STATUS OF PENDING WATERSHED PROJECTS

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BEFORE THE

COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES

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STATUS OF PENDING WATERSHED PROJECTS

WEDNESDAY, JUNE 19, 1968

House of Representatives,
Committee on Agriculture,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m., in room 1301, Longworth House Office Building, Washington, D.C., Hon. W. R. Poage (chairman) presiding.

Present: Representatives Poage, Abernethy, Jones of Missouri, Stubblefield, O'Neal, de la Garza, Vigorito, Jones of North Carolina, Nichols, Montgomery, Rarick, Belcher, Teague of California, Dole, Goodling, Miller, Burke, Mathias, Mayne, Zwach, Kleppe, Price, and Myers.

Also present: Christine S. Gallagher, clerk; and William C. Black, general counsel.

The Chairman. The committee will please come to order.

This morning we are met to discuss the problems of watershed projects. We have with us Mr. Baker, Assistant Secretary of Agriculture, and Mr. Hughes, Deputy Director of the Bureau of the Budget. Those agencies are directly concerned with this watershed program.

I wonder if the best way to approach this might not be for you two gentlemen to give us your understanding of the present situation and the prospects for the resumption of this desirable program, and then let us go to questioning and discussions?

You may do it any way that you would like, but we want to discuss this program. It may be that each one of you will care to have something to say, but if you do not, that is all right, too.

STATEMENT OF PHILIP S. HUGHES, DEPUTY DIRECTOR, BUREAU OF THE BUDGET

Mr. Hughes. Mr. Chairman, I would be pleased to comment very briefly. I have no prepared comments. I think probably, for most of the time we are before you, that the most useful purpose I could serve, and perhaps Mr. Baker also, is to respond to your questions as best we can.

With regard to the present situation—and developments since the time roughly a year ago—perhaps a little more—when I was before the committee, we have jointly made a number of efforts to resolve the procedural impasse. We have not been successful.

There have been a couple of new developments of rather major significance, it seems to me, in the situation—really unrelated to the procedural problem but affecting it. In any event, one of these has been the fund restrictions which have overtaken any problems with the project authorization process. Fund limitations have greatly limited

the new starts which we could proceed with. This development tended to push into the background and make somewhat moot the procedural problem. Also tending to make the procedural problem moot, was the President's decision that he would not accept the nomination for the Presidency next term.

As you know the Presidents in the past have taken somewhat different views on this matter. Whoever is President in January will have the need to take a fresh look at both the procedure and the program. And I hope that this will provide an opportunity for a resolution of the difficulty and getting on with a program that has been highly useful and productive.

That is the situation, as I see it Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Hughes.

We will hear from Mr. Baker, before we go into questioning.

Do you have something that you would like to say to us, Mr. Baker?

STATEMENT OF JOHN A. BAKER, ASSISTANT SECRETARY OF AGRICULTURE, DEPARTMENT OF AGRICULTURE

Mr. BAKER. Mr. Chairman, Mr. Hughes has outlined the basic situation. Whether we have funds available or not, Mr. Hughes has outlined the basic situation; but saying it more briefly, even if we had all the approved projects ready to go, it would still be impossible to allocate money to these projects to make new starts on them, partly because of the uncertain fiscal feature and because of the large number of projects that we already have under construction.

I will be glad to respond to any questions that you or the members of the committeee may have.

The CHAIRMAN. These comments raise two or three questions that ought to be clarified.

Mr. Hughes mentioned the financial limitation.

Just how much progress has been made in the financing this last year?

Mr. HUGHES. I do not have the specifics for the funding, Mr. Chairman. As I understand the current situation, there were in 1967 a total of 53 projects transmitted to the Congress. I believe 40 of them to this committee, and all of those were approved by the committee. These were "eligible" projects under the general ground rules which the President set.

As for budgeted new starts for fiscal 1969, under the 1969 budget level prior to any adjustment for the $6 billion reduction, about $600,000 was programed perhaps, roughly $15,000 per project. What the ultimate situation will be in 1969 will depend on the extent of budget reductions.

The CHAIRMAN. I do not follow you at all.

So we may understand it better, if you have figures—of if you do not have them now, I think it is of importance to get this in the record today.

What was the appropriation for fiscal 1967?

Mr. BAKER. The appropriation for fiscal year 1967 was $56,783,000.

The CHAIRMAN. How much?

Mr. BAKER. $56,783,000.

The CHAIRMAN. For 1968?

Mr. BAKER. For 1968, Mr. Chairman, it is not quite that simple, but I will give you all of the figures.

The original appropriation was $61,700,000, from which $15,510,000 was subtracted for reserves.

The CHAIRMAN. Let us get that straight now. The appropriation passed by the Congress and signed by the President was $61,700,000?

Mr. BAKER. That is correct.

The CHAIRMAN. And the executive branch decided not to spend $15 million; is that not right? There was not any cut in the appropriation, was there?

Mr. BAKER. This $15,510,000 was under Public Law 490 and the executive branch was directed to use its discretion not to spend a certain amount that had been appropriated, not item by item but as an overall.

The CHAIRMAN. The Department was directed by the executive not to spend so much money on this watershed program?

Mr. BAKER. That is right.

The CHAIRMAN. That is related to the entire appropriation?

Mr. BAKER. That is correct.

The CHAIRMAN. And how much was that in total, do you know?

Mr. BAKER. Originally, Mr. Chairman, it was $15,510,000.

The CHAIRMAN. That is on the watershed program. Do you know how much otherwise?

Mr. BAKER. No, I do not have those figures. Possibly Mr. Hughes may have it.

Mr. HUGHES. I do not recall. I can furnish the total reduction.

Mr. BAKER. Because of new developments brought to our attention by the committee and members of the House Agricultural Appropriations Subcommittee, $8,795,000 was released for additional work of improvements.

The CHAIRMAN. Do you mean that left a net of $6,200,000?

Mr. KLEPPE. $6,725,000.

The CHAIRMAN. $6,725,000?

Mr. BAKER. Then, subsequently, there was additionally released $1,071,000 for pay costs, salary increases.

The CHAIRMAN. And that left?

Mr. BAKER. That left a net of $5,644,000.

The CHAIRMAN. There has been an increase in appropriations of what— $6,000,000?

Mr. KLEPPE. That is $5 million, Mr. Chairman—that is $5 million, the increase over 1967. No, it is just a little bit under $5 million.

Mr. BAKER. The net available was almost identical.

The CHAIRMAN. As to what it had been the year before?

Mr. BAKER. What it had been the year before, that is correct.

The CHAIRMAN. Let us get back to this other. The net available in 1968 was almost exactly the same net available in 1967?

Mr. BAKER. The two figures are—the appropriation for 1967 is $56,783,000 and the net available on the NOA after all adjustments down or up for 1968 appropriations, the net NOA available was $56,066,000.

The CHAIRMAN. I see. Now, then——

Mr. BAKER. Now, for 1969, just to make the record complete, Mr. Chairman—this is complicated. The original budget estimate was based on the expectation that the $15,500,000 reserve would be carry-over funds, going into fiscal year 1968. In addition to that, the President asked for $32,915,000 which would have made the 1959 program almost at the same level as the previous two yeras. The House bill——

The CHAIRMAN. I do not see how that would happen. That is over $47,900,000.

Mr. KLEPPE. That comes out to $48,400,000.

The CHAIRMAN. $48 million, yes.

Mr. KLEPPE. Which is about $8 million below 1967 and 1968.

The CHAIRMAN. Yes, sir.

Mr. BAKER. The House appropriations bill carriers $55,767,000. The Senate appropriations bill carries $57,454,000—somewhat higher than the House bill, and they have not gone to conference yet, and out of that will have to come whatever allocations of the $6 billion cuts in the tax bill are made.

The CHAIRMAN. Yes. In other words, for those 2 years it has been almost exactly the same. The amount contained in the two appropriation bills for next year is almost what we have been having for the past several years. There will be some cuts on that.

What I am getting at is that I do not understand how the fiscal stringency has reduced the amount of money available for the last couple of years. Mr. Hughes indicated that the fiscal limitation has slowed the program down. I do not follow that.

How did the fiscal limitation slow the program down?

Mr. HUGHES. Mr. Chairman, the ongoing program has been an accelerating program. The authorizations have grown year by year. The backlog of authorized projects can fill the funding capability reflected in the figures that Mr. Baker has given you.

The CHAIRMAN. I think it is quite clear that historically the Appropriation Committee has not been appropriating as much money as we have been authorizing for these projects. That is what you mean, is it not?

The projects which have been authorized by this committee, have in total, cost more than the amount of money appropriated by the Appropriations Committee. I think that is very true. For a number of years that has been true, and for a number of years I have been suggesting that we needed $100 million a year program here and we have been getting about six-tenths of that amount.

So, obviously, we have been building up a backlog, a backlog that we have not paid for. I think that is true. It does not make it impossible to approve a project. It may be that we should take the position that until the Appropriations Committee appropriates more money we ought not to approve any more projects. Would you suggest that would be wise, as a solution?

Mr. HUGHES. Certainly, I think that is a matter in the discretion of the committee, Mr. Chairman. We have not suggested that, however. However the backlog, as you have pointed out, is a substantial one, and that is a significant part of the current picture, as I see it.

The CHAIRMAN. But it has not been the basis for holding these projects up. That has not been the reason, has it?

Mr. HUGHES. No, sir; not since we had our prior discussion.

The CHAIRMAN. You have never held projects up for that reason, have you?

Mr. HUGHES. That is correct. We have forwarded them for authorization, and what we are talking about here is the funding capability.

The CHAIRMAN. That is correct. I take it that it is obvious that next year we will probably have less money available. Of course, if the appropriation is split somewhere between the House and the Senate or even if you take the larger figure which gives you about $2 million more than the House bill, even if you take the larger figure of the Senate and anticipate that there will be some cuts from that, we will not have the $57 million available. You do not anticipate that we will have $57 million next year, do you?

Mr. HUGHES. For my part, Mr. Chairman, I would assume that some portion of the $6 billion reduction will be borne by public works and by this program.

The CHAIRMAN. We will try to anticipate it as it will probably be true that we will have some less money next year. Let me see if I understand where we are now. I do not want to take all of the time, but maybe I can get this in the record, and we can understand it. As of last week, there were, according to this list, 41 projects pending before the Department of Agriculture—41 projects that have been there since January of this year; is that correct?

Mr. BAKER. I can give you the exact number, Mr. Chairman, of the projects that are in different categories towards final initiation or final approval.

The CHAIRMAN. We have a list here that came from the Department of Agriculture that shows that.

Mr. BAKER. The list, Mr. Chairman, shows 26 in the category you just mentioned. My list shows 26 in that category.

The CHAIRMAN. That is since you took out the 15 that you sent up here; is that not right?

Mr. BAKER. Then, there are 15.

The CHAIRMAN. Let us get that clear.

Mr. BAKER. Yes.

The CHAIRMAN. That is since you took out 15?

Mr. BAKER. That is correct.

The CHAIRMAN. In other words, there were 41.

Mr. BAKER. That is correct.

The CHAIRMAN. Until we complained and then you sent some up, and you came up here, because we said we wanted to talk to you.

Mr. BAKER. You received those. I was afraid that you had not gotten them yet.

The CHAIRMAN. We have not received them yet, as a matter of fact. Have you, Mrs. Gallagher?

Mrs. GALLAGHER. (the clerk). No, sir.

The CHAIRMAN. You understand, do you not?

Mr. BAKER. I asked that they be delivered by special messenger.

The CHAIRMAN. They have not come to us, as yet.

Mr. BAKER. I understand that.

The CHAIRMAN. I suppose they have actually gone to the Speaker. The committee has not officially received them. We understood that you did send 15 up, of which nine I believe go to this committee and six to the Public Works Committee. I think that is correct.

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We felt that it was important to know why you kept so many projects down there. Obviously, this committee cannot give the consideration that we would like to give to projects when they are not sent up here for us to consider. We have explained that. We went into that last year. We had hoped that the Department would understand our problem then. You sent us a lot of projects right at the end of the year last year. We had hoped that we might get them in, in a more orderly manner this year. And we were wishing that we would get them before the rush at the end of this session. It does place what we think is an unnecessary burden on this committee for you to hold those projects. They have been held for some time, and yet we feel, in all fairness, they ought to be presented. Just why do you hold those projects?

Mr. HUGHES. Mr. Chairman, I am sure that normal processing is responsible for part of the delay here. As I understand it, we have within the Bureau—I am not sure how these figures fit with those of Mr. Baker's—but we have 20-odd projects.

Mr. BAKER. Twenty-six.

Mr. HUGHES. Which have been received, I believe, within the last month from the Department. We will review those promptly and present them to the committee.

Now, we have endeavored to proceed on all of these projects in a timely fashion. The transmittal of our clearance of the last batch to the Department—just for the record—preceded the notification that I got of this hearing.

The CHAIRMAN. I am glad to know that. We did not know that. I am glad to know it. They are sending these up.

How about the procedure?

Mr. HUGHES. The procedure is that we review the projects and advise the Department, and this action had preceded the call I received from the committee.

The CHAIRMAN. You said that the normal process, in part, accounted for the delay.

Mr. HUGHES. Speaking for the Bureau, Mr. Chairman, I believe that we have processed these as we have received them in what I would consider a workmanlike and reasonable time.

The CHAIRMAN. Let me ask you this: I am not trying to prejudge anything. Did your Department physically receive a number of these projects and then send them back to the Department of Agriculture and tell them to hold them?

Mr. HUGHES. Back when, John, 6 months, something of that sort? At any rate, we had a good deal of discussion of the problem here, including the financing problem and, in the hope that we could resolve the procedural difficulty during the period when the financing problem had to be worked out, we did return a group of projects.

The CHAIRMAN. And those projects remained on Mr. Baker's desk and nothing happened?

Mr. BAKER. Not actually physically on my desk; but, as a figure of speech, what you say is accurate.

The CHAIRMAN. They remained there?

Mr. BAKER. Yes.

The CHAIRMAN. And now have they all gone to the Bureau of the Budget?

Mr. BAKER. As far as I am aware, Mr. Chairman, we move them through every day. There could be some in my office.

The CHAIRMAN. There could be some but none, not for 3 or 4 months at least, have come through.

Mr. BAKER. Not that I am aware of, Mr. Chairman.

The CHAIRMAN. How long will it be, Mr. Hughes, can you anticipate, before you will pass upon these projects that have come to you?

Mr. HUGHES. Mr. Baker says there are 26 in the Bureau. These have been received, generally, within the last 30 days, most of them more recently than that. I do not know that I can answer the question specifically as to when we can process them, but we will do it expeditiously.

The CHAIRMAN. What I am getting at is, it is obvious that the Congress has to have some kind of time to review these projects.

Mr. HUGHES. That is correct.

The CHAIRMAN. We are trying to adjourn on August 3.

Mr. HUGHES. I certainly support that, Mr. Chairman.

The CHAIRMAN. And we just hope that we may.

Mr. HUGHES. I certainly share both the hope and the wish.

The CHAIRMAN. And unless you get those projects up to us pretty quickly, you are not helping us to carry out that hope.

Mr. HUGHES. I would like to take a reading, Mr. Chairman, on the status of the projects and I will advise you of the schedule on which we can clear them to Agriculture for coming to you. I will try to do that within 24 hours.

The CHAIRMAN. If you can do that, so we can have that within the record.

Mr. HUGHES. We will do that.

(The information is as follows:)

As of the close of business on June 19 we had under review 25 projects which included one supplemental report to a project previously transmitted to the Congress. Twelve of these reports were received on May 27 and the remainder on June 7. We hope to complete our review of about half of these projects before the end of the month and return them to the Department for transmittal to the Congress. We expect to complete our review of the remaining reports, together with any others we receive, early in July.

The CHAIRMAN. That is fine.

Mr. Jones wanted to ask some questions, but I see that he has gone.

Mr. Mayne?

Mr. MAYNE. Mr. Hughes, you just testified that after you received some of these projects you had a conversation with Mr. Baker and it was agreed that they be sent back to his office and held there. How many projects were sent back?

Mr. HUGHES. Do you recall the numbers? I will be glad to furnish that for the record.

Mr. BAKER. The entire number that you had on hand at that time. You sent all that you had back over and asked me to hold them.

Mr. HUGHES. I will furnish the number. I do not recall now.

Mr. MAYNE. Approximately when did this take place, that conversation, and when were they sent back to the Department?

Mr. HUGHES. I think I can verify this. Mr. Baker's recollection is after March, the first of April. I thought it was a little before that. I will verify the date.

(The information follows:)

Six projects were returned in December of 1967. All six have since been cleared.

Mr. MAYNE. And then those that were sent back, about that time, were kept there in the Department until approximately when?

Mr. BAKER. About a month or 6 weeks ago.

Mr. MAYNE. Thank you. That is all, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Mayne. Mr. Kleppe?

Mr. KLEPPE. Thank you, Mr. Chairman.

I would like to see if I can get straightened out on some of the appropriation figures that you gave us.

Mr. BAKER. Yes, sir.

Mr. KLEPPE. I want to refer to the figure that the President presented for funds for these projects for fiscal 1969. You gave us a figure of $32,915,000.

Mr. BAKER. That is correct.

Mr. KLEPPE. Now, that was supposedly to have included the $15,510,000 reserve?

Mr. BAKER. No, sir; the $32,915,000 would have been added to it.

Mr. KLEPPE. Would have been added to that?

Mr. BAKER. Would have been added to the amount that was in the reserve that had not been expended.

Mr. KLEPPE. I understand that. That $15,510,000 figure was reduced to $5,644,000 because of these other reductions over here for additional work?

Mr. BAKER. That is correct.

Mr. KLEPPE. So, as we look at the $32,915,000, we only have an additional $5,644,000 to add to that?

Mr. BAKER. My figure is $5,691,000. There is not much difference.

Mr. KLEPPE. All right. Anyway——

Mr. BAKER. The total is $38,606,000.

Mr. KLEPPE. What I am trying to do is verify that figure alongside the appropriation figure you gave us for the House and for the Senate. There is a considerable amount of difference.

Mr. BAKER. Yes; the House bill is $55,676,000.

Mr. KLEPPE. Yes?

Mr. BAKER. And the Senate bill is $57,454,000.

Mr. KLEPPE. And these are obviously larger figures than the President presented?

Mr. BAKER. They are larger.

Mr. KLEPPE. For fiscal 1969?

Mr. BAKER. They are about the same figures as the $32,915,000, plus the carryover that it would have been, if it had been that. Roughly, $9,800,000 had not been released before.

Mr. KLEPPE. This is what I am getting at: Even then there is still $8 or $10 million difference—still $8 to $10 million more in the House and Senate appropriation bills than there are in the President's figures, even if you include the $15 million.

Mr. BAKER. Approximately $8 or $10 million.

Mr. KLEPPE. That is correct.

Mr. BAKER. That is correct.

Mr. KLEPPE. Then, I have interpreted it correctly?

Mr. BAKER. Yes, sir.

Mr. KLEPPE. Mr. Hughes, I would like to ask you just one question. A number of times in your remarks you talked about correcting procedures. Specifically, what do you mean by that? Is this all internal?

Mr. HUGHES. No, no. The impasse has been the subject of a good deal of discussion in prior hearings by this committee, it involves the procedure for approval and authorization of individual projects and is one aspect of a rather longstanding argument between the successive Presidents and successive Congresses as to the kinds of procedures which should be followed.

Mr. KLEPPE. Can you specifically tell us what are the variances in these procedures that you refer to?

Mr. HUGHES. I can, Mr. Kleppe. The question, basically, is whether the language in the basic statute, Public Law 566, which says that no appropriation shall be made to construct specific projects of certain types without the approval of the Agriculture Committee, is rule-making by the Congress, or whether, in the alternative, it presents a constitutional problem affecting the separation of powers between the Congress and the Executive. However, the funding problem has kind of overtaken all of us and has tended to make the procedural problem moot.

Mr. KLEPPE. I think I understand what you refer to there.

That is all I have, Mr. Chairman.

The CHAIRMAN. May I ask if your agency has decided that you could, with some degree of success, insist that we abandon this oversight?

Mr. HUGHES. You are asking whether you have?

Mr. CHAIRMAN. I do not think that this thing just sprung out of thin air. Let us be very frank. This is a very technical proposition; is it not?

Mr. HUGHES. Yes.

The CHAIRMAN. And not the kind of thing that a layman would normally pick up. It is the kind of thing that lawyers make a point on. Now, the Bureau of the Budget, did it not suggest to the President that they might very well force the Congress into abandoning this rule?

Mr. HUGHES. Mr. Chairman, the Bureau of the Budget, the Department of Justice, the Department of Agriculture, and the other agencies that have been in one way or another concerned with this sort of procedure, and all played a part in advising the President.

The CHAIRMAN. Right now, since you belong to the Bureau of the Budget, I am not asking you to testify as to what the Attorney General did. I talked to him, I talked to the Secretary of Agriculture, but I have not talked to you folks. I am just asking you to testify as to what your agency did.

Mr. HUGHES. Mr. Chairman, I can say this: Neither the Bureau of the Budget nor I personally advised the President to do exactly what he did in this general area. I realize that is not an entirely satisfactory answer.

The CHAIRMAN. As far as this administration is concerned, did not this suggested procedure originate in your agency?

Mr. HUGHES. You mean the questioning of the procedure?

The CHAIRMAN. Yes.

Mr. HUGHES. No, sir; it did not.

The CHAIRMAN. It did not?

Mr. HUGHES. No, sir.

The CHAIRMAN. You do not know where it originated?

Mr. HUGHES. No, sir. The Bureau of the Budget has certainly raised this question over a period of time in successive administrations. It pointed this out to the President, as we think it is our responsibility to do.

The CHAIRMAN. It did not raise it in this particular administration?

Mr. HUGHES. In this particular context, we did not.

You made the comment that this is a lawyer's point. I am not a lawyer. However, I am concerned and I think the President is correspondingly concerned with his relationship within the executive branch and with the Congress. It is an important question. That is why it has been discussed pretty earnestly.

The CHAIRMAN. The President was a member of the Armed Services Committee of the House, was he not?

Mr. HUGHES. Yes, that is right.

The CHAIRMAN. And of the Senate Committee, too, I believe.

Mr. HUGHES. Yes.

The CHAIRMAN. And the Armed Services Committee promulgated the first rule that caused trouble, did it not?

Mr. HUGHES. I do not know.

The CHAIRMAN. That was a rule that says that the Department shall come into agreement with the committee before it spends any of the money that is authorized. It is quite different from saying that the committee in Congress cannot appropriate the money until another committee of the Congress has approved. The Executive has to "come into agreement" with the committee of Congress. Certainly, that is a vastly different thing than for the Congress saying that its own committee cannot act until another committee has acted. Do you agree with that?

Mr. HUGHES. It is different, Mr. Chairman, yes.

The CHAIRMAN. Actually, what the President has complained about is not our rule but the rule of another committee which has been changed since that time. He now says that our House rule achieves much the same results, however. It that not really the basis of the complaint?

Mr. HUGHES. Yes, sir; it is.

The CHAIRMAN. The Constitution does not say anything about the result. The Constitution says that each House shall prescribe its own rules of procedure, and it is true that a rule of procedure here does affect what takes place, but we surely have the right to prescribe the rule of procedure. Is it not clearly a wrong way to say that this is not a rule of procedure? Is that not incorrect?

Mr. HUGHES. Mr. Poage, the President has had his say on this, and I really think further interpretation from me would not be helpful. I hope that a new administration can reach a decision that, one way or another, will resolve this. The present situation is very difficult and unsatisfactory to all concerned. I point out, Mr. Chairman, that President Eisenhower looked at this particular language differently than has this administration and the Kennedy administration, regarding the procedure as constitutional. What the next President will do, I,

obviously, cannot predict, but I surely hope that, one way or another, we can find a way out of a rather difficult dilemma.

The CHAIRMAN. We hope so, too.

Now, going back just a little, you folks were really saying to the Executive in the past that he should take action against a different type of rule. That is right, is it not?

You were suggesting in the past that this rule that the Armed Services Committee had when Lyndon Johnson was a member of that Armed Services Committee——

Mr. HUGHES. You are right. Our particular concern has been with the so-called coming-into-agreement language.

The CHAIRMAN. That is right, and it is one that the President did not vote against while he was a member of either one of those committees that I know of. There is no record, as I understand it, that the President objected to this coming-into-agreement rule while he was a member of either one of the committees that enforced it.

Only those two committees enforced it, that I know of.

Mr. Dole?

Mr. DOLE. You think that this impasse can only be broken in 1969? Is that what you say?

Mr. HUGHES. Mr. Dole, as Mr. Baker and I tried to point out, we have a money problem at this point in time which, in a sense, has overtaken the procedural question. That fact, coupled with the President's decision not to accept the nomination, presents an opportunity for a new look and a new start. In the interim the procedural question we have been discussing seems moot.

Mr. DOLE. I have a letter here dated March 27, 1968, addressed to the Speaker of the House, from Lawson B. Knott, Jr., Administrator of the General Services Administration, with reference to certain postal buildings, and, as I understand it, in this area, too, the appropriations committee looks at these things just as we do. In that letter, and I want to read two paragraphs for the record, it states:

> We have previously indicated our concern at section 7(a) may be construed as an encroachment on the activities of the Executive Branch. However, the congressional view is that the provision is an internal congressional procedure and operates as a part of the appropriations process.
>
> In the circumstances, and on the basis of assurances given, we will proceed with the initiation of projects submitted during the 90th Congress in accordance with the budget request of the President as modified by the appropriation action of the Congress.

Now, having read that, I am wondering whether there is any indication that at least someone has raised this same point in another committee?

Mr. HUGHES. There are no new GSA starts in the budget. Therefore, no reason for funds being spent. The funding situation is essentially the same, or, if anything, a little more acute than it is in the watershed area.

Mr. DOLE. That is because of the funding?

Mr. HUGHES. That is correct.

Mr. DOLE. I think the other question indicates that there is a change in position, they say, in effect, it is one of rulemaking.

Mr. HUGHES. Subject to the fund limitation. Again, it is an effort, I think, to indicate that the question is somewhat moot pending fund availability.

Mr. DOLE. I understand the basic question.

I would like to submit a statement of my own for the record, Mr. Chairman, if I may.

The CHAIRMAN. Without objection, you may do so. It will be made part of the record at this point.

(The statement of Hon. Bob Dole, of Kansas, follows:)

STATEMENT OF HON. BOB DOLE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KANSAS

Mr. Chairman, the Congress and the President have been at loggerheads since early 1966 over a Constitutional question of most far-reaching implications. Certainly no single person knows the issue involved better than the Chairman of this Committee, but for the record, I will summarize the opposing arguments as I see them.

THE PROVISIONS IN QUESTION

Public Law 83-566, *The Watershed Protection and Flood Prevention Act of 1954*, as passed by Congress and signed into law by President Eisenhower, contains the contested language. This public law:

(1) Permits the Secretary of Agriculture to approve *administratively* those watershed projects submitted by local authorities with a federal share costing the government less than $250,000, and involving a structure with an impoundage of less than 2,500 acre-feet.

The law further:

(2) Directs the Secretary to submit projects costing the federal government over $250,000 and involving a structure with an impoundage of between 2,500 and 4,000 acre-feet to the House and Senate Agriculture Committees for final approval.

And the law further:

(3) Directs the Secretary to submit projects costing the federal government over $250,000 and involving a structure with more than 4,000 acre-feet of impoundage to the House and Senate Public Works Committees for final approval.

THE POSITION OF THE PRESIDENT

The language which I have just reviewed was the basis for a widely accepted and highly workable program for twelve years. Over 800 projects were authorized, using the procedures the Congress intended when PL 566 was passed and signed into law.

President Johnson, therefore, caused a major stir when he declared in 1966, that the "committee project approval" language was unconstitutional *in his opinion*. In spite of the long record of workability and benefits derived from PL 566, the President went further than merely expressing an opinion: he decisively derailed all proposed projects requiring substantive committee approval prior to funding—that is, all watershed projects with federal participation of over $250,000. At first, the President refused even to present these projects to the Congress for consideration; at the present time, the Administration is refusing to proceed with the funding and construction of the contested watersheds. Currently, 39 projects are in a state of suspended animation awaiting action by the Executive—*action the Congress has clearly declared to be the responsibility of the Executive to accomplish.*

The President has declared the following *Constitutional issues* to be involved in the questioned provisions:

(1) They allegedly endeavor to empower the Legislative Branch, or a part of it, to participate in the execution of laws . . . a function of the Executive vested by the Constitution.

(2) They further allegedly represent an unauthorized delegation of the power of *Congress* to its *committees* in violation of Article 1, Section 1, of the Constitution which vests all legislative powers in "a Congress of the United States".

Both these issues, *in the opinion of the President*, violate a principle of the Constitution: *the separation of powers.*

THE POSITION OF CONGRESS

The Subcommittee on Conservation and Credit, of which I am a member, has on several occasions reviewed this legislation.

PL 566, we have noted, was allowed to function unimpeded—as the Congress intended—for twelve years. President Eisenhower and the late President Kennedy both cooperated fully with the Congress in insuring effective administration of the watershed program. The projects were handled to everyone's satisfaction.

Mr. Chairman, as you have so properly observed in your testimony before the Subcommittee on Separation of Powers of the Senate Judiciary Committee in 1967, and in your excellent cross-examination of Administration witnesses before your subcommittee in 1966, the provisions of this legislation—all provisions—are entirely Constitutional.

The Congress, quite simply, and quite clearly, has the power under the Constitution to develop its own "Rules of Procedure". The President has, in effect, challenged that right.

When the House passed the bill containing the language of PL 83–566, *all the Members of the House participated in that passage*, which involved the decision to allow certain committees—internal and working creatures of the House—the *privilege* of raising a Point of Order against an appropriation bill.

The language the President believes to be unconstitutional, therefore, is clearly a matter of *internal* procedure of the Congress, which has been succinctly phrased as "none of the President's affair".

THE PRESIDENT'S CRITICAL WEAKNESSES

The President's position is critically weak for reasons which have been discussed by several members in earlier proceedings. Some of these weaknesses follow:

(1) The watershed program worked well for twelve years.

(2) President Eisenhower believed it Constitutional, for he *signed* the law.

(3) The 83rd Congress believed the provisions Constitutional, for the members *passed* the law.

(4) President Kennedy obviously believed the law Constitutional, for he did not object during his Administration.

(5) The language of PL 566 did not, evidently, trouble *Senator* Lyndon Johnson, for he introduced S. 877 into the 83rd Congress, *a bill fundamentally containing the language he now considers unconstitutional.*

(6) The President's action is a "de facto" *item veto* of a statute: an action believed by most authorities to be unconstitutional.

(7) Since the law was working well for so many years—the sudden refusal of the President to proceed with portions of its administration constitutes an "*ex post facto, de facto*" item veto—action believed by many authorities to be *doubly* unconstitutional on the President's part.

But the *most* critical weakness of the President's argument, Mr. Chairman, is the absolute dearth of Court decisions supporting his view. As I brought out during the 1966 hearings of the Subcommittee on this troublesome issue, *the President does not even have a forthright Court decision to support his contention.* He resorts, instead, to the papers of his own Attorneys-General.

The Administration further resorts, in part, to a decision by Chief Justice Marshall in the early days of the Republic which delineates the "separation of powers" principle of our government—a principle nobody here has even considered questioning.

The issue here involved is the basic right of the Congress—a right vested it by the Constitution—to proceed with its own *rule-making.* If the President prevails, the precedent will be tragic.

The precedent is the Presidential item-veto, ex post facto, of an internal rule of the House and the Senate. That internal rule, in this case, simply grants a creature of the House and the Senate permission to raise a point of order during the proceedings and deliberations of Congress.

Apparently, the President is confused because this particular "Rule of Procedure" appears in statute law. There is abundant precedent for this; indeed, there is no Constitutional provision describing *where* the rules of Congress shall appear and be delineated—as long as the Congress makes its own rules—unhampered by the Executive Branch.

RURAL AMERICA SUFFERS

Mr. Chairman, I feel compelled to observe at this point that the real loser in this entire sad affair is rural America. Those 39 projects, awaiting Executive action to proceed with construction, remain visible examples of the acute frustration caused by the President's sudden decision to defy PL 566. There are 8,300 *potential* watersheds which may benefit from the far-sighted provisions of PL 566—if the Executive Branch can be convinced (or compelled) to act.

Rural America, burdened now with low prices, more than its share of poverty, high debt, and the continuing vagaries of the weather, now must contend with the vagaries of the Chief Executive. I submit this is an unnecessary harassment, caused only by the stubborn action of a President who has changed his mind; and, like, the reformed smoker, must now convince the world of the correctness of his course.

Mr. Chairman, I hope the President can be convinced, in the waning days of his Administration, to adopt a reasonable attitude toward this watershed program which worked so well for so many years.

If he does, indeed, maintain in his opinion, I can only express the hope the next President will adopt the broader view of Presidents Eisenhower and Kennedy, and allow the works of the small watershed program to proceed unhindered.

I suppose the courts would decide, but to my knowledge, there has been no proceeding undertaken to resolve this question. I think it is regrettable that some local authority has not taken the Administration to the Courts. But I suppose no local association, closely budgeted as they all are, has the wherewithall to fight the resources of the Federal Government and its myriad of attorneys. I hope next year there will be no necessity for a court battle to resolve the Constitutionality of Public Law 566, as written by the Congress of the United States.

But we must wait and see.

The CHAIRMAN. Mr. Montgomery.

Mr. MONTGOMERY. As I understand it, the Department of Agriculture has approved 41 of the watershed projects which are now in the process of going through the Bureau of the Budget. My question pertains to the 39 watershed projects that have been submitted to the Department of Agriculture under Public Law 566 which have either been acted on by the Public Works Committee or this committee.

As I understand it, the 39 projects are waiting implementation by the Department of Agriculture.

Mr. Secretary, could you give me any timetable on this, or is anything being done on the 39 watershed projects?

Mr. BAKER. It depends on the time when money can be made available to make new starts. We have authorization on them. We do not have a prediction as to when the money will be available for these new starts.

Mr. MONTGOMERY. I understand that it has been said that we have submitted more projects than we have money for, but will you try to get all of the projects out of the way before you start working on the new 39 projects that have been sent to you?

Mr. BAKER. As of now, Congressman Montgomery, the situation is that funds cannot be made available for new starts, because we are using the funds on projects already under construction that we started some time ago. That is where they are being used.

Mr. HUGHES. I really cannot add anything to that, Mr. Montgomery. We are in a tough situation fundwise.

Mr. NICHOLS. If the gentleman will yield.

Mr. MONTGOMERY. Yes, sir.

Mr. NICHOLS. I think that maybe what you are asking is whether before new projects are contemplated will these be taken care of, these that have not been taken care of before?

I have one here, a small one, and it has some age on it. I am just like Mr. Montgomery: If we are in line to be considered for ours, will it be before newer ones will be considered?

Mr. HUGHES. I think that the Department's priority order first in, first out, generally, but I think that Mr. Baker can tell you more specifically.

Mr. NICHOLS. This is a question that I would like to address to him.

Mr. BAKER. That is correct, except where some projects are not quite ready to go and where others are down the line that are ready to start, obviously, we might make some minor adjustments in that regard, but ordinarily we go by first in and first out.

Mr. NICHOLS. Thank you.

Mr. MONTGOMERY. You say that some projects are not ready to go, do you have them back as far as 1966, or 1967, or farther back than that, watershed projects, that have been held by the executive branch but that have been approved by the committee? Is there any criteria that you have to bring these out, eventually, these watershed projects?

Mr. BAKER. The projects that the committee has approved this year, we have not made any new starts on. The projects that the committee approved in the congressional year 1967 we have not initiated any new starts. The projects that were approved in 1966 were eligible for the starts. I am not quite sure that my answer is responsive to your question.

Mr. MONTGOMERY. I think so.

Mr. BAKER. And all prior projects.

Mr. MONTGOMERY. It is left up to the executive department to say. In 1966, if the two committees sent you 39 projects, then you could find funds for 15 of them, and you select those 15 that you want to go forward?

Mr. BAKER. All of the 39, we are maintaining as hard as we can, knowing what their individual situations are. That is, the urgency of the situation. If there was not money for the entire 39, we normally would follow the first in and first out rule, except we might take one out of order owing to evident urgency or emergency.

Mr. MONTGOMERY. If we continue to appropriate funds, eventually the watershed projects that were sent to you in 1966 could be funded in 1971?

Mr. BAKER. I do not have the exact figures, but my offhand understanding is that all of those which you approved in 1966 have been authorized for construction initiation and they are beginning work on the construction. There are none of those that are being held up for lack of processing or lack of approval. They are underway.

The local sponsors have been authorized to start their land right and easement work, preliminary engineering plans. There may be one or two in the group in 1966 that nothing has been started on, but I would be surprised if there were.

It was our intention to authorize the local sponsors to start work on those, those that were approved in 1966.

Mr. MONTGOMERY. My question is: Let us take 1967, we sent them, say, either 39 or 41—I am not sure—and if you do not have enough funds to send these up to be approved, would you send them up in 1969 with those funds that were available in 1970, all of these projects that have been drawn up and are feasible—would they eventually start being built then?

Mr. BAKER. There are four categories in which these projects fall. The 39 or 41—my figure is 39—are projects that both of the appropriate committees have already approved. The construction work has not been initiated. There are 14 projects where the work plan has been approved by one committee, but not by both of the appropriate committees.

There are 15, the ones that came up yesterday, I guess, that have not been approved by either committee.

And there are 26 work plans that have not been sent to the Congress.

The 39 that you are focusing on are ready to begin anytime that we can work it out for making the new starts. We do not have to send them back to Congress or get any further approval from the Budget Bureau or anyone else. These are all set, ready to go.

Mr. MONTGOMERY. That is all, Mr. Chairman.

Mr. BAKER. And as I understand it, the thing that is holding up new starts now is the funding situation, rather than the earlier proposition.

The CHAIRMAN. So that I may be really clear on just what Mr. Montgomery went into, do you have a list of the 39 projects which I understood he said was 41—it was not 41, that it was 39 projects?

Mr. MONTGOMERY. Twenty-six and the like.

Mr. BAKER. That is right.

The CHAIRMAN. That is the list which is only waiting money for starting work?

Mr. BAKER. That is not quite the way to say it, Mr. Chairman. These are waiting our ability to make funds available to initiate them; that is right.

The CHAIRMAN. That is what I meant. You do not have the funds. And if you do not, you cannot do anything?

Mr. BAKER. That is correct.

The CHAIRMAN. And your ability to make funds available depends upon the Congress?

Mr. BAKER. And allocation.

The CHAIRMAN. So that as to this list, everything on it has been done except to provide the funds for them?

Mr. BAKER. That is correct.

The CHAIRMAN. The next list, which is the 41 list—the first one——

Mr. BAKER. The next list, Mr. Chairman, are 14 projects that have been sent to the Hill; one has been sent to the committees, and one committee or the other committee has not yet approved it. This is the list of Brown's Creek, Miss.; Brown's Creek, S.C.; Cane Creek, S.C. and N.C.—there are 14 in that category that has action by one committee and has not been acted on by the other committee.

The CHAIRMAN. I do not think any of these have been before our committee.

Mr. BAKER. No, sir; these have been approved by the House Public Works Committee and planned to be acted on by the Senate Public Works Committee on June 21, according to my information.

The CHAIRMAN. These are not projects that come before us?

Mr. BAKER. That is right. There are none in that category before your committee.

The CHAIRMAN. That is right.

Now, then, the list of 41 which begins with Beaver Dam Creek, S.C., Button Willow water management project, California, California Lake——

Mr. BAKER. No, sir; mine starts with Aquilla-Hackberry Creek, Tex., Arroyo Colorado, Tex.

The CHAIRMAN. Now, wait a minute. I have a complete list here, both those that came to our committee and those that are in the Public Works Committee.

Mr. BAKER. I do not have that classified list, Mr. Chairman.

The CHAIRMAN. I am sure it is the Public Works Committee.

Mr. BAKER. Beaver Creek, Mont., Bay Creek, Ill.—we are talking about the same list.

The CHAIRMAN. As I understand it, that goes to the other committee, that list does.

All of this list, we understand, was sent forward to the Speaker, Bay Creek, Ill., Cedar-Piney Creeks, Ark.——

Mr. BAKER. Wait a minute. Beaver Creek, Bay Creek, Ill.

The CHAIRMAN. You sent Beaver Creek up to us.

Mr. BAKER. Yes, sir.

The CHAIRMAN. Beaver Dam Creek is a different creek.

Beaver Creek in Montana is one creek and Beaver Dam Creek in South Carolina is another one.

Beaver Creek in Montana has not yet been sent up.

I did not think so.

You sent us Arroyo Colorado, Tex., Bay Creek, Ill., Cedar-Piney Creeks, Ark., North Powder River, Oreg.

Mr. BAKER. Right.

The CHAIRMAN. Upper Salt Creek, Kans.

Mr. BAKER. Right.

The CHAIRMAN. Washington Mountain Brook, Mass.

Mr. BAKER. Right.

The CHAIRMAN. Those are due to go to the other committee. They do not come to our committee, as I understand it.

Mr. BAKER. All right, sir.

The CHAIRMAN. But I understand coming to our committee is Beaver Dam Creek, S.C.

Mr. BAKER. Right.

The CHAIRMAN. California Lake, Fla.

Mr. BAKER. Right.

The CHAIRMAN. Chicot in Arkansas.

Mr. BAKER. Yes.

The CHAIRMAN. Delaney Creek, Ind.

Mr. BAKER. Correct.

The CHAIRMAN. Los Fresnos Resaca, Tex.

Mr. BAKER. Yes.

The CHAIRMAN. Lower Salt Creek, Kans.

Mr. BAKER. Correct.

The CHAIRMAN. And then Midland-Drayton, N. Dak.

Mr. BAKER. Correct.

The CHAIRMAN. Suwanee Creek, Ga.

Mr. BAKER. Correct.

The CHAIRMAN. Waubonsie Creek, Iowa.

Mr. BAKER. Mr. Chairman, I prefer you to say that.

The CHAIRMAN. That is in Iowa. Those are the ones that are due to come to our committee, if we understand correctly.

Mr. BAKER. Correct.

The CHAIRMAN. Which, of course, leaves a number of others there. I noticed that there are two Darrs Creek, Tex.

What happened to that? I am selfish, possibly, but I would like to see that project get up here.

Mr. BAKER. I will make a note of that, Mr. Chairman.

Mr. MONTGOMERY. The point I am trying to get across here is that when they get into other funds that are available, then they send up these other 41 before they start working on the other 39; is that the way it is?

Mr. BAKER. Congressman Montgomery, this has nothing to do with whether we send them on to the committee or not. My understanding of what Mr. Hughes said earlier was that we are now going to complete the procedure on all of these in the Budget Bureau. We completed ours, or I would not have sent them over. They are meritorious projects. As soon as the Budget Bureau has completed their processing, we will send them all up to the Congress for the consideration of the committee. That situation is not involved in that, whether they are sent up here or not.

The CHAIRMAN. Mr. Price?

Mr. PRICE. I would like to find out the status of the watershed projects in my district.

Mr. BAKER. Let me make a note about it. I will be glad to do so.

Mr. PRICE. Are there any copies of this list that you are talking about, Mr. Chairman?

I would like to check on McClellan Creek in Gray and Carson Counties.

Mr. BAKER. McClellan?

Mr. PRICE. Yes, in Gray and Carson Counties. These people are just waiting, I understand, and they have all been approved.

Mr. BAKER. In Carson County, and what?

Mr. PRICE. In Gray and Carson Counties.

Mr. BAKER. All right. McClellan Creek in Gray and Carson Counties.

Mr. PRICE. Lake View in Hale and Donley Counties.

Mr. BAKER. Yes.

Mr. PRICE. Running Water Draw in Parmer County, N. Mex., and the Lower Running Water Draw in Hale, Lamb, and Castro and Swisher Counties.

Mr. BAKER. Would you like that information for the record or should I send it to you?

Mr. PRICE. That will be all right.

I have two more. They are Kent Creek in Hale and Briscoe Counties, and Upper Washita River, which has been authorized, in Hemphill and Wheeler and Roberts Counties.

The CHAIRMAN. Cannot you give him the list of counties in which those projects are?

Mr. BAKER. We will be glad to make that available to him.

The CHAIRMAN. Mr. de la Garza

Mr. DE LA GARZA. I am sorry that I had to leave to answer a telephone call. I have noticed that you have sent out a list of those that went to the Public Works Committee. I would like to ask either, or both, of you gentlemen this question; You may have answered this while I was gone and therefore missed it:

Are we back to the old system that when you send it up, if the committee approves, it will be funded, the money will be available if it is recommended?

Mr. HUGHES. Let me take a run at it, Mr. de la Garza.

The present situation, essentially, is this: Our procedural impasse, if you want to put it in those terms, has been overtaken by a funding problem which makes the procedural problem moot. We are in the situation where we cannot proceed without funds. In my introductory remarks I mentioned that the funding problem and the advent of a new administration in January gives us time and opportunity to resolve the problem. But for the time being we are up against a funding limitation which precludes proceeding with these projects as expeditiously as we would like regardless of procedures followed. What Mr. Baker has been discussing with reference to the lists, and so on, goes to the financial status of the projects.

(A list showing the status of pending projects as of July 1, 1968, was submitted by the Department of Agriculture and is included herein:)

U.S. DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICE—PUBLIC LAW 566 WATERSHED WORK PLANS—OPERATIONS APPROVAL PENDING (FUNDS WITHHELD) (52)

Bennett Creek, Tex.
Big Creek, Miss.
Big Raccoon Creek, Ind.
Big Running Water Ditch, Ark.
Blackhawk-Kickapoo, Wis.
Brown's Creek, S.C.
Browns Creek, Miss.
Cahulga Creek, Ala.
Cameron-Creole, La.
Cane Creek, S.C. and N.C.
Central Madison, La.
Chunky River, Miss.
Clatonia Creek, Nebr.
Cotton-Coon-Mission Creek, Okla. and Kans.
Cross Creek, Kans.
Dumpling-Beaver Creeks, Okla.
Elk Twomile Creek, W. Va.
Eutacutaches Creek, Miss.
Farmers Creek, Tex.
Fitzgerald and Soldier Creeks, Okla.
Five Creeks, Miss.
Fourche Creek, Ark. and Mo.
Garrison Creek, Okla.
Harquahala Valley, Ariz.
Little Sni-A-Bar, Mo.
Little Walnut Creek, Ind.
Lower Black Bear Creek, Okla.
Lower Elk River, Kans.
Main Street Canyon, Calif.
Mill Creek, Tex.
Mountain Run, Va. (supplemental)
Mustang Creek, Calif.
Nezinscot River, Maine
North Pigeon, Iowa
Okfuskee Tributaries, Okla.
Old Town Creek, Ala.
Papillion Creek, Nebr.
Pecan Creek, Tex.
Pond Creek, Fla.
Rancho Viejo, Tex.
Richland Creek, Miss.
Silver Creek, Miss.
Spring-Bull Creek, S.D.
Tesnatee Creek, Ga.
Tri-County Hopson Bayou, Miss.
Tri-Creek, Wis.
Upper Bayou Teche, La.
Upper Clinch Valley, Va.
Upper Elk River, Kans.
West Fork Mayfield Creek, Ky.
Wolf Creek, Oreg.
Yellowjacket Creek, Ga.

WATERSHED WORK PLANS IN CONGRESS (16)

For approval by Agriculture Committees:

Beaverdam Creek, S.C.
California Lake, Fla.
Chicot Creek, Ark.
Delaney Creek, Ind.
Los Fresnos Resaca, Tex.
Lower Salt Creek, Kans.
Midland-Drayton, N. Dak.
Suwanee Creek, Ga.
Waubonsie Creek, Iowa

For approval by Public Works Committees:

Arroyo Colorado, Tex.
Bay Creek, Ill.
Cedar Piney, Ark.
North Powder River, Oreg.
North Sanpete, Utah
Upper Salt Creek, Kans.
Washington Mountain Brook, Mass.

WATERSHED WORK PLANS IN SECRETARY'S OFFICE (30) *

Public Works:

Aquilla-Hackberry Creek, Tex.
Beaver Creek, Mont.
Box Creek, Miss.
Hudson River, Ga.
Jack Creek, Okla.
Jackson-Mill Creek, S.C.
Little Lynches Creek, S.C.
Lower Medicine Creek, Nebr.
Mill Creek, Ill.
Slate River, Va.
South Fourche, Ark.
Stevens Brook, Maine
Upper Llagas Creek, Calif.
Upper Medicine Creek, Nebr.
Upper North Laramie River, Wyo.
Whitesand-Greens Creeks, Miss.

Agriculture:

Buttonwillow water management project, California
Canon, Colo.
Darrs Creek, Tex.
Georgetown Creek, Idaho
Head of Little Tennessee River (supplemental), North Carolina and Georgia
Hurley Creek, S. Dak.
Larkin Creek, Ark.
Lower Big Swamp Creek, Ala.
Lower Red Rock Creek, Okla.
Lower Llagas Creek, Calif.
Kanawha Twomile Creek, W. Va.
New Jerusalem, Calif.
Pohick Creek, Va.
Upper Big Swamp Creek, Ala.
Willow Creek, Wis.

*Head of Little Tennessee River (supplemental) not included in total.

Mr. BAKER. Could I make an irrelevant remark at this point?

The CHAIRMAN. Certainly, you may. But may I make a suggestion that if you direct questions which simply relate to the individuals own projects, and I asked about a project in my district, I wonder if we cannot send those to us and you give us your report on those projects—that is, give it to the individual requesting it—and insert it in the record, if you would like.

I wonder if we could consider our formal session closed? You can put anything in that you want, in the record, Mr. Baker.

The CHAIRMAN. I think we will move along faster then.

Mr. BAKER. All I wanted to say is this, which may be irrelevant. I had the opportunity recently to be in Congressman de la Garza's district, and I just wanted to say that the watershed people and the soil conservation people and the citizens, generally, down there love him.

The CHAIRMAN. And that is unanimous.

Mr. Mathias?

Mr. MATHIAS. May I just ask one question.

The fiscal budget for 1968 was $61,700,000. I understand that the administration cut that back $15 million.

Mr. HUGHES. That is essentially correct.

Mr. MATHIAS. That leaves $46,910,000.

Mr. HUGHES. Yes, that is right.

Mr. MATHIAS. Is that money we have appropriated, the total of it?

Mr. HUGHES. Mr. Baker has the figures here. There were some further adjustments.

Mr. BAKER. I have the exact figures here, Mr. Mathias.

The original appropriation for 1968 was $56,783,000 from which $15,061,710—or rather the figure is $61,710,000 from which $15,510,000 was reserved.

Mr. PRICE. Will you give me that again?

Mr. BAKER. For fiscal 1968, the appropriations were $61,700,000 from which $15,510,000 was reserved, of which $15,510,000, $8,795,000 was released for construction work, and an additional $1.071 million was released in lieu of supplemental to cover pay costs, leaving a net in the reserve of $5,644,000 or a net NOA available for 1968 for the project of $56 million balance.

Mr. MATHIAS. That is $56 million. Where does that go, to the 39?

Mr. BAKER. The $56 million—this is almost the end of that fiscal year—has been used for projects already under construction and for the smaller projects.

Mr. MATHIAS. So that all money for 1968 has been spent?

Mr. BAKER. Approximately, there is one-half month left of the fiscal year. I would suppose that all of it would be spent or obligated. We do not follow the practice of limiting our expenditures to the last 2 weeks of the fiscal year. We think that is a bad policy.

Mr. MATHIAS. What about the 39?

Mr. BAKER. I will get that. I will let the Budget Bureau cover that.

Mr. HUGHES. Mr. Mathias, the 1969 funds will be available for obligation and expenditure against approved projects.

The CHAIRMAN. Mr. Stubblefield?

Mr. STUBBLEFIELD. Just a general question about the 39 which have been approved by both committees. I got lost in this part of it—that is, awaiting implementation by the executive branch.

My question is: Do you have some idea of when they will be implemented?

And what do you mean by implementation? Does that mean——

Mr. BAKER. This means, actually beginning the construction. And the question as to time, I have no number or a guess that I can make on that. It is as to when funds can be made available to initiate the construction.

Mr. STUBBLEFIELD. Has there not been some discussion here that we run a little behind the funding all of the time, but that we approve these projects without funding?

Mr. BAKER. These projects are approved, yes, sir, by both the Department of Agriculture, the Bureau of the Budget and by both committees of the Congress.

Mr. STUBBLEFIELD. But you are waiting on appropriations?

Mr. BAKER. We are waiting to where we can make funds available to initiate the construction.

Mr. STUBBLEFIELD. In a sense, you have some funds down there, but you do not know when you will turn them loose; is that it?

Mr. BAKER. When they can be used in new construction, that is correct.

Mr. STUBBLEFIELD. Thank you. That is all, Mr. Chairman.

The CHAIRMAN. If there are no further questions, this will conclude our hearing for the morning.

I will ask the members and our two guests if they will remain here for a few minutes, to let us talk about this for a few moments. I think we can do more that way than by a formal proceeding.

The committee will stand adjourned.

(Whereupon, at 11:25 a.m., the committee adjourned.)

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