adopt the amendment it might be better to amend it if by so doing they will help pass it.

Mr. KENDRICKS. I would agree with that.

Mr. POAGE. The real question is how strong is its opposition—can they defeat this bill if we do not adopt the amendment. I recognize that the passage of this bill will create enemies. I think the real question, so far as I see it, before this committee is, Do we want to take a chance?

Mr. SHORT. Mr. Chairman, you are perfectly correct. I have not been apprised of the fact of whether or not including this amendment in the bill would remove the objections that have been expressed to me in the past.

Mr. POAGE. We would like to have a favorable support of the bill.

Mr. QUIE. You speak of noxious weeds. I am trying to get this clear in my mind. I understand from what the Department said

that there would be no noxious weeds permitted, but that weeds which are not noxious would be permitted up to 100 seeds per pound; is this correct?

Mr. DAVIDSON. Yes; that is right.

Mr. QUIE. As a farmer, do you consider a difference in the class of weeds?

Mr. KENDRICKS. Yes, sir; I mean we have many weeds that in the normal course of operating the farm present no particular problem but then we have certain kinds of weeds, as the chairman mentioned, Johnson grass, and in my particular area we have the bindweed and the blueweed and, mister, I will tell you that if you ever get those in your farm, if they infest your farm, in most cases in order to kill them out you have got to kill the land for 3 to 5 years. You have got to kill the land.

Mr. QUIE. Those type of weed seeds would not be in the screenings—they would not be permitted to come in; is that correct?

Mr. KENDRICKS. That is the way that I understood the testimony.

Mr. QUIE. You say that they are different from some others in the general operation of your farm, these would be the 100 seeds per pound that would be permitted.

Mr. POAGE. It seems to me that once you allow these things to come in, the Department of Agriculture cannot inspect every batch of seed that comes in or every batch of screenings that comes into the United States. They are not going to do that. They will do it by a sampling process once in a while. It seems to me right clear that as to the mechanics of bringing in noxious weeds that if we do let somebody bring in these screenings, they will go pretty well over the country, and then somebody comes along from the Department of Agriculture and walks in on you and says, "You have some noxious weed seeds in here. You will have to quit using these screenings." And they have sent out carloads of these screenings that contain these weed seeds and they are scattered all over the country and they will slap him on the wrist—no question about that—"Naughty, you ought not to do it," but the seeds are here and will germinate next spring just the same as if the Department had not done anything. I just do not believe that they can stop the importation of these weed seeds if you import the screenings with these weed seeds in them.

Mr. QUIE. The situation right now with regard to those is that they can import noxious weed seeds in the screenings?

Mr. DAVIDSON. There is no restriction whatsoever.

Mr. QUIE. No restriction?

Mr. DAVIDSON. No.

Mr. QUIE. As a farmer do you think that 100 seeds per pound is more objectionable than to have 99 seeds to a pound, that the latter would be all right?

Mr. DAVIDSON. Are you asking me the question?

Mr. QUIE. Yes.

Mr. KENDRICKS. Yes, Mr. Quie.

Mr. QUIE. You had better answer the question, Mr. Davidson.

Mr. DAVIDSON. I think that the answer to your question is perfectly obvious, that certainly there is no difference between 101 seeds per pound and 99 seeds per pound, but we face the necessity of drawing the line on many of these things, and so we have attempted to draw it

at the place where it may be practicable of enforcement. We would hope that it would be possible to sample every lot of screenings that would come in. This will require funds, of course. And we still have the question of whether the weeds are there. This is what we do. We do sample every lot of seed that comes into the country and either refuse admission or permit its admission on the basis of the quality, including the weed seed content.

Mr. QUIE. What kind of check do you make on screenings now?

Mr. DAVIDSON. We have no check on screenings at the present time.

Mr. QUIE. None at all?

Mr. DAVIDSON. No, except that which we do for investigative purposes.

Mr. OLSON. The amendment does not seem very clear, Mr. Davidson. First it says that these screenings should be denatured. That means that the whole content should be denatured.

Mr. DAVIDSON. That is right.

Mr. OLSON. And then in the next portion it says not to contain more than 100 weed seeds per pound of denatured screenings. That is an admission that you cannot denature everything in there, is that not right?

Mr. DAVIDSON. Yes, I suppose that it could be interpreted that way.

Mr. POAGE. Let us hear from the people who are asking for it. We thank you, gentlemen.

Mr. Wilkens is here, vice president of the Minneapolis Grain Exchange, Grain Exchange Building, Minneapolis, Minn.

**STATEMENT OF GEORGE WILKENS, EXECUTIVE VICE PRESIDENT,
MINNEAPOLIS GRAIN EXCHANGE, MINNEAPOLIS, MINN.**

Mr. WILKENS. Mr. Chairman and members of the subcommittee, let me express my word of appreciation for being notified of the hearings and the opportunity to present testimony. And to express my thanks to Mrs. Christine Gallagher for writing to me.

My name is George Wilkens and I work as executive vice president at the Minneapolis Grain Exchange.

This organization is represented by about 440 individuals who are engaged in all phases of marketing, covering the whole gamut of the grain industry. Probably 120 to 150 companies represented at this marketplace. Not all of them are concerned with grain screenings. There is a limited number of them who are concerned with grain screenings, but as a staff member these individuals asked that I come down and introduce into the record some of their feelings.

And with your permission I would like to read three letters into the record.

Mr. POAGE. Yes, you may.

Mr. WILKENS. And then make some comments of my own on some materials which I have here and, also, to make mention of a few of the points that other witnesses have mentioned and to give my reasons for some of the things which they have stated.

Mr. POAGE. Certainly, you may.

Mr. WILKENS. I have a covering letter here from Mr. W. S. Walsh, of the Walsh Grain Co., in which he asks that I introduce this letter into the testimony, and this letter is dated July 23, 1964.

Mr. POAGE. It will be made a part of the record at this point.
(The letter dated July 23, 1964, follows:)

WALSH GRAIN CO., INC.,
Minneapolis, Minn., July 23, 1964.

Mr. GEORGE WILKENS,
Executive Vice President,
Minneapolis Grain Exchange, Minneapolis, Minn.

DEAR MR. WILKENS: Attached is a letter I have written to Mr. Harold D. Cooley, chairman of the House Committee on Agriculture, registering my objections to H.R. 3607.

In view of the fact that you will be in attendance at the subcommittee hearing on this bill in Washington, July 29, 1964, I hereby request that you act as my representative and read this letter into the testimony.

Very truly yours,

W. S. WALSH.

Mr. WILKENS. The letter he attaches is dated July 23, 1964, and reads as follows:

HON. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House Office Building, Washington, D.C.

DEAR MR. COOLEY: We are greatly concerned about the consideration being given H.R. 3607, a bill to prohibit importation of Canadian screenings.

It is believed that the overriding consideration in this legislative proposal is to protect U.S. agriculture in general, and North Dakota in particular from harmful weed seeds. North Dakota's interest stems from the fact that they produce more screenings than any other grain surplus State. In order for the proponents to have a case, they would have to request a restriction on all traffic in their own domestic screenings as well.

In checking the testimony presented at hearings on this same matter in 1962, we note that the leading endorsement of the bill came from a company of screenings handlers who through their several North Dakota elevators control the screenings business in that State. This prompts the obvious question, were these people concerned with "harmful weed seeds" or were they endeavoring to limit competition for their own private benefit?

For your information, a survey we have made of the feed industry proves that before any of these Canadian screenings are used in the United States, they are finely ground and processed to the point where the germination potential of the weed seed is destroyed. Laboratory tests prove that viable seeds in processed screenings is not a problem.

Through research at our universities and colleges, it is a well-established fact that processed screenings are a valuable feed in the livestock industry. The proposed ban on the importation of Canadian screenings would work an unnecessary financial hardship on the already sorely tried beef producers in this country, because they have found that ground pelleted screenings are not only very nutritious, but also their most economical feed.

If H.R. 3607 were to pass, it would serve to bring about a further imbalance in our agricultural trade with Canada. According to our Department of State, our friends in Canada each year purchase U.S. commodities in about double the dollar amount of agricultural production we buy from Canada. Instead of thinking of curtailing, we should be looking for ways to step up our commodity buying in that country.

In view of the foregoing, plus the fact that no real evidence has been presented to show that processed screening contribute to the weed seed problem in the United States, we respectfully request that this bill be disapproved by your committee.

Very sincerely yours,

WALSH GRAIN CO.
W. S. WALSH

Mr. WILKENS. I have another letter which is from Mr. John P. Fudali, requesting that I read this letter, also, into the record.

Mr. POAGE. That will be made a part of the record.

(The letter dated July 24, 1964, follows:)

HIAWATHA GRAIN CO.,
Minneapolis, Minn., July 24, 1964.

MR. GEORGE WILKENS,
Executive Vice President, Minneapolis Grain Exchange, Minneapolis, Minn.

DEAR MR. WILKENS: The enclosed letter to Chairman Harold D. Cooley of the House Agricultural Committee outlines our position on H.R. 3607.

Will greatly appreciate your putting on record our opposition to this bill by presenting this letter at the hearing you will attend in Washington on Wednesday next, July 29, 1964.

Sincerely yours,

JOHN P. FUDALI, *Partner.*

MR. WILKENS. This attached letter is dated July 24, 1964, and follows:

HON. HAROLD D. COOLEY,
*Chairman, House Agricultural Committee,
House Office Building,
Washington, D.C.*

DEAR CONGRESSMAN COOLEY: Hiawatha Grain Co. was founded in 1920 and has specialized in screenings for 44 years. We take pride in our record of achievement in destroying viability of weed seeds found in grain screenings by grinding and pulverizing. Our efforts through the years have established our ground screenings as a useful, economical nutrient used by many feed manufacturers as a base ingredient in some of their cattle feeds for both dairy cattle and steer fattening.

Nature has a way, through weather regulation, of producing weed seeds despite man's advances in chemical weed spraying and we feel we are making constant contributions, year after year to the weed control program through our processing and marketing of screenings.

Our normal supplies of screenings are drawn from country elevators in the Dakotas and Minnesota and the terminal elevators in Duluth, Superior, and the Twin Cities. We draw supplemental supplies from Canada, both for blending with our domestic screenings and when domestic supplies are scarce. We have had many years during which we have purchased no Canadian screenings, others when the purchases have been comparatively small, and still other years when our Canadian purchases have approximated 50 percent of our total purchases. Some of our Canadian screenings purchases during drought and war years have been quite large.

We find it is necessary to be in position to supply our customers with a relatively stable flow of our ground products to insure their continued use in their registered formulas. Canadian screenings fill the void in times of scarcity and act as a balance wheel in keeping our ground screenings products economically attractive. These economic factors, which tie in Canadian screenings with our domestic supplies, have kept us practicing what we feel is the No. 1 weed control project benefiting our agriculture.

Only time could clearly establish the many harmful effects a disruption of the long-established trade with our neighbor, Canada, would have on our economy. Labor, the railroads, feed manufacturers, dairy farmers, beef producers, as well as the screenings industry, are just a few of the groups which this bill will affect adversely.

We feel this bill is acutally not proper Federal legislation, as it is in fact, a type of class legislation, giving an advantage to one State, North Dakota, which it did not previously enjoy, over other States who would be adversely affected.

We hope that your committee, after careful investigation of the facts, will not approve H.R. 3607.

Sincerely yours,

HIAWATHA GRAIN CO.,
JOHN P. FUDALI,
Partner.

MR. SHORT. May I point out that this bill, I do not believe, refers to North Dakota. It refers to imports of screenings from Canada—it refers to the importation of screenings containing noxious weed seeds. North Dakota happens to be interested in this, of course, but

I do not know that they are any more interested than is the State of Minnesota or the State of Montana or any other State, for that matter, and I suppose that all the States along the line are interested, but I do not know that they are any more interested than the States that are going to be the recipients of these seeds containing screenings of noxious weed seeds.

Mr. WILKENS. I expect that the response and the testimony which I read into the record is prompted in part from a reading which these men did of the testimony of May 10, 1962, on H.R. 5546, and real conspicuous to them is the testimony which was introduced into the record by Mr. Otis Tossett and all of the first six telegrams that he presented. Five of them were signed by Kurda Mills, Inc. These people know the men who run these companies and they are the competition they are dealing with and they are at the head of the list, you see, of the proponents of this and that is why they look at these particular people, you see.

These companies are owned by an Iowa concern. And this brings up a point that Mr. Allen pointed up a minute ago of restricting it interstate. Here you have an Iowa-owned firm operating at six or seven locations in North Dakota, and their prime business is the movement of these products from one State to another. That is why these men, naturally, look to their competition as one of the proponents of this particular measure and they see them in this testimony and that is why they mentioned North Dakota.

Mr. POAGE. Would you be willing to accept this bill if we would extend it to interstate—would your principals be willing to accept it; not to move any of these screenings in interstate commerce?

Mr. WILKENS. I am not recommending what this committee should do or what position they should take. All I am saying is that these men, dealing in these products through the Minneapolis market, where they have absolute control of all of it and all of the products are put through grinders before they are distributed—and I point out again the real distinction, that all of the people testifying this morning have made, that there is a real distinction between noxious weeds and common weeds, and to be practical, as Mr. Davidson said, there are limits to which you can go in common weeds. On noxious weeds everyone is unanimous that we do not want to distribute noxious weeds. And these people in the industry are 100 percent convinced that they can destroy these noxious weeds. It is a matter of physical science.

Mr. POAGE. There is no question about this.

Mr. WILKENS. Look at the noxious weeds as against the common weeds. Noxious weeds, the size of them, are comparatively large as compared with the common weed seed such as pigweed, and when you talk of viable seeds still remaining, you are not talking about noxious weed seeds, you are talking about common weed seeds.

Mr. OLSON. May I ask one question there? In connection with your testimony you point out the absolute control you have as to these seeds. What about the transporting of them? According to the testimony you do sort them at the mill when you get them. What about transporting them down here—what happens then?

Mr. WILKENS. The industry that I am talking about deals strictly in terms of carloads. These are confined to boxcar units. The chance of adding to the weed problem in the United States in trans-

porting them into this country to the plants where they are processed is not a factor in my opinion. I think that the movement and the problem of movement in open trucks across the highways presents a problem and this is what Mr. Allen mentioned a moment ago. And I say to Mr. Allen when he speaks of the weed seeds along the roads, is he sure that they came from the trucks and not from other transportation?

We import millions of bushels of oats and barley and all of these things could still be in these products and I think that there is a much greater chance that they are distributing weed seeds in the United States, really, through these products than through screenings because of the way screenings are specially handled and treated.

Mr. SHORT. Let us get this point straight. You are saying that all screenings imported into the United States move in by rail—are you ready to stand on that 100 percent, that none of it comes in by truck?

Mr. WILKENS. No, sir, I am speaking of the industry that I am talking for here today. These men have plants located—

Mr. SHORT. Let us find out who you are talking about—are you talking for the feed processors or are you talking for the handlers, the commercial handlers who import the screenings? If I understand it correctly, these people do not process themselves. They are handlers. They import the screenings and pass them on to different people who use them. And this might include even the farmers, might it not?

Mr. WILKENS. I am not speaking for the itinerant trucker who may go and get a load of screenings and haul that load across into North Dakota on a North Dakota highway. I think that is contrary to good farm practice, good intelligence.

Mr. SHORT. Just a minute. We know that there are thousands of truckloads of grain of all kinds that pass out of North Dakota and into Minneapolis and the like. Are you telling us that no screenings come out of Canada by truck into the Minneapolis area?

Mr. WILKENS. I cannot guarantee that no truckloads come in. "All" is a pretty inclusive word and "never" is a long time. I would not say that there are not some. I am willing to say that the industry I am talking about is willing to certify to any regulatory body that these will be hauled in closed vehicles, that they positively will certify that they will go to a plant where they will be processed under these special conditions.

Mr. SHORT. This does not cover all of the imported screenings.

Mr. WILKENS. I am well aware of that.

Mr. SHORT. Under the present law there is nothing to prevent a farmer, or a livestock feeder from going into Canada with his own trucks, or other people doing so and bringing screenings into the United States. You are talking for, probably, the largest users of screenings.

Mr. WILKENS. That is right. I am talking for a group that wants to be responsible, to prevent this distribution of noxious weed seeds, that it shall be properly dealt with. If you look at the testimony in 1962 you will find that some of these men suggested, probably, that the worst problem was the itinerant trucker of screenings across the Canadian border. And they were not for one minute suggesting that this was not something that ought not to be dealt with but to flatly deny the right to import screenings, as to who would be responsible

and to introduce it into the livestock trade where it has definitely proved to be useful as a feed, that this was unfair and in their words "class legislation" that they thought was wrong.

Mr. POAGE. You have one more letter that you want to read into the record.

Mr. WILKENS. Yes. This one is dated July 27, 1964, and is addressed to you, Mr. Chairman.

Congressman W. R. POAGE,
Chairman, Subcommittee on Livestock and Feed Grains,
House Office Building, Washington, D.C.

DEAR SIR: Please be advised that we are opposed to the enactment of the proposed bill regarding importation of seed screenings (H.R. 3607).

If passed, we feel that besides disrupting trade relations with our Canadian neighbors, it will be harmful to our own economy in the United States.

The backers of this bill are claiming that we have enough feed screenings in our own country without importing them.

May we suggest that you check into the records in order to see who these backers are. We are sure that you will find a small group, primarily from North Dakota, who are very active in the merchandising of North Dakota screenings. They want to stop the importation so that their own product will become more valuable.

Another claim is that the importation of Canadian screenings spreads noxious weed seeds throughout the United States.

These screenings are processed, as pointed out in past investigations, to the point where it practically destroys the viability of any weed seeds contained therein.

I am sure that in your careful investigations of the facts, you will vote against this bill.

Yours truly,

W. F. PEDERSEN, *Commodity Division.*

Mr. POAGE. Now, do you have some comments of your own to make?

Mr. WILKENS. Yes. The inference has been made in the earlier testimony and again today that screenings are an undesirable feed ingredient and the connotation is that it is bad.

Actually, many tests have been made, and this is an argument you can get into any time you talk with a group of cattle feeders. One will say that there is no way to fatten livestock except to feed them corn. Another feeder will say that there is absolutely no way to successfully get along in the cattle business unless you use corn silage and alfalfa hay and another one says that pelleted barley is the only way to get along in the cattle business.

Well, it happens there are some people in the cattle business who say that the only successful venture is to use processed screenings. Some have demonstrated that this is true.

Back on September 9 and 10, 1957, the University of Minnesota, Institute of Agriculture, sponsored a short course on animal nutrition.

I just want to underscore a couple of statements made by Mr. A. J. Woods, professor, animal nutrition, University of British Columbia, Vancouver. And he pointed out, apparently he had been asked to make certain tests on screenings, and made comparisons of the nutritive value of screenings as against wheat, as against oats, as against barley, and compared the proteins, compared the fats, compared the nitrogen-free extract and found that they are not too different whether they are weed seeds processed or barley or oats processed. In terms of flavor, yes, these ingredients are high in protein, no question about it. That is why they are processed and added to rations that are used for feed.

Earlier there were statements made about devitalizing weed seeds, denaturing, I think was the word that was used, and here is a statement made by Professor Woods. And this is on viable weed seeds count and it reduces the weed seed count levels commonly found in normal feed supplements.

I notice that Mr. Davidson quoted a certain individual or an authority who said that there is evidence that seeds, including screenings, are one of the disseminators of weed seeds. Now, this did not say that they, the screenings, necessarily were the culprit. You see, you can take any kind of feed grain and it has weed seeds in it if it is ground by ordinary standards, and these could be noxious. In the ordinary grinding of grain they could pass through an ordinary burr mill. The point I am making is that these products, the way they are pulverized is way and beyond the standard of grindings that are used in ordinary grindings of ordinary seeds. So it could well be that this could be a true statement that weed seeds could be distributed through seeds that include screenings, but the challenging point still is that they come out of the ordinary ground grains; that is, did they or did they come out of the pulverized portion which had these screenings in them.

As to the rate of gain from these products, Dr. Woods mentions that they were very favorable. He went over the matter of the carcass quality and it has been comparable with that obtained with regular feed. And that there is a tendency for the fat to be whiter. There is no evidence of any taint or offal flavor which has been encountered in any cattle in the test.

Mr. POAGE. Is he a Canadian?

Mr. WILKENS. Yes.

Mr. POAGE. He has not had much luck in convincing the Canadian Parliament of the validity of his findings, has he; that is, the Canadian authorities? I mean, the Canadian Parliaments in the various Provinces of Canada have been rather convinced that these screenings were rather dangerous and that they would not let them come in.

Mr. WILKENS. Well, as I said, 2 years ago before this committee there was a real issue made of the products not being permitted to go north, and I see no economic reason why anyone should want to move them north.

Mr. POAGE. Canada will not let them come in and the only reason they have for that law is because they are very seriously concerned and very much afraid of this remote chance of these weeds coming in. In fact, there was no economic reason for their going north and there would seem to be less reason for a law in Canada than there would be in the United States for that matter, yet they passed a law because they consider them quite dangerous, do they not?

Mr. WILKENS. No, I will put it in a different interpretation. I would put this interpretation on it, that to move them is very unlikely, it is very unlikely that it would ever occur.

Mr. POAGE. If there is no danger from them, why would they have such a law?

Mr. WILKENS. This is quite a bit different. I do not think it has any real bearing on whether they thought they were real serious or not.

Mr. POAGE. You quote a Canadian professor as an authority that the products are not dangerous. I can quote the Canadian lawmakers to the effect that they felt that they were dangerous.

Mr. WILKENS. May I just pass these samples up to you? You may like to take a look at them.

Mr. POAGE. Yes. We will be glad to.

Mr. WILKENS. This one is a typical grain sample. Here is another typical screenings sample. They actually screen these for their content, and there is some heat engendered. In the screenings they generate some heat, so that these are actually heat treated as well as grinding treated. And furthermore, they are treated with chemicals.

Mr. POAGE. These seeds may be viable.

Mr. WILKENS. I know they are viable. All of those seeds are. The point I am making is that these are the types that are screened. The tests will show this.

These companies are responsible and guarantee that they will be free. This is the point which I contend you should make, the decision between ordinary weed seeds and noxious weed seeds.

Mr. Davidson can correct me on this but I think that most of the noxious weed seeds are physically quite large with heavy leafy spurses.

Mr. DAVIDSON. I am sorry, but I will have to disagree with you. The samples that I referred to this morning as having been ground or denatured by grinding still contain 1.8 percent of weed seeds. They did contain a substantial number of quack grass seeds. The seed in its entirety with the chaff or the glume over it appears large, but you remove this and you have what is called the caryopsis, which is rather small, and it will germinate and make a very nice plant.

Mr. WILKENS. All I can say is that your statement is one against the statement of the people in this industry who say that it positively cannot happen. We will have to prove it. They say that there is not the remotest chance of a quack grass seed getting through this process.

Mr. DAVIDSON. There is a difference in grinding.

Mr. WILKENS. Certainly. This industry that I am talking about is not for 1 minute wanting to distribute noxious seeds in the United States. They want to be responsible people and assure this committee and any other supervisory authority that they will undertake processing that will not distribute noxious seeds.

Mr. POAGE. Would you be for this bill with the amendment that was talked about before?

Mr. WILKENS. I certainly could not say positively what they could do, without checking with them. I would say that they probably would. That would be my guess.

Mr. POAGE. There would be no purpose in putting it on unless your people would then support the bill.

Mr. WILKENS. I am not speaking for them at this time. I can check that for you. I have no authority to speak for them at this time on that. I can check it for you. I was not aware of this before.

Mr. QUIE. With this amendment on you would have to denature your screenings before they are put out.

Mr. WILKENS. This would be done at certain control locations. This is not uncommon in the trade.

Mr. DAVIDSON. Yes, that is a possibility.

Mr. WILKENS. It would not have to be at the border—it might be at some other location.

Mr. QUIE. In the first part of that amendment it states screenings would be denatured. And that it would not contain noxious weed

seeds. It would be 100 seeds per pound. And if it is 101 seeds per pound, they would get slapped down and if it was 99 seeds per pound it would be OK.

It seems to me that if they are denatured there cannot be any difficulty.

Mr. WILKENS. Have you seen some of the drill tests that the universities make of seeds that the farmers actually plant in their fields?

Maybe Mr. Davidson has seen some of those. With that number per pound does it not get up into that count sometimes?

Mr. POAGE. Thank you.

Mr. WILKENS. Thank you, Mr. Chairman and members of the committee.

Mr. POAGE. The committee will go into executive session now. We appreciate your attendance here.

Mr. ALLEN. I think there is one statement that might be made. This is not with reference to screenings necessarily but there are many, many truckloads and carloads of screenings that are in interstate commerce that are brought onto the farms and fed whole without any grinding. And this is a very serious threat. And they contain noxious weed seeds.

Mrs. MAY. Before we go into executive session, if I may, I should like to have permission to have included in the record these telegrams I have received.

Mr. POAGE. Without objection they will be included in the record. (The telegrams follow:)

SEATTLE, WASH., July 28, 1964.

Re H.R. 3607.

HON. CATHERINE MAY,
House Office Building,
Washington, D.C.:

Concerning import from Canada on grain screenings, it is of utmost importance to maintain import and orderly marketing into the State of Washington. Adequate laws exist and are enforced in Washington State to completely eliminate possibility of spread of viable weed seed by reason of compulsory grinding and pepping at high temperature to completely devitalize noxious weed seed. Depressed cattle prices and critical financial condition of our cattle feeders necessitate continuance of this inexpensive though good quality cattle feed. Verification of these laws and enforcements available from Director of Agriculture at Olympia, Wash. Please do utmost to maintain perpetuation of this vital feed to our ailing cattle industry.

D. C. McCLINTICK,
WILBUR-ELLIS Co.

SEATTLE, WASH., July 28, 1964.

Re H.R. 3607, importation of screenings.

Mrs. CATHERINE MAY,
House Office Building,
Washington, D.C.:

The feeding industry, especially the cattle business, need Canadian by-products. Mr. Short should police his own State. We in the State of Washington have no problems. The Department of Agriculture has set up strict controls and we have the endorsement of our State director.

ARTHUR R. HILL, INC.

Re H.R. 3607, importation of screenings.

Representative CATHERINE MAY,
Member of the House Agricultural Subcommittee,
Washington, D.C.:

There is complete agreement to properly control the spread of viable weed seed. However, there are already control measures that can do this. H.R. 3607 is too drastic a solution and will place an unjust burden on our cattle feeders. Regulation of present laws can be used in specific areas if laxity has created problems.

GLOBE FEED MILLS,
B. I. LAWSON.

EVERETT, WASH., July 28, 1964.

Congresswoman CATHERINE MAY,
House Agricultural Subcommittee,
Washington, D.C.:

H.R. 3607, importations of screenings, it is imperative to the survival of the cattle feeders in the State of Washington that screenings not be curtailed from coming into this State from Canada. We have adequate laws through our State of Washington Department of Agriculture to control viable weed seeds. H.R. 3607 is too drastic a solution and will place an unjust burden in our cattle feeders.

CENTRAL FEED MILLS, INC.,
MEL ERICKSON, President,
Snohomish, Wash.

SEATTLE, WASH., July 27, 1964.

HON. CATHERINE MAY,
House Office Building,
Washington, D.C.:

H.R. 3607 importation of screenings.

There is complete agreement to properly control the spread of viable weed seed. However, there are already control measures that can do this. Regulation of present laws can be used in specific areas if laxity has created problems. H.R. 3607 is too drastic a solution and will place an unjust burden on our cattle feeders.

WASHINGTON STATE FEED ASSOCIATION, INC.

BURLINGTON, WASH., July 28, 1964.

HON. CATHERINE MAY,
House of Representatives,
Washington, D.C.:

Please defeat H.R. 3607 as this is a South Dakota problem and not ours. The cattle feeders here use many thousands of tons of this item to good advantage in their cattle feeding operations.

J. W. FEED CO., INC.

(The following statement was also submitted to the subcommittee:)

STATEMENT OF WILLIAM HECKENDORN, EXECUTIVE SECRETARY, AMERICAN SEED
TRADE ASSOCIATION, WASHINGTON, D.C.

Mr. Chairman and members of the committee, my name is William Heckendorn and I am the executive secretary of the American Seed Trade Association, with headquarters in Washington, D.C.

We represent, probably, about 700 members located throughout the United States who are engaged in the growing, harvesting, conditioning, and distribution of seed. We have to contend with the Federal Seed Act, which is a regulatory law requiring us to label our seed, not only as to its purity, but as to the noxious weed content and inert matter as well.

Our interest in this particular legislation is more directly from the fact that all of the seeds that we handle are produced on the farms of the United States or of Canada or of some other country and to begin with, the weed seed with which we must deal in the distribution of seed in the United States is in the

seed at the time that it is produced. So we are, naturally, interested in anything that is going to control the increased production of weed seed, because it increases the problem of having to remove the weed seed before the seed can be shipped freely in interstate commerce and intrastate commerce.

We are not the ones that really should be protesting the importation of this particular type of commodity. Nevertheless, to the extent that it does get into the commerce of the country and does increase the weed problem in the country it increases our problem in having to remove the weed seeds before we can properly label our seeds for channels of commerce. For that reason we would feel that something should be done to restrict the commerce in weed seeds wherever it can be done. This would be one means of prohibiting or, at least, eliminating the spread of weed seeds from farm to farm. Wherever a commodity is shipped in a concentrated form, such as the screenings would be shipped in carload lots you would, naturally, have a greater concentration of weed seeds in that particular lot than you would have in a carload of wheat, for instance.

The contamination that could result from the leakage from cars, from State to State, as it goes from one State into another State, which, probably, would be far greater from that point of view than would be the contamination arising from a carload of wheat shipped from State to State.

It is peculiar that the American Seed Trade Association should be opposed to the importation of weeds, but, on the other hand, we are not opposed to the importation of seed; that is, that is clean. And that does meet the conditions provided for in our Federal and State seed laws.

It is the position of the American Seed Trade Association that the seeds serve a greater economic use in our country than do the weed seeds. It would be our thought, I believe, that if these screenings were to be permitted to come into this country that they should be rendered sterile in some form, so that they would not be viable and would not germinate, and would not grow, should they find their way into the soil of our farms.

Our weed problem is a big problem. We have to contend with it in every lot of seed that we handle. It is practically impossible to produce a lot of seeds that will be free of weeds. As an example, in Michigan we have been carrying on experiments there for over 50 years on soil tests that were taken up some 50 years ago, and a part of that soil is taken out each year and subjected to growing conditions, whereby moisture and heat would be added to determine how long weed seeds will germinate. Well, gentlemen, they are still germinating. So it is necessary for us wherever we can to try and eliminate the spread of weed seeds in the United States.

We are not the ones, probably, that should be protesting this as vigorously as some of the other folks, but, nevertheless, it is a problem insofar as the seed industry is concerned and we support the legislation.

I thought the committee had done a very good job when I saw the report that it had been reported out with the recommendation that it be passed, but here I am again. So I hope that what I have said will be useful to the committee.

MR. POAGE. The committee is adjourned subject to the call of the Chair.

(At 12:05 p.m. the subcommittee adjourned subject to the call of the Chair.)

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