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88th Congress
2d Session

COMMITTEE PRINT



SUMMARY

OF

LEGISLATIVE ACTIVITIES

COMMITTEE ON PUBLIC WORKS

UNITED STATES SENATE

EIGHTY-EIGHTH CONGRESS

Congress



DECEMBER 31, 1964

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FOREWORD

During the 88th Congress, the Senate Committee on Public Works found an increasing amount of its activity shifting from the consideration of traditional project legislation to substantive matters. Increased emphasis on the conservation of air and water resources has been answered by means to prevent pollution. Increased concern for lagging economic growth in certain areas of the Nation has produced public works programs designed to aid economic development. Our highway program is being examined for its total community value.

The level of total authorization carried in the bills reported by the committee no longer can be the measure of activity. Rivers and harbors bills continue to be a major concern for the committee and carry high price tags but in the past 2 years far more time has been devoted to the problems of air and water pollution control which, while expensive, cost a fraction of the price of flood control.

Rivers and harbors measures themselves are less and less simple one-purpose projects. Previous Congresses set the stage we are moving onto now where comprehensive planning and multipurpose developments are required. The interrelationship of water resource development with economic growth is becoming more the rule than the exception as demonstrated by the Appalachia bill reported by the committee.

The Appalachia bill marks a sharp departure in the responsibilities of the committee which first began with consideration and passage of the Accelerated Public Works Act.

Appalachia is the first extensive legislation identifying dams, reservoirs, roads, sewage treatment plants, sewers, buildings and other public works as the physical requirements for economic growth. Accelerated public works recognized the value of public works as an antidepression measure. Combined with Appalachia the building of public works provides not only immediate employment but the means for long-term general improvement.

The accomplishments of the Committee on Public Works during the 88th Congress were many. Besides the measures fostering programs of air and water pollution, acceleration of public works, and Appalachian regional development, other major legislation enacted into law included increases in monetary authorizations for comprehensive river basin plans, amendments to the Federal-Aid Highway Act, the John F. Kennedy Center for the Performing Arts, and many others.

In the traditional sense, the legislative proposals approved by the Committee on Public Works during the 88th Congress will aid in protection of our citizens against the ravages of floodwaters, and will provide water supply, low-cost hydroelectric power, navigation, and reclamation.

This report summarizes the legislative and general activities of the Committee on Public Works during the 88th Congress. It comprises

a list of measures considered and approved by the committee and enacted into law, also those approved by the committee that did not become law, and a discussion of other activities of the committee. The list is followed by outlines and the principal provisions of the major laws of national interest and effect considered by the committee.

I want to express my appreciation to the members of the Committee on Public Works, all of whom devoted a great deal of time to the consideration of committee business, to the subcommittee chairmen who spent countless days in preparing legislation for consideration of the full committee and the Senate, and to the committee staff which provided valuable assistance to the members of the committee, the Congress, and the public.

PAT MCNAMARA,
Chairman, Committee on Public Works.

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SUMMARY OF LEGISLATIVE ACTIVITIES

The Senate Public Works Committee during the 88th Congress reported 47 measures to the Senate of which 6 provided for a major impact on the national economy and quality of life. Two of these contained provisions for major improvements in eliminating pollution from air and water, two provided public works for economic development, another provided a continuation of comprehensive river basin planning, and the sixth continued the development of the primary highway road network.

Only three of the measures, highways, air pollution, and river basins became law, authorizing up to $3.3 billion in expenditures. Of this, the bulk, $2.4 billion, was for roads, while $800 million was for river basin development and other projects, and $100 million was for combatting pollution.

The three remaining measures would have authorized an additional $2.7 billion, $1.5 billion for accelerated public works, $1.1 billion for Appalachian development, and $80 million for water pollution.

A total of 172 measures were referred to the Committee on Public Works during the 88th Congress: 33 House bills and joint resolutions and 139 Senate measures. Thirty-six of these measures became law. Nine bills passed the Senate but were not acted on by the House, and two bills reported by the committee died on the Senate Calendar. The provisions contained in 11 individual bills were incorporated with other measures, and 10 bills were similar to other measures that were enacted into law. A listing of the public laws and bills reported by the Committee on Public Works, are set forth immediately following this summary.

The committee adopted 115 resolutions authorizing the Corps of Engineers to review previous studies of river and harbor, beach erosion control, and flood control projects, and report to Congress on the result of their investigations after completion of the restudies and reevaluations, with recommendations. The committee also adopted nine resolutions authorizing surveys of public building projects by the Administrator of the General Services Administration, pursuant to the Public Buildings Act of 1959. The river and harbor resolutions are set forth in "Chapter I: Water Resources Legislation," and the public buildings resolutions are contained in "Chapter V: Public Buildings Legislation."

The committee adopted resolutions approving 41 small watershed projects having a total estimated cost of $144,943,100, of which $91,087,500 would be Federal cost. The committee also adopted resolutions approving 229 Federal building projects for new buildings and acquisition of land, having a total estimated cost of $512,139,300, 78 projects for alterations to existing Federal buildings with an estimated cost of $100,183,300, and 1 leased office building at an annual rental of $134,810. The watershed project resolutions are set forth

in chapter I and the public building resolutions are set forth in chapter V.

The committee and its subcommittees held public hearings for a total of 46 days on measures under consideration. Eight committee prints were issued and confirmation of six executive nominations was recommended to the Senate.

Details of this legislation are given in the various chapters devoted to each area of responsibility, elsewhere in this report.

Bills and resolutions enacted into law

PUBLIC LAWS

P.L. No.	Date approved	Provisions	Estimated cost
56	July 8, 1963	Designating Bear Creek Dam on Lehigh River, Pa., as the Francis E. Walter Dam	
62	do	To change the name of the Short Mountain lock and dam and reservoir in Oklahoma, to Robert S. Kerr lock and dam and reservoir	
88	Aug. 5, 1963	To declare the Benton Harbor Canal nonnavigable	
96	Aug. 15, 1963	To change the name of the Bruces Eddy Dam and Reservoir in Idaho to Dworshak Dam and Reservoir	
97	do	To change the name of the Fort Randall Reservoir, S. Dak., to Lake Francis Case	
98	do	To change the name of the Big Bend Reservoir, S. Dak., to Lake Sharpe	
100	Aug. 19, 1963	Amends National Cultural Center Act, termination date	
117	Sept. 6, 1963	To designate the dam being constructed and the reservoir to be formed on the Des Moines River, Iowa, as the Red Rock Dam and Lake Red Rock	
118	do	To repeal a portion of the Second Supplemental National Defense Appropriation Act, 1943, approved Oct. 23, 1942 (56 Stat. 990, 999), as amended, and for other purposes.	
121	Sept. 9, 1963	To authorize construction of a bank protection project on the Guyandot River at Barboursville, W. Va.	$150,000
122	do	To modify the project for Rend Lake, Ill	
123	Sept. 11, 1963	To designate the McGee Bend Dam and Reservoir on the Angelina River, Tex., as the Sam Rayburn Dam and Reservoir.	
140	Oct. 16, 1963	To define the interest of local public agencies in water reservoirs constructed by the Government which have been financed partially by such agencies.	
142	do	To change the name of the Memphis lock and dam on the Tombigbee River near Aliceville, Ala	
144	do	To authorize the State of Rhode Island or its instrumentality to maintain repair and operate the bridge across Mount Hope Bay subject to the terms and conditions of the act approved Mar. 23, 1906	
157	Oct. 24, 1963	To increase the limitation on payments for construction engineering for Federal-aid primary, secondary, and urban projects	
172	Nov. 7, 1963	To make certain changes in the function of the Beach Erosion Board and the Board of Engineers for Rivers and Harbors	
181	Nov. 19, 1963	To modify the project on the Mississippi River at Muscatine, Iowa	
206	Dec. 17, 1963	To accelerate, extend, and strengthen the Federal air pollution control program	95,000,000
223	Dec 21, 1963	To authorize the conveyance to the Waukegan Port District, Ill., of certain real property of the United States	
229	Dec. 23, 1963	To amend the Alaska Public Works Act to authorize the Secretary of the Interior to collect compromise, or release certain claims held by him under that act	
253	Dec. 30, 1963	Authorizes additional appropriations for the prosecution of comprehensive plans for certain river basins. Also authorizes the construction of certain flood control projects	816,847,000
260	Jan. 23, 1964	To provide for renaming the National Cultural Center as the John Fitzgerald Kennedy Memorial Center and, authorizing an appropriation therefor	15,500,000
322	June 25, 1964	To authorize the construction of a dam on the St. Louis River, Minn	
326	June 29, 1964	To authorize a study of dust control measures at Long Island, Port Isabel, Tex	
367	July 9, 1964	To authorize a survey of the Frio River in the vicinity of Three Rivers, Tex., in the interest of flood control and allied purposes	
375	July 14, 1963	To authorize a survey of Cedar Bayou, Tex., in the interest of flood control and allied purposes	
381	July 21, 1964	Authorizing the Commissioners of the District of Columbia to locate a portion of a vehicular tunnel under parts of the U.S. Capitol Grounds	

Bills and resolutions enacted into law—Continued

PUBLIC LAWS—Continued

No.	Date approved	Provisions	Established cost
423	Aug. 13, 1964	To authorize appropriations for the fiscal years 1966 and 1967 for the construction of certain highways in accordance with title 23 of the United States Code. The Federal-Aid Highway Act of 1964	$2,358,000,000
480	Aug. 22, 1964	To extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years.	
642	Oct. 13, 1964	To amend the act of July 13, 1959, so as to extend the period of time within which certain construction may be undertaken by the State of Missouri on lands conveyed to such State by the United States (Table Rock Dam)	
646	do	Designates pumping plant being constructed in the State of Arkansas as the Graham Burke pumping plant	
648	do	To change the name of the canal, known as the Bay Head-Manasquan Canal and as the Manasquan River-Barnegat Bay Canal, to Point Pleasant Canal	
657	do	To enable the Secretary of Agriculture to construct and maintain an adequate system of roads and trails for the national forests	
658	do	Provides for an increase in Federal participation in the costs of reconstruction of Federal-aid highways brought about by a disaster in the area where over 5 percent of the lands are nontaxable Indian lands and other public domain lands	
660	do	To amend sect. 14 of the Federal-Aid Highway Act of 1954 concerning interstate planning and coordination of the Great River Road, increasing the original expenditure authority from $250,000 to $500,000	250,000

CONCURRENT RESOLUTIONS

No.	Date approved by Senate	Provision	Cost
H. Con. Res. 179.	Aug. 28, 1963	Extends the appreciation of Congress to the American Association of State Highway Officials for its service to this Nation	
S.Con. Res. 67.	Dec. 21, 1963	Authorizes Senate printing of additional copies of water pollution control hearings	$3,712
H. Con. Res. 189.	June 19, 1964	Expressing the sense of Congress that the Southwest regional water laboratory should be known as the Robert S. Kerr Water Research Center	

Bills passed Senate and reported to the House

Bill No.	Date passed Senate	Provisions	Estimated cost
S. 254	June 24, 1963	Provides for acquisition of certain property in square 758 in the District of Columbia, as an addition to the grounds of the U.S. Supreme Court Building	$200,000
S. 530	June 25, 1963	Provides for an investigation and study of means of making the Great Lakes and the St. Lawrence Seaway available for navigation during the entire year	50,000
S. 649	Oct. 16, 1963	To amend the Federal Water Pollution Control Act, as amended to establish the Federal Water Pollution Control Administration, and for other purposes	80,000,000

Bills reported by Committee on Public Works and passed by Senate

Bill No.	Date passed Senate	Provisions	Estimated cost
S. 142	June 20, 1964	To designate lake formed by Clark Canyon Dam, Mont., as Hap Hawkins Lake	
S. Res. 12	Mar. 14, 1963	Authorizing funds for Committee on Public Works	$125,000
S. Res. 217	Feb. 7, 1964	To authorize a study of a national system of scenic highways	
S. Res. 259	Feb. 10, 1964	To provide additional funds for the Committee on Public Works	125,000
S. 1282	July 2, 1964	To permit a State to increase the mileage of its Federal-aid primary system when provision is made for the completion and maintenance of 75 percent thereof	
S. 2782	Sept. 25, 1964	Appalachian Regional Development Act of 1964	977,200,000

Bills reported by Committee on Public Works

Bill No.	Date reported	Provisions	Estimated cost
S. 1856	June 1, 1964	Public Works Acceleration Act	$1,500,000,000
S. 1847	July 1, 1964	To provide a residence for Congressional and Supreme Court pages	1,410,000

CHAPTER I

WATER RESOURCES LEGISLATION

Public works for many years has been synonymous with flood control. But recently the simplicity of a flood control project has given way to the neccessity of considering much more than a single factor when developing a reservoir program. As a result public works is becoming more and more a matter of water resources programing.

The committee is responsible for authorizing the comprehensive water resources development programs carried out under the jurisdiction of the various Federal water resources agencies, including the Corps of Engineers, Department of the Army, and the Soil Conservation Service, Department of Agriculture.

The Federal civil works program under jurisdiction of the Corps of Engineers, embraces the works for improving rivers, lakes, coastal areas, and harbors of the United States in the interest of navigation, flood control, hydroelectric power development, water supply, pollution abatement, recreation, beach erosion control, and other allied water purposes, which the committee has approved and the Congress authorized for accomplishment by the Corps of Engineers, Department of the Army. Much of this work has been carried on for over 140 years since the first appropriation by Congress in 1824. In the river and harbor and flood control legislation since that time Congress has delineated the policies, prescribed the procedures and authorized the water resources developments which constitute the present civil works program, and has delegated to the Corps of Engineers the duty of planning, providing, and administering the works involved therein.

The Soil Conservation Service of the Department of Agriculture is responsible for carrying out the directives of the Committee on Public Works and the Congress set forth in the Watershed Protection and Flood Prevention Act (Public Law 566, 83d Cong), as amended. This program provides for the installation of small upstream dams and other flood and soil erosion prevention devices in relatively small watershed areas. It also provides for the installation of measures for irrigation, drainage, municipal and industrial water supply, recreation, and fish and wildlife development.

The major item of legislation considered by the committee in the field of water resources development, provides for increases in monetary authorization for comprehensive river basin plans administered by the Corps of Engineers, and the Bureau of Reclamation, in the amount of $700 million. These authorizations will provide for the continuation of work on flood control and multiple-purpose projects in the major river basins throughout the Nation. This legislation is described in more detail elsewhere in this chapter. Other items covered herein, include (*a*) survey investigation program of the Corps

of Engineers; (*b*) watershed protection and flood prevention program, Soil Conservation Service, Department of Agriculture; (*c*) activities of the Special Subcommittee on Western Water Development; (*d*) reorganization of the River and Harbor and Beach Erosion Boards, Corps of Engineers; (*e*) rights of local interests in federally constructed reservoirs; and (*f*) the Passamaquoddy tidal power project.

RIVER AND HARBOR AND FLOOD CONTROL ACT OF 1963

(Public Law 88–253)

This act provides for increases in monetary authorizations for comprehensive river basin plans, and in addition authorizes the construction of several individual flood control projects. The act in a sense is an emergency measure, since the Corps of Engineers was in some instances compelled to cease work on a number of projects because insufficient monetary authorizations prevented the appropriation of necessary funds. The increases made available in this act will be sufficient to cover appropriations through fiscal year 1965. Additional increases will be required prior to fiscal year 1966, if further cessation of work is to be prevented.

In the Flood Control Acts of 1936 and 1938, Congress approved comprehensive plans for the development of many of the river basins throughout the Nation in the interest of flood control, navigation, hydroelectric power development, and other allied water uses. Congressional approval was given to the entire plan in these cases, with authorization of funds limited to a portion of the entire cost to cover anticipated appropriations for a few years. This procedure gave the Congress an opportunity to examine the work that was being accomplished in the basins at periodic intervals, authorize additional projects found feasible, and make any modifications in the plans that might be desirable. When the authorized monetary limitation is approached, enactment of legislation is required to provide for additional increases in the monetary ceilings for these partially authorized basin plans.

At the present time there are 21 river basin plans that are subject to monetary limitations, located in nearly all sections of the country. They range from the Connecticut River Basin in New England, to the Los Angeles River Basin in California. In addition to the projects that are part of the basin plan, subject to monetary limitation, there are, in a number of instances, other projects in the basin that have full monetary authorization for appropriation. Projects in this latter category require no further authorization action by the Congress.

The Corps of Engineers estimated that 10 of the 21 river basin plans would experience deficits between estimated appropriations and total authorizations, and would require increases in monetary authorizations to cover appropriations through fiscal year 1965. Public Law 253 provides for the necessary increases in monetary authorizations.

The total amount of funds authorized in Public Law 253 is broken down as follows:

Increase in monetary authorizations for continuation of comprehensive river basin plans to cover a period of 2 years (fiscal years 1964 and 1965)

River basin:	*Increase contained in Public Law 253*
Corps of Engineers:	
Arkansas	$157,000,000
Brazos	30,000,000
Central and southern Florida	21,000,000
Columbia	195,000,000
Los Angeles-San Gabriel	30,000,000
Missouri	80,000,000
Ohio	150,000,000
Upper Mississippi	11,000,000
West Branch Susquehanna	2,000,000
White (Mo. and Ark.)	8,000,000
Subtotal	684,000,000
Department of Interior: Missouri	16,000,000
Total	700,000,000

Authorizations for construction of new projects

Project	Document No.	Estimated Federal cost
Cape Fear River, N.C	H. Doc. 508/87	$25,143,000
Flint River, Ga., Spewrell Bluff Reservoir	H. Doc. 567/87	63,200,000
Dardanelle lock and dam, Arkansas, sewage outfall system, Russellville, Ark., assumption of cost by United States		404,000
Waurika Dam and Reservoir, Okla	S. Doc. 33/88	25,100,000
Missouri River bank protection		3,000,000
Laurel River, Ky		(1)
Subtotal		116,847,000
Grand total		816,847,000

[1] Language.

SURVEY INVESTIGATIONS AND REPORTS COVERING NAVIGATION, FLOOD CONTROL, BEACH EROSION CONTROL AND MULTIPLE-PURPOSE PROJECTS UNDER JURISDICTION OF THE CORPS OF ENGINEERS

The Corps of Engineers, Department of the Army, in response to directives in acts of Congress or committee resolutions, is responsible for preparing survey reports covering projects for river and harbor, beach erosion control, flood control, and multiple-purpose improvements. The conclusions and recommendations of the Chief of Engineers are transmitted to the Congress by the Secretary of the Army.

Survey investigations are carried out by the Corps of Engineers in accordance with either one of two types of authorizations, or in some cases, both. One is through legislation in an omnibus rivers and harbors and flood control bill, or a separate bill. The other is by adoption of a resolution by the Public Works Committee authorizing a review of a previously completed report.

During the 88th Congress, the committee adopted 115 resolutions directing the Corps of Engineers to make investigations and surveys. The resolutions adopted are as follows:

(The step-by-step procedure involving the evolution of a river and harbor project is set forth in the appendix to this report.)

Committee resolutions authorizing reviews of previous river and harbor beach erosion control, and flood control reports

Date adopted	Area covered
Jan. 7, 1963	Manitowoc Harbor, Wis., dredging upstream from the present project limit at the second Soo Line Railroad bridge.
Do	Delaware coast from Kitts Hummock to Fenwick Island, Del., to determine effects of inlets on beach erosion, and for other purposes.
Do	Duval and St. Johns Counties, Fla., with particular reference to Neptune Beach, Fla., in the interest of beach erosion control, hurricane protection, and related purposes.
Jan. 17, 1963	Frenchboro Harbor, Maine, modification of previous recommendations.
Jan. 24, 1963	Missouri River, alleviation of the sedimentation problems near the mouths of streams entering the Gavins Point Reservoir.
Jan. 30, 1963	Blackstone River Basin, Lower Woonsocket, R.I., modification of existing project.
Mar. 5, 1963	Intracoastal waterway from Jacksonville to Miami, Fla., modification of existing project.
Mar. 11, 1963	Bayou Coden, Ala., modification of existing project.
Mar. 19, 1963	Big Sandy River and Tug and Levisa Forks, Ky., W. Va., and Va., modification of existing project in the interest of flood control and allied purposes.
Do	Kentucky River, Ky., modification of existing project with a view to providing additional projects for flood control and allied purposes.
Do	Cumberland River, Tenn. and Ky., modification of existing project for flood control in upper Cumberland River Basin.
Mar. 20, 1963	Atlantic coast of Nassau County, N.Y., from Jones Inlet to East Rockaway Inlet, in the interest of beach erosion control, hurricane protection, and related purposes.
Do	North shore of Long Island in Suffolk County, N.Y., in the interest of beach erosion control, hurricane protection, and related purposes.
Do	Southeastern Alaska, modification of previous recommendations, relating to flood control improvements on Ketchikan Creek, at and in the vicinity of Ketchikan, Alaska.
Mar. 29, 1963	New York Harbor, collection and removal of drift, modification of existing project, with reference to elimination of the sources of drift and debris.
Apr. 1, 1963	Pearl River, Miss., modification of existing project on Town Creek at Jackson, Miss., for flood control.
Do	Great Lakes—harbors of refuge for light-draft vessels, modification of previous recommendations, harbor or harbor of refuge at Cranberry and Long Ponds, Monroe County, N.Y.
Apr. 4, 1963	Siuslaw River and Bar, Oreg., modification of existing project with particular reference to provision of a small boat basin.
Apr. 10, 1963	Harbors and rivers in Alaska, modification of existing project at Whitestone Narrows in Neva Strait.
Do	Sergius Narrows, Alaska, modification of previous recommendation.
Do	Wrangell Narrows, Alaska, modification of existing project with particular reference to improvement of navigation conditions in the Turn Point area.
Do	South Haven Harbor, Mich., modification of existing project.
Do	Shores of the Island of Maui, Hawaii, in the vicinity of Kihei, in the interest of beach erosion control, hurricane and high tide protection.
Do	Shores of the Island of Kauai, Hawaii, in the vicinity of Kapaa, in the interest of beach erosion control, hurricane and high tide protection.
Apr. 17, 1963	Channel from Manteo to Oregon Inlet, N.C., modification of existing project.
Apr. 18, 1963	Port Hueneme Harbor, Calif., modification of existing project.
Apr. 29, 1963	Shores of Sea Island, St. Simon's Island, and Tybee Island, Ga., in the interest of beach erosion control, hurricane protection, and related purposes.
May 2, 1963	Coastal area of Daly City, Calif., in the interest of beach erosion control and related purposes.
May 9, 1963	Missouri River and tributaries, modification of existing project in the interest of flood control, navigation, power, water supply, water quality, control drainage, recreation, fish and wildlife development, and allied purposes.
May 22, 1963	Salt Lake City streams, Jordan River Basin, Utah, modification of previous recommendations.
Do	Great Lakes, harbors of refuge for light-draft vessels, modification of previous recommendations with reference to small-craft harbors on the west shore of Lake Michigan between Kenosha, Wis., and Kewaunee, Wis.
Do	Great Lakes, harbor of refuge for light-draft vessels, modification of previous recommendations, with reference to small-craft harbors on the portion of Lake Michigan known as Green Bay for the portion of shore on Green Bay within Oconto, Brown, and Kewaunee Counties.
May 24, 1963	Grand (Neosho) River, further improvements for flood control, water supply, and allied purposes on Spring River and its tributaries, Missouri, Arkansas, Kansas, and Oklahoma.
May 27, 1963	Ohio River, modification of existing project at Ironton, Ohio, with particular reference to extension of existing protective works, and provisions for interior drainage and traffic openings.
May 28, 1963	New Bedford Harbor, Mass., modification of existing project.
Do	Monroe Harbor, Mich., modification of existing project.
June 5, 1963	Central and southern Florida, modification of existing project—construction of locks and dams in Miami River, Fla.
Do	Central and southern Florida, modification of existing project—construction of a fresh water barrier in the southwest area of the Everglades National Park.
June 10, 1963	Shore of Lake Erie from Ashtabula-Lake County line easterly to the city of Ashtabula, and such adjacent shores, in the interest of beach erosion control and related purposes.

Committee resolutions authorizing reviews of previous river and harbor beach erosion control, and flood control reports—Continued

Date adopted	Area covered
June 18, 1963	Santa Clara River, Los Angeles and Ventura Counties, Calif., modification of existing project.
June 26, 1963	Ya·oo River, Miss., modification of existing project—additional improvements in Big Sunflower, Little Sunflower, Steele Bayou, and Deer Creek Basins, Miss.
July 8, 1963	Intracoastal Waterway, Miami to Key West, Fla., modification of existing project. Channel connection with Largo Sound, South Sound Creek, and the Atlantic Ocean through Cross Key Canal.
Do	Guyandot River, W. Va.—Flood control improvements upstream from the authorized Justice Dam and Reservoir.
Do	Ohio River—Modification of existing project, construction of improvements in the Wheeling Creek Watershed, W. Va., and Pa.
July 18, 1963	Apalachicola, Chattahoochee and Flint Rivers, Ala., Ga., and Fla.—Improvements on Peachtree and Nancy Creeks in the vicinity of Atlanta, Ga.
July 23, 1963	Intracoastal Waterway from Apalachicola Bay to St. Marks River, Fla.—channel from deep water to Spring Creek, Wakulla County, Fla.
July 24, 1963	Harbor Springs Harbor, Mich., modification of previous recommendations.
July 31, 1963	Double Creek, N.J., improvement of existing navigation channels and jetties.
Aug. 1, 1963	Big Sioux River, Iowa and S. Dak., utilization of storage reservoirs in the Big Sioux River Basin upstream of the mouth of the Rock River but including the Rock River Basin.
Aug. 12, 1963	Shores of Kachemak Bay in the vicinity of Homer, Alaska, in the interest of beach erosion control.
Aug. 13, 1963	Nome Harbor, Alaska, deepening the present channel and extending the length of authorized jetties.
Aug. 15, 1963	Cook Inlet and tributaries, Alaska, further improvement of Seldovia Harbor, Alaska.
Sept. 3, 1963	Atlantic coast in the vicinity of Cape Canaveral, Fla., in the interest of beach erosion control, hurricane protection, and related purposes.
Do	Penobscot River, Maine, modification of existing project.
Sept. 9, 1963	Columbia River, extension of navigation from the pool of McNary Dam to Rock Island.
Do	Dam on the Columbia River. Columbia River, inclusion of navigation locks in the authorized Asotin Dam on the Snake River, Idaho and Wash.
Sept. 18, 1963	Anacortes Harbor, Wash., improvements in Fidalgo Bay to permit the accommodation of larger vessels.
Oct. 2, 1963	Sevier River near Redmond, Utah, modification of previous recommendations with respect to San Pitch Basin, Sanpete County, Utah, and its relationship to the water resources of the Price River Basin.
Do	San Pitch and Price River Basins, Utah, joint Army-Agriculture survey.
Do	Delaware River between Philadelphia, Pa., and the sea, navigable channel and other appurtenant structures for the establishment of ferry service across Delaware Bay between ´ape May, N.J., and Lewes, Del.
Oct. 21, 1963	Charlevoix Harbor, Mich., modification of existing project.
Oct. 23, 1963	Coastal area of Gay Head, Mass., in the interest of beach erosion control and related purposes.
Nov. 18, 1963	White and Bad Rivers, S. Dak., and Nebr., modification of previous recommendations.
Nov. 27, 1963	Shores of the gulf coast of Pinellas County, Fla., from Big Pass south to Pass-A-Grille, in the interest of beach erosion control and related purposes.
Dec. 2, 1963	New London Harbor, Conn., modification of existing project.
Dec. 3, 1963	Ohio River, construction of improvements for flood control and allied purposes in the Middle Island Creek Basin, W. Va.
Jan. 21, 1964	Southwestern Alaska, small-boat harbor at Naknek, Alaska.
Jan. 23, 1964	Cheyenne River, S. Dak. and Wyo., additional flood control, water supply, and other allied purposes upstream from the junction of the Cheyenne and Belle Fourche Rivers.
Feb. 3, 1964	Shores of Lake Huron at and in the vicinity of Lexington Heights, Mich., in the interest of beach erosion control and related purposes.
Feb. 4, 1964	Metlakatla Harbor, Alaska, modification of previous recommendations.
Feb. 7, 1964	Truckee River, Calif., modification of previous recommendations with reference to providing additional flood protection to the area known as Truckee Meadows at and below Reno, Nev.
Feb. 10, 1964	Lower Mississippi River. improvements for flood control and drainage within areas in Eastern Rapids and south-central Avoyelles Parishes, La., that are drained by Bayou Des Glaises diversion channel and Lake Long.
Feb. 25, 1964	Cook Inlet, Alaska, additional improvements in the interest of navigation at and in the vicinity of Homer, Alaska.
Mar. 16, 1964	Ohio and lower Mississippi Rivers, modification of previous recommendations—consideration of existing projects at Paducah, Uniontown, Hawesville, Louisville, Covington, Newport, Maysville, Russell, Ashland, Catlettsburg, and Taylorsville, Ky.
Do	Ohio and lower Mississippi Rivers, modification of previous recommendations—consideration of existing projects in the State of West Virginia and other areas along the Ohio River and its tributaries.
Do	Ohio and lower Mississippi Rivers, modification of previous recommendations—consideration of existing flood control projects in the State of Ohio, and other areas along the Ohio River and its tributaries.
Do	Ohio and lower Mississippi Rivers, modification of previous recommendations—consideration of improvements in the Indiana counties of Dearborn, Ohio, Switzerland, Jefferson-Scott, Clark, Floyd, Harrison, Washington, Crawford, Perry, Spencer, Warrick, Vanderburgh, Posey, Gibson, Pike, Dubois, Martin, and Orange.
Mar. 17, 1964	Minnesota River, Minn., extension of existing navigation project.
Apr. 8, 1964	Black River, Mich., improvements in the interest of small-boat navigation.
Apr. 9, 1964	Merrimack River, Mass. and N.H., smaller multiple purpose reservoirs on the headwater tributaries of the Merrimack River, in lieu of the reservoir considered at the Livermore Falls site, Pemigewassett River, N.H.

Committee resolutions authorizing reviews of previous river and harbor beach erosion control, and flood control reports—Continued

Date adopted	Area covered
Apr. 14, 1964	Susquehanna River, N.Y., Pa., and Md., investigation, research, and experimentation in cooperation with other Federal agencies and the States, determining possible solutions of the critical acid mine drainage in the basin and the advisability of their adoption.
Apr. 28, 1964	Snohomish River (Everett Harbor), Wash., additional improvements in the interest of navigation.
May 1, 1964	Barataria Bay Waterway, La., modification of previous recommendations.
May 4, 1964	Southwestern Alaska, navigable waterway connecting Shelikof Strait with the eastern side of Kodiak Island through Raspberry Narrows, in the interest of small-boat navigation.
Do	Gila and Salt Rivers, Gillespie Dam to McDowell Dam site, Arizona, modification of previous recommendations—Salt River Basin from Maxwell (McDowell) Dam site, to the mouth.
Do	Gila and Salt Rivers, Gillespie Dam to McDowell Dam site, Arizona, modification of previous recommendations—Glendale, Maryvale, and South Phoenix areas.
May 7, 1964	East Rockaway (Debs) Inlet, N.Y., modification of previous recommendations—improvement of interior connecting channels in the interest of securing a suitable route to the sea for sludge and oil tankers.
May 18, 1964	Ohio and lower Mississippi Rivers, consideration of improvements for flood control and allied purposes in southwestern Jefferson County, Ky.
Do	River Rouge, Mich., modification of previous recommendation, with particular reference to flood control, water quality improvement, recreation, and allied purposes.
May 19, 1964	Saginaw River, Mich., modification of previous recommendations, with particular reference to flood control, water quality improvement, water supply, and allied purposes.
June 3, 1964	Parrlico River, N.C., deep draft channel in the Pamlico River, through Pamlico Sound and the appropriate inlet to deep water in the Atlantic Ocean.
Do	Ohio River, development of water and related land resources in the Muskingum River Basin, including consideration of present operating plans for existing reservoir projects in that basin.
June 9, 1964	Niobrara River, Nebr. and Wyo., modification of previous recommendations.
Do	Gulf Intracoastal Waterway (Louisiana section)—ship channels in the Gulf Intracoastal Waterway east of the Mississippi River—gulf outlet and in the Michoud Canal.
June 11, 1964	Marias River, Mont., modification of previous recommendations.
Do	Sun River, Mont., modification of previous recommendations.
June 16, 1964	Bayous Terrebonne, Petit Caillou, Grand Caillou, Du Large and connecting channels, Louisiana, and the Atchafalaya River, Morgan City to the Gulf of Mexico—deeper channels in the Lower Atchafalaya River, Bayou Chene, Bayou Boeuf, and Bayou Black in the vicinity of Morgan City, La.
June 19, 1964	Rogue River, Harbor at Gold Beach, Oreg., extension of north jetty.
June 23, 1964	Papillion Creek, Nebr., modification of existing project.
June 30, 1964	Cumberland River, Ky. and Tenn., improvements for flood control in the Harpeth River Basin, Tenn., generally upstream from the mouth of the South Harpeth River.
July 28, 1964	Columbia River, modification of existing projects with reference to Flathead and Clark's Fork River Basins.
July 31, 1964	Siletz River Bar and entrance, Oregon, small boat basin and including safe passage to the ocean.
Aug. 4, 1964	Shores of the Gulf of Mexico near Holly Beach, La., in the interest of beach erosion control, hurricane protection, and related purposes.
Aug. 6, 1964	James River, Va., modification of previous recommendations.
Aug. 7, 1964	Salt Creek, Nebr., flood control and related/water resources development along Salt Creek and tributaries thereto at and below Lincoln, Nebr.
Aug. 14, 1964	Yukon and Kuskokwim River Basins, Alaska, flood control improvements at and in the vicinity of McGrath, Alaska.
Do	Columbia River between Vancouver, Wash., and The Dalles, Oreg., small-boat channel from the Columbia River to the launching ramp in the Mayer State Park, Oreg.
Aug. 21, 1964	Central and southern Florida, diversion to and storage of water in Lake Jessup, and the effects of proposed improvements in the Econlockhatchee River Basin on the St. Johns River in Seminole County, Fla.
Do	Shores of the Gulf of Mexico within the limits of Sarasota County, Fla., in the interest of beach erosion control, hurricane protection, and related purposes.
Sept. 8, 1964	White and Arkansas Rivers, Grand Prairie region, Arkansas, modification of existing project for flood control and other purposes on Bayou Meto and Little Bayou Meto.
Sept. 9, 1964	Mississippi River above Coon Rapids Dam near Minneapolis, Minn., improvements on South Fork of Crow River to restore and maintain the levels of Lake Minnetonka and connecting waters.
Sept. 10, 1964	Great Lakes harbors of refuge for light draft vessels, need for additional small craft harbors on the portion of Lake Michigan known as Green Bay for the portion of the shore on Green Bay within Oconto, Brown, Kewaunee, and Marinette Counties.
Sept. 21, 1964	Shores of the Gulf of Mexico within the limits of Collier County, Fla., in the interest of beach erosion control, hurricane protection, and related purposes.
Do	Seaside Harbor, Oreg., modification of previous recommendations.
Sept. 30, 1964	Shores of the Fort Fisher Historical Site and the area northward to Kure Beach, N.C., in the interest of beach erosion control, hurricane protection, and related purposes.

WATERSHED PROTECTION AND FLOOD PREVENTION ACT

The Watershed Protection and Flood Prevention Act (Public Law 566, 83d Cong., amended by Public Law 1018, 84th Cong.) authorized the Secretary of Agriculture, through the Soil Conservation Service, to assist local organizations in planning and carrying out projects for flood prevention and to assist them in the conservation, development, utilization, and disposal of water. The law requires approval by committee resolution of any watershed plan involving an estimated Federal cost in excess of $250,000 or which includes any structure providing more than 2,500 acre-feet of total capacity. Such approval of any plan containing a single structure of less than 4,000 acre-feet total capacity will be the responsibility of the Committees on Agriculture, and those in excess of such capacity will be approved by the Committees on Public Works.

The act provides for inclusion of storage for municipal or industrial water supply, irrigation, or other purposes, in reservoirs constructed as a part of a watershed project. A limitation of 5,000 acre-feet of floodwater detention capacity and a total capacity of 25,000 acre-feet is placed on any single structure in such a watershed plan. Projects involving less than $250,000 Federal contribution to construction costs and containing any structure having less than 2,500 acre-feet capacity do not require review by other Federal agencies and the Congress.

Construction costs of dams and other such structures for flood control will be borne by the Federal Government and the local organizations will continue to provide the necessary rights-of-way and maintain and operate the structures after completion. Local organizations shall assume the costs of the projects allocated to other purposes. Local organizations may employ professional engineers if they so desire for design, preparation of contracts and specifications, awarding of contracts, and supervision of construction in connection with the improvement works, except in the case of structures for municipal or industrial water supplies the local organization is required to secure such professional services but will be reimbursed by the Secretary of Agriculture for the cost of such services. In case the local organizations do not retain such professional assistance, they may call upon the Secretary to perform the necessary services. The Secretary has the authority and responsibility to cooperate with local agencies in all phases of planning, development, and construction of the works.

The law requires the preparation of plans and estimates necessary for adequate engineering evaluation, and to make allocations of costs to the various purposes, to show the bases for such allocations, to determine whether benefits exceed costs, and safeguards State water rights by applying it to water users as well as landowners. Puerto Rico and the Virgin Islands are included under the provisions of the act. The law also provides for loans or advancements to local organizations to finance the local share of costs of carrying out the works of improvement authorized, to be repaid with interest, in not more than 50 years from the date the principal benefits from the works become available, such loans not to exceed $5 million for any one project.

The small watershed program has proved very popular over the entire country. A large number of projects have been authorized and studies are continuing on numerous other proposed projects. These projects provide an excellent opportunity for development of reservoirs on small streams and tributaries for flood control, irrigation, recreation, and storage for municipal and industrial water supply.

The following watershed projects have been approved by the committee during the 88th Congress in compliance with the provisions of the law:

Watershed protection and flood prevention projects

Watershed	Federal cost	Non-Federal cost	Total cost	Benefit-cost ratio	Date approved
Upper Rock Creek, Md	$1,286,734	$841,652	$2,128,386	1.3	June 13, 1963.
Buck Creek, Ky	571,825	1,059,385	1,631,210	1.3	Do.
Big Nance Creek, Ala	1,970,813	588,375	2,559,188	1.3	June 26, 1963.
Apache Junction, Gilbert, Ariz	3,816,020	1,859,690	5,675,710	1.3	Do.
Williams-Chandler, Ariz	3,763,160	2,392,910	6,156,070	1.6	Do.
Little Tallapoosa River, Ga	1,559,798	1,146,157	2,705,955	1.3	Do.
Chuquatonchee Creek, Miss	2,360,850	1,395,418	3,756,268	1.6	Do.
Stillwater Creek, Okla	2,918,027	3,478,804	6,396,831	1.8	Do.
Guayanes River, P.R	2,761,466	1,603,824	4,365,290	2.4	Do.
Cheaha Creek, Ala	1,612,336	338,319	1,950,655	1.4	Do.
Poteau River, Ark. and Okla	4,076,910	1,304,520	5,381,430	2.3	Do.
Middle Fork-Obion River, Tenn	2,133,876	880,666	3,014,542	1.8	Do.
Mill Creek, Ala	1,427,231	257,330	1,684,561	1.7	Mar. 2, 1964.
Pine Creek, Tex	2,543,083	1,991,018	4,534,101	2.1	Do.
Middle Oconee-Walnut Creek, Ga	2,562,053	1,570,028	4,132,081	1.4	Do.
Baker River, N.H	2,918,005	1,218,532	4,136,537	2.2	Do.
Lower Clear Boggy Creek, Okla	2,487,929	2,979,994	5,467,923	1.5	Do.
Salt-Camp Creek, Okla	1,816,707	1,871,832	3,688,539	1.9	Do.
Upper Bosque River, Tex	4,074,436	4,055,980	8,130,416	1.4	Do.
Big Coney, Kans. and Okla	4,463,500	1,015,400	5,478,900	1.9	Do.
Town Creek, Miss	4,869,843	3,961,670	8,831,513	2.5	Do.
Rush Creek, Ohio	3,877,581	1,833,689	5,711,270	1.5	Do.
North Fork of Powder River, Wyo	295,880	530,000	825,880	1.9	Do.
Bear-Tillda Bogue, Miss	2,848,338	1,802,654	4,650,992	2.2	May 28, 1964.
Buckeye Creek, Ariz	3,009,600	1,683,505	4,693,105	1.4	Do.
Lower Bayou, Okla	4,582,377	1,250,665	5,833,042	2.1	Do.
Upper Bayou, Okla	2,383,169	1,499,361	3,882,530	1.7	Do.
Okmulgee Creek, Okla	279,537	294,156	573,693	1.9	Do.
Turkey Ridge Creek S. Dak	1,587,950	601,950	2,189,900	1.5	Do.
Hiawassee River, Ga	1,251,313	227,458	1,478,771	1.2	July 1, 1964.
Muddy Creek, Kans	293,700	118,130	411,830	2.1	Do.
Presque Island Stream, Maine	1,293,610	567,429	1,861,039	1.9	Do.
West Fork Duck Creek, Ohio	2,600,782	1,181,895	3,782,677	1.4	Do.
Home Supply, Colo	903,868	1,566,488	2,470,356	2.1	Aug. 20, 1964.
Beaverdam Creek, Ga	1,361,465	818,550	2,180,015	1.8	Do.
South Fork of Little River, Ga	670,560	280,234	950,794	1.4	Do.
Crabtree Creek, N.C	4,023,930	1,359,190	5,383,120	2.8	Do.
Four Mile Creek, Okla	753,738	385,341	1,139,079	1.8	Do.
Three and Twenty Creek, S.C	974,450	538,712	1,513,162	1.7	Do.
Montpelier Creek, Ind	1,455,525	924,158	2,379,683	1.8	Sept. 28, 1964.
Sutherlin Creek, Oreg	645,555	580,535	1,226,090	1.7	Do.
Total (41 watersheds)	91,087,530	53,855,604	144,943,134		

SPECIAL SUBCOMMITTEE ON WESTERN WATER DEVELOPMENT

The Special Subcommittee on Western Water Development was created to study the serious water problem that exists in the Western United States and to explore possible methods of alleviating the critical water shortages.

Water has been a subject of study by congressional committees for many decades. Both Houses of the Congress have delved into the problem of pollution, flood control, irrigation, and availability. The Senate Public Works Committee, parent of this Special Subcommittee on Western Water Development, has in the past year published a major and extensive analysis of the water pollution problem. It

has been only 4 years since the Senate Select Committee on National Water Resources published its report on the future needs for reclamation in the Western States. And each year since, the committee's projections have been proven more and more accurate.

Perhaps the greatest witness to the immensity of the water problem and its importance is the continuing interest of the various congressional committees as expressed through their reports.

Yet despite the warnings which have been issued in increasing numbers as the years pass, despite the suggestions for cleaning up rivers and lakes, storing more water in impoundments, development of watershed programs and reservoirs, and emphasis on research into desalinization of water, the same basic problem continues to plague is:

There is only so much water available and inevitably every proposed project raises the controversy over taking water away from one place to help another.

It would seem then that the obvious would be to look for unused water. The obvious is not always the simplest. So while the concept of diverting the unused water of Alaska and Canada to areas in those two nations where water is needed has been with us for some time the engineering and cost factors seemed to make the concept unachievable.

But the pressure to move from attempting to solve water problems on a project-by-project basis, piecemeal, regional, without regard to the uniqueness of water resources, i.e., its mobility, has reached the point where bold initiative is demanded.

One concept presently being studied by the subcommittee proposes to take advantage of the geographical and climatological factors of the North American Continent to utilize the excess waters of the northwestern areas of the continent and distribute it to the water-deficient areas of the Canadian prairies, United States, and northern Mexico in sufficient quantities to assure adequate water supplies for at least the next 100 years. This proposal is predicated on the utilization of only that water which now, or in the foreseeable future is going unused.

The subcommittee, in order to determine the feasibility of investigating such a plan, prepared an inventory of proposed and completed Federal water resource projects and related them to the proposal. The material has been published in a committee print dated October 1964, and is titled: "Western Water Development, a summary of Water Resourecs Projects, Plans, and Studies Relating to the Western and Midwestern United States."

Since the proposal in question involves the use of international waters, cooperative investigations with the Dominion of Canada will be required.

THE BEACH EROSION BOARD AND THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS, CORPS OF ENGINEERS

(Public Law 88–172)

The purpose of this act is to abolish the Beach Erosion Board established by section 2 of the River and Harbor Act approved July 3, 1930, as amended (33 U.S.C. 426); to establish under the Chief of

Engineers, U.S. Army, a Coastal Engineering Research Center, in which would be vested all the functions of the Beach Erosion Board, including the authority to make general investigations, and such additional functions as may be assigned by the Chief of Engineers; to transfer all functions of the Beach Erosion Board pertaining to review of reports of investigations made concerning erosion of the shores of coastal and lake waters, and the protection of such shores, to the Board of Engineers for Rivers and Harbors, established by section 3 of the River and Harbor Act approved June 13, 1902, as amended (33 U.S.C. 541); and establish a Board on Coastal Engineering Research, to furnish guidance and advice to the Coastal Engineering Research Center.

The Beach Erosion Board was organized under authority of the River and Harbor Act of 1930, to make investigations and studies, in cooperation with public agencies of the various States, to devise effective means of preventing erosion of the coastal and Great Lakes shores by waves and currents.

To furnish the technical advice and assistance required in this program, the Chief of Engineers was directed to form a board of seven members to assist in the conduct of studies, review the reports on such investigations, and submit recommendations. The Board normally consists of the Deputy Chief of Engineers, President, three division engineers, and three recognized civilian engineers who are experts on the subject.

Under the Beach Erosion Control Act, beach erosion studies have been made on a cooperative basis, with local interests contributing 50 percent of the cost of the study. The River and Harbor Act of 1962, included provisions for making surveys of particular shore areas by authorization by appropriate resolution of the Public Works Committees, with the entire cost borne by the United States, as for other surveys.

The Board of Engineers for Rivers and Harbors is a continuing body created by the River and Harbor Act of 1902. It is composed of seven senior engineer officers. The Chairman is the Deputy Chief of Engineers for Construction; five members are division engineers from continental U.S. divisions (rotative basis), and the seventh officer is assigned full time as resident member who directs the staff. Appointments are made by the Chief of Engineers. The Board meets on call of the Chairman.

The duties of the Board are—

1. To conduct an independent review of survey reports covering projects for river and harbor, flood control, and multiple-purpose improvements prepared by the Corps of Engineers in response to acts of Congress or committee resolutions, and report its conclusions and recommendations to the Chief of Engineers, for transmission to Congress by the Secretary of the Army.

2. To conduct an independent review of all special reports ordered by Congress, and report thereon in the same manner as for survey reports.

3. To consider and approve general plans for major modification and reconstruction of any lock, canal, canalized river, or other works for use and benefit of navigation.

4. Collect, compile, and publish information on the characteristics of U.S. ports, in cooperation with the U.S. Maritime Administration.

5. Provide staff supervision over the collection and compilation of statistics revealing the volume and nature of commerce of U.S. ports and inland waterways.

6. Review Corps of Engineers policies and procedures as directed by Chief of Engineers, and review reports of other Federal agencies pertaining to water resources development.

The work of the Board of Engineers for Rivers and Harbors and the Beach Erosion Board are closely parallel. The Beach Erosion Board conducts considerable research on methods of controlling erosion of beaches, sand movement, inlet stabilization, and other hydraulic problems.

Many of the authorized hurricane protection surveys are closely allied with beach erosion control, and several projects authorized by the committee have been combination projects for the two types of protection and control. This type of project must also be considered in connection with adjacent navigation and local flood protection works.

The act provides for establishment of a Coastal Engineering Research Center, to conduct research relating to coastal engineering and near-shore oceanography. Section 2 of the act provides for the creation of a Coastal Engineering Research Board to utilize the services of the present civilian members of the Beach Erosion Board in furnishing advice and guidance to the Center.

The review functions of the Beach Erosion Board have served their purpose well over the years, but the research functions are increasing in volume and importance. Such research functions are retained and strengthened by the establishment of the Coastal Engineering Research Center, with guidance provided by a civilian board to furnish an element of continuity. Public Law 172 will permit more economical operations, and by consolidation of many duplicate functions in one board, permit more effective coordination and evaluation of all reports, and permit other studies to follow the same procedure as river and harbor and flood control studies.

DEFINING LOCAL RIGHTS IN FEDERALLY CONSTRUCTED RESERVOIRS

(Public Law 88–140)

The purpose of this act to make the rights for storage space acquired by States or local interests in reservoirs constructed by the Corps of Engineers available to such agencies as long as the space designated for their purpose may be physically available. The provision would be applicable to all dams and reservoirs which have been or will hereafter be constructed by the Corps of Engineers of the U.S. Army in which local interests have contributed or will hereafter contribute to the Government, or have contracted or will hereafter contract to pay the Government over a specified period of years, money equivalent to the cost of providing space to be used for the storage of water. Under present conditions the customary practice is to make these contracts applicable over a 50-year period. It includes further provisions

that the interest of the local interests would be made subject to their fulfillment of the conditions under which they had executed their contractual agreements.

The existing statutory authority, under which storage for water supply has been provided to local communities, does not define specifically the rights of local interests after payment of the allocated cost of the water storage has been completed. In the negotiation of past contracts, in many cases local interests have felt very strongly that their rights should be defined, not only for 50 years, which is the maximum payment period of the contracts, but for the physical life of the projects as well.

The act permits consideration to the effects of the terms of the lease agreement, on reservoir sedimentation and other physical and legal aspects, which might require a review of these terms after the original lease has reached its conclusion. For example, reservoirs constructed by the Corps of Engineers are designed to have sufficient silt storage space for a 50-year accumulation. After the storage space reserved for siltation is filled, the collection of silt will encroach on the live storage capacity allocated to flood control, navigation, hydroelectric powers, water supply, and any other purpose for which storage was to be provided in the reservoir. At such time as the storage capacity is reduced by the accumulation of sediment, adjustments should be made in the storage capacities for all other purposes.

The act does not change existing requirements as to amounts of payments or reimbursement, but extends the equity of local interests in the reservoir beyond the present scheduled payout period of 50 years.

The Department of the Army believes it desirable to clarify these local rights, and provide uniform treatment of all local interests obtaining storage in Corps of Engineers reservoirs, including those for which the renewal clause was not provided in the original contracts or instruments. Public Law 140 would also permit continued assessment of annual operation and maintenance costs beyond the payout period, provide for sharing by local interests of any reconstruction or rehabilitation costs necessary to continue project operation, and in the event that the Government concludes that it can no longer usefully and economically maintain and operate the facility, to negotiate a contract with the affected local interest for continued operation of such part of the facility as is necessary for utilization of the storage space allocated to it, under terms which will protect the public interest and absolve the Government from all liability in connection with such operation.

This legislation would apply to all contracts for use of water storage space contracted for by any local agencies in reservoirs constructed by the Corps of Engineers. Although in many cases these agencies are of a State or local public nature, in some cases they are private water companies serving public needs or private concerns having major water requirements.

Section 8 of the Flood Control Act of 1944, which applies to storage utilized for irrigation purposes in reservoirs constructed by the Corps of Engineers, would not be affected or modified by the provisions of the act.

This legislation will remedy an inequitable situation that now exists. Under the provisions of the Water Supply Act of 1958, water supply storage for municipal and industrial purposes may be included in reservoir projects, with the cost of such storage repaid within the life of the project, but in no event to exceed 50 years after the project is first used for the storage of water for water supply purposes. Normally the useful life of a project would extend 50 years beyond the time the project is completed, and in some instances the effects of sedimentation may become a factor after that period. When the use of water based on the future demand commences, which may be sometime after completion of the project, the cost of the storage must still be paid out within 50 years. Although the act establishes a maximum payout period of 50 years for the water supply storage, it does not define the non-Federal right at the end of that period.

The committee believes that agencies which have contracted for storage space in reservoirs of the Corps of Engineers to meet water supply needs should not be faced with the uncertainty of losing their rights to the water or lack of recognition of their interests at the end of an arbitrary period expiring in 50 years. The physical life of these projects normally extends far beyond this period of time, and active storage space in the reservoir for designed purposes will not begin to be depleted until after 50 years have passed.

The committee further believes that any local interests should have ample assurance that their rights will be continued at the end of the contract period, and that any existing contract may be revised to indicate the conversion of such rights if deemed advisable subject to certain continued obligations in accordance with the provisions of the bill.

The act would define the equity of local interests in water supply storage in reservoir projects after the payout period; encourage participation and local contributions in the multiple use of such reservoirs, facilitate passage of local bond issues to provide payment for water supply storage, and add to the development of the water resources of the country.

THE INTERNATIONAL PASSAMAQUODDY TIDAL POWER PROJECT AND UPPER ST. JOHN RIVER HYDROELECTRIC POWER DEVELOPMENT

(S. 2573, 88th Cong.)

The Subcommittee on Flood Control—Rivers and Harbors, held a public hearing on August 12, 1964, on S. 2573, a bill to authorize the international passamaquoddy tidal power project, including hydroelectric power development of the upper St. John River, and for other purposes.

The project would be located in the Passamaquoddy-Cobscook Bay region, near Eastport, Maine. It would cost about $900 million and produce power and flood control benefits that result in a benefit-cost ratio of 1.4, amply justifying construction of the project.

A brief history of the Passamaquoddy project is given in the following paragraphs.

The ocean tides have long been envisioned as a source of power. "Tide mills" were constructed in Europe as early as the 11th century and in America as early as 1617. Such small tidal hydromechanical

power developments were practical for grinding corn or spices as the work could be adjusted to periodic and varying power from the tides. Electrification and the rapid industrial and economic growth of the 20th century, however, have established a heavy growth in demand for electric power, and today the economicc utilization of power requires its availability on a controlled schedule. Utilization of the tides to generate a substantial quantity of power requires provision for the storage of large quantities of water so that discharges may be made from a higher to a lower elevation through hydraulic turbines. Passamaquoddy Bay located near the mouth of the Bay of Fundy experiences smaller tidal ranges than those occurring in the head of that bay in Canada. The large area of Passamaquoddy Bay with the substantial additional area of Cobscook Bay is favorable for a tidal power project.

From 1924 to 1934, Dexter P. Cooper, Inc., prepared plans originally for an international tidal power project at Passamaquoddy and Cobscook Bays, but later for a project located wholly in the United States. The project would have had an initial installation of 235,000 kilowatts with provision for an additional 100,000 kilowatts.

In 1927 Murray & Flood, engineers, of New York City, reported on the international project proposed by Cooper. They estimated that an installed capacity of 400,000 kilowatts with a firm capacity of 122,000 kilowatts could deliver 1,594 million kilowatt-hours annually to Woburn, Mass., at an average cost of 8.09 millis per kilowatt-hour. The total estimated cost of the project at 1926–27 price levels was $125 million.

In 1935, the Passamaquoddy Bay Tidal Project Commission of the U.S. Federal Emergency Administration of Public Works recommended constructioin of an initial Cobscook Bay project, all within the State of Maine, at an estimated cost of $30 million. The recommended initial project was approved by the U.S. Government and $10 million (later reduced to $7 million) was allotted to the U.S. Army Corps of Engineers to start construction. Work progressed until August 1936 with an expenditure of about $7 million, and was discontinued due to lack of further appropriations by the Congress.

In 1941, the Federal Power Commission concluded that Passamaquoddy tidal power (development of U.S. waters only) could not compete successfully at that time with river hydroelectric power potentially available in the State of Maine. The Commission stated, however, that this conclusion should not preclude thorough exploration of the possibilities of a large international tidal power project at Passamaquoddy by the Governments of the United States and Canada.

The International Joint Commission conducted investigations of the Passamaquoddy international tidal power project from 1948 to 1961.

In May 1961, Senator Edmund S. Muskie, of Maine, recommended to the President that the administration explore all unanswered questions in the report of the International Joint Commission and that serious attention be given to those suggestions made by the Commission which would affect a final determination on the feasibility of the project.

As a result, in May 1961, President Kennedy asked the Department of the Interior to review the International Joint Commission's report go on the international Passamaquoddy tidal project and the upper

St. John River hydroelectric power development, with the request that he be advised on changes in fuel, engineering, and financial costs which might result in making the project economically feasible.

On July 1, 1963, the Secretary of the Interior submitted his report to the President recommending early authorization of the project.

A supplementary report to the July 1, 1963, report was prepared by the Passamaquoddy-St. John River Study Committee and submitted to the Secretary of the Interior on August 3, 1964. That report has been published in the August 12, 1964, hearings on S. 2573.

The hearing held by the Committee on August 12, 1964, has been published under the title: "Passamaquoddy-St. John." In addition, all available reference material relating to the Passamaquoddy project which was published prior to the August 12 hearing has been made a part of the Committee's document files. With the exception of the 12-volume International Joint Commission Report of 1961, all of this reference material issued by the Federal agencies has been reproduced in a separate appendix to the Passamaquoddy-St. John hearings.

CHAPTER II

POLLUTION CONTROL LEGISLATION

The fight against water pollution has long been a major concern of the Committee on Public Works. Of recent years, efforts to control air pollution has emerged as equally as major a concern. As a result, the field of pollution control reached a stage where it became necessary to establish a subcommittee to consider the numerous measures introduced in the 88th Congress.

In the 20 months since the creation of the Special Subcommittee on Air and Water Pollution, on April 30, 1963, the hours devoted by Senators and staff alike has equaled that spent by any other subcommittee of the Committee on Public Works.

Two major bills were produced by the subcommittee, both reported unanimously: Two major staff reports were published; field hearings on air pollution and special hearings on technological developments in air pollution as well as legislative hearings on the measures considered were held; a documentary film was produced; and finally, the subcommittee produced a unanimous report on future legislation for air pollution control.

Air is probably the most important of all our natural resources. Everyone is aware that we need fresh air every few seconds in order to live. Less well known are the enormous demands upon our air supply—measurable in thousands of cubic miles annually—to sustain our modern technological way of life. Far more air than fuel, even in terms of actual weight, is used in all combustion processes, from burning gasoline in the family car to burning coal in a huge electric powerplant.

These processes replace usable air with potentially harmful pollutants, and the capability of the atmosphere to disperse and dilute these pollutants—especially in urban areas where people, vehicles, and industries tend to congregate in even greater numbers—is strictly limited.

Water pollution is also a serious problem. The prevention and control of water pollution assumes increasingly more urgent priority as the need for water of adequate quality continues to rise under the complex pressures of unprecedented population growth, increased urbanization, and rapid technological change. As a result of the ever-increasing importance of water in our daily scheme of things, there has come with it an increasing awareness of the need to see not only that pure water is made available for all our necessary purposes but also that the program under which this problem is met will be fully carried out. Prior legislation enacted into law by the Congress in 1956 and again in 1961 were very necessary steps in the development of a comprehensive program for the control of water pollution in all phases of our national life.

The Special Subcommittee on Air and Water Pollution explored the Nation's air and water pollution problems to find means to alleviate the sources of pollution.

In October of 1963, the Committee on Public Works favorably reported S. 649, the Federal Water Pollution Control Act Amendments of 1963. Prior to this action, the Subcommittee on Air and Water Pollution held public hearings for a period of 6 days, at which time officials of the Department of Health, Education, and Welfare, and other departments and agencies and representatives of State and local governments, interstate water pollution control agencies, conservation organizations, the public health and medical profession, and industry testified and presented their views.

S. 649 passed the Senate 69 to 11 but failed to become law in the 88th Congress, when the House, after reporting an amended version from committee, had insufficient time in the closing days of the session to act.

In September of 1963, the Special Subcommittee on Air and Water Pollution Control, held public hearings on various legislative proposals relating to air pollution control. Testimony and statements were received from witnesses representing conservation groups, industry, State and local governments, labor, Federal officials, and other interested parties. The testimony received demonstrated that the problem of air pollution grows more serious across the Nation and that current efforts are meeting with only limited success in many cases.

In December of 1963, the Committee on Public Works unanimously reported S. 432, whose provisions the Senate passed. Differences with a House version were reconciled and the measure became law. The Clean Air Act of 1963 represents a sharp departure from prior legislation in that it created within the Federal Establishment a mechanism for greatly stimulating the national effort to abate and control air pollution. Its provisions were broad, and they ranged into fields which the Federal air pollution effort had not previously entered—abatement authority and financial aid to control programs, to mention only two.

AIR POLLUTION CONTROL

Clean Air Act

(Public Law 88–206)

With the adoption of the Clean Air Act in December 1963, Federal policy in the field of air pollution control underwent significance evolution. Although there was no change in the view that responsibility for the control of air pollution rests primarily with State and local governments, the Federal Government responded to a very real need by equipping itself to aid State and local control programs more effectively and to stimulate them to the increased level of activity considered necessary. Thus, the preamble adds a new dimension to the Federal role when it states that "Federal financial assistance and leadership is essential for the development of cooperative Federal, State, regional, and local programs to prevent and control air pollution." The preamble points out that most of the Nation's people now live in urban areas, including metropolises which sprawl across municipal, county, and State boundary lines, and it specifically mentions

motor vehicles as one of the major contributors to the mounting air pollution problem.

The Congress has instructed the Federal Government to assume the responsibility for directly aiding in the development of State, regional, and local control programs sufficiently equipped and empowered to reverse the trend toward evermore polluted air. To begin with, the act continues and expands the authority for the ongoing research, development, and technical assistance programs of the Division of Air Pollution. It places considerable emphasis on the fact that there is still much to be learned in the technical and scientific spheres and that the Federal Government has a responsibility for seeing that this knowledge is developed. The same is true of the need for additional trained personnel to work in the fields of air pollution research and control.

Among the important new authorities provided by the Clean Air Act is that for program grants. Briefly, these grant funds may be made available to State and local agencies for the purpose of developing, establishing, or improving air pollution control programs. Federal funds will be available on a matching basis—$2 for every $1 for single jurisdictional programs, and $3 for every $1 for programs operating on a regional basis. The objectives of this provision is not to participate in the maintenance cost of ongoing air pollution control programs throughout the Nation but rather to stimulate State and local agencies to develop new programs or to expand existing control efforts.

The new Clean Air Act also includes for the first time a limited legal regulatory authority on the Federal level for abatement of specific air pollution problems. This limited regulatory power is clearly intended to supplement the abatement powers of State and local governments with respect to two types of situations:

First, with respect to an interstate problem in which pollution arising in one State may be endangering the health or welfare of persons in another State, the Secretary of Health, Education, and Welfare, may, on his own initiative or on official request as specified in the act, initiate formal proceedings for the abatement of the pollution as found to be necessary;

Second, with respect to a similar air pollution problem, but which is purely intrastate in nature, the Secretary may invoke such formal abatement proceedings only on official request from designated officials in the State involved.

These Federal regulatory powers are intended to supplement the State and local authorities (1) by providing a means of dealing with interstate problems which are not easy and sometimes are impossible to reach by the remedies available to a single State, and (2) providing technical and other assistance from the Federal Government in cases with which, although intrastate in character, it is difficult for State or local authorities to deal.

The regulatory abatement procedures authorized in the act are very similar to those in use for several years under the provisions of the Water Pollution Control Act—involving the steps of conference with the cognizant official agencies, public hearing, and finally court action. The procedure may, of course, terminate at the initial or second step of the process if the problem is resolved.

Several other provisions of the Clean Air Act reflect the new and evolving Federal air pollution control policy. For example, the act directs the Department of Health, Education, and Welfare to develop and promulgate criteria of air quality for the guidance of State and local authorities in establishing standards for source emissions and ambient air. In addition, specific directives are included to give particular research attention to the removal of sulfur from fuels and to the development of effective and practical devices for controlling air pollution. The act also calls for the formation of a technical committee on motor vehicle pollution, composed of representatives from the Department of Health, Education, and Welfare and the automotive industry, the manufacturers of motor vehicle pollution control devices, and the producers of motor fuels. This committee will review progress toward effective control of vehicular pollution and indicate specific areas in which additional research and development are needed. The Secretary of Health, Education, and Welfare is required to report to Congress periodically on this aspect of the air pollution problem and recommended any new legislation that he determines is warranted. Thus, the Congress has initiated a process of almost continuous review of the motor vehicle pollution problem.

Finally, the act retains the previous directive that Federal facilities should, to the fullest extent possible, seek to minimize or eliminate air pollution for which they are responsible. In addition, the new act authorizes the Secretary of Health, Education, and Welfare to designate classes of potential pollution—sources for which Federal agencies would be directed to obtain permits from him, subject to such conditions as he may prescribe. The Secretary is required to report to the Congress each January on the status of these permits and compliance with their terms.

Subcommittee Report on Air Pollution

"steps toward clean air"

Following adoption of the Clean Air Act, the subcommittee turned to a more detailed inquiry into the complexities of the national air pollution problem devoting its attention chiefly to facets such as vehicular pollution and the development of effective regional approaches to control, which evidently presented the greatest impediments to comprehensive air pollution control throughout the Nation. On January 27, 1964, the subcommittee initiated in Los Angeles a series of field hearings to gather as much on-the-spot information as possible. In addition to Los Angeles, hearings were held in Denver, Chicago, Boston, New York, and Tampa to gather, at first hand, a fund of information on the kinds of problems typically affecting representative communities in various parts of the country. Witnesses who provided testimony at these hearings included governmental air pollution control officials, Governors, mayors, municipal and State health officers, representatives of industry, and spokesmen for citizens' organizations active in the effort to control air pollution. This series of hearings was concluded in late February. In June, the subcommittee again held hearings in Washington, taking testimony over a 5-day period on several specific aspects of the air pollution prob-

lem—motor vehicles, pollution control equipment, solid waste disposal emissions from jet aircraft engines and from the testing of missile and rocket fuels, the control of sulfur emissions associated with the burning of coal and oil, and the need for new Federal research and development facilities to carry out the exanded programs authorized under the Clean Air Act. Testimony was received from Federal officials, from representatives of the several industrial fields directly concerned, and from a number of expert witnesses, consultants, and members of university faculties.

A committee print entitled, "Steps Toward Clean Air," dated October 1964, was based on the conclusions formed by subcommittee members growing out of an analysis of more than 1,400 printed pages of testimony and supporting documents. The members of the subcommittee have arrived at a set of recommendations which they feel are amply supported by the massive fund of information developed over the past year.

The recommendations are as follows:

That consideration be given to—

1. Legislation which would provide a minimum national standard limiting exhaust emissions of air pollutants from gasoline-powered motor vehicles.

2. Legislation which would require the Secretary of Health, Education, and Welfare to establish criteria for allowable exhaust emissions from diesel-powered vehicles.

3. Legislation which would authorize the establishment of a program of grants for the construction of community solid waste disposal facilities.

4. Legislation which would authorize the establishment of a Federal Air Pollution Control Laboratory.

5. Legislation which would authorize the establishment of a technical committee, composed of representatives of the Department of Health, Education, and Welfare, the coal and petroleum industries, and the electric power industry, and the Federal Power Commission to effect a program of development of improved, low-cost techniques leading to the reduction of the emissions of oxides of sulfur produced by the combustion of sulfur-containing fuels.

It is further recommended that—

6. The Secretary of Health, Education, and Welfare prepare suggested State laws and regulations and municipal ordinances and codes which would encourage uniform control of air pollution within "air sheds," particularly where the problems are interstate in nature.

7. The President call a conference, made up of representatives of the Department of Health, Education, and Welfare, the Department of Defense, FAA, NASA, the Atomic Energy Commission, the Department of Commerce, and affected industries, to review rules, regulations and efforts to avoid air pollution resulting from jet aircraft, rocket and missile testing, and experimental fuel use. The conference should devise an effective means of coordination and mutual support to eliminate and avoid air pollution in these areas and should meet periodically to review Government activity.

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Staff Report on Air Pollution

"A study of pollution—air"

Before considering air pollution legislation in 1963 the subcommittee instructed its staff to prepare a report on the problems of air pollution, its causes and effects, the history of Federal control activity, and the specific areas which seemed most urgently to demand attention. The report, "A Study of Pollution—Air," was issued in September 1963.

The staff study documented the magnitude of the national air pollution problem and made clear the fact that immediate consideration of appropriate legislation was highly desirable. It was obvious that early action was called for if Congress was to enact legislation to cope with the problem within that year.

The report demonstrated that across the Nation, the problem of air pollution grows ever more serious. Current efforts by industry and Government to lift the curtains of smog which more and more frequently veil our cities from coast to coast and border to border, are meeting with only limited success. The rapid deterioration of the quality of our air has reached the point at which more effective control measures can no longer be postponed. To underline this point, research continues to provide new evidence that air pollution is objectionable, not only for its esthetic and nuisance effects, which we can see and smell, and its economic damages, which are more varied and costly than we had supposed, but also because of its hazards to health and safety.

The report revealed that although pollution is increasing faster than our population increases, technical procedures are available which can prevent the discharge of most contaminants to the air. Pollution of the air can now be reduced through the application of proven control principles.

The report pointed up the need for establishment of air quality standards to protect the American public. It drew the conclusion that an aggressive program of research was needed to provide assistance in developing appropriate State and local air pollution control laws and standards and for the enforcement of such laws.

FEDEAL WATER POLLUTION CONTROL AMENDMENTS OF 1963

(S. 649, 88th Cong.)

S. 649 was reported by the Committee on Public Works on October 4, 1963. The measure passed the Senate on October 16, 1963, and was reported by the House Public Works Committee on September 4, 1964. No action was taken by the House on this bill.

The bill as passed the Senate would amend the Federal Water Pollution Act to:

(1) Express the act's purpose to enhance the quality and value of our water resource and to establish a national policy for the prevention, control, and abatement of water pollution;

(2) Provide for an Assistant Secretary of Health, Education, and Welfare to supervise and direct the administration of all functions of the Department related to water pollution together with such other functions as may be assigned to him by the Sec-

retary, and establish a Federal Water Pollution Control Administration within the Deparment of Health, Education, and Welfare whose head shall be appointed by the Secretary and who shall administer sections 3, 4, 10, and 11 of this act and other provisions as the Secretary may prescribe;

(3) Authorize research and development grants in the amount of 50 percent of the estimated reasonable cost of projects which will demonstrate new or improved methods of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes. Authorizes appropriations of $20 million for the fiscal year ending June 30, 1964, and for each of the next 3 succeeding fiscal years for the purpose of making demonstration grants. A grant for any single propect shall not exceed 5 percent of the total amount authorized for any one fiscal year.

(4) Increase the individual dollar ceiling limitations on grants for construction of waste treatment works from $600,000 to $1 million for a single project and from $2,400,000 to $4 million for a joint project involving two or more communities;

(5) Authorize an additional 10 percent in the amount of a grant for construction of waste treatment works in the case of a project which is certified as conforming with a comprehensive plan developed or in process of development for a metropolitan area;

(6) Authorize and direct the application of enforcement measures to abate pollution when any person is prevented from marketing shellfish or shellfish products in interstate commerce as a result of such pollution and action of Federal, State, or local authorities;

(7) Authorize the Secretary to prepare and to encourage the development of regulations establishing standards of water quality to be applicable to interstate waters. The standards shall be in accord with the act's purpose to protect the public health and welfare and to enhance the quality and value of such waters for all legitimate uses. The regulations setting forth standards would be formulated after reasonable notice and public hearing and in consultation with the Secretary of the Interior and with other Federal agencies, with State and interstate water pollution control agencies, and with municipalities and industries involved. A public hearing is similarly to be called on the Secretary's own motion or on petition of a Governor whose State is subject to or affected by the water quality standards for considering revision of such standards. The Secretary is directed to promulgate the standards if, following his request, the appropriate States and interstate agencies have not developed standards which he finds consistent with the provisions of this act. The discharge of matter into interstate waters which reduces their quality below the promulgated standards or State or interstate standards established consistent with the act is subject to abatement under he enforcemen procedures presently provided in the act;

(8) Provide that discharges of matter into the waters of the United States from Federal installations shall be controlled under permits to be administered by the Secretary;

(9) Establish a procedure to evaluate progress in the development of decomposable detergents which will not cause or contribute to the pollution of surface and underground waters, develop standards of decomposability for such detergents, and authorize the promulgation of such standards at such time as detergents conforming to the proposed standards of decomposability are generally available to the manufacturers of detergents. The Secretary is directed to appoint a technical committee, to be made up of an equal number of representatives of the Department of Health, Education, and Welfare and the soap and detergents manufacturing industry. The technical committee is directed to evaluate progress in the development of decomposable detergents and to develop and recommend to the Secretary standards of decomposability. On or before January 1, 1965, and on June 30, 1965, the Secretary shall report to the Congress on measures taken toward the resolution of the detergent pollution problem, including standards of decomposability and methods for testing conformity with the standards, the nature of the delays encountered, and his recommendations for legislation, if necessary, to regulate the composition of detergents.

When the technical committee has recommended standards of decomposability and certified to the Secretary that detergents conforming to such standards are generally available to the manufacturers of detergents, he may, if he concurs in the findings of the committee, establish rules and regulations to prevent the transportation or sale in interstate commerce of detergents not meeting the standards of decomposability. The Secretary is authorized to establish, in conjunction with the Secretary of the Treasury, rules and regulations preventing the importation of detergents not meeting the established standards of decomposability. The regulations would take effect on December 31, 1965, or 6 months after they are issued, whichever is later.

(10) Provide for accountability of financial assistance furnished under the act to accord with acceptable audit and examination practices; and make the authority and functions of the Secretary of Labor with respect to labor standards appropriately applicable to the act's provisions.

Staff Report on Water Pollution

"A study of pollution—water"

A comprehensive report on water pollution, the problem, the need, and Federal and State activities, was prepared by the Committee on Public Works in June of 1963. The report has been published as a committee print and is titled: "A Study of Pollution—Water."

The report demonstrated the rapidly increasing backlog of needs in achieving a national water quality control program. Critical insufficiencies are revealed in those pollutant problems in which control practices have long been established, as well as in the newer problems of chemical, pesticide, and radioactive pollution in which further research is needed.

Despite the stimulus provided to the States through Federal research and construction grants, our basic national water quality control pro-

gram is not keeping pace with our population increase and the growing urbanization of America. Under the Federal Water Pollution Control Act of 1956, and as amended in 1961, Congress has appropriated $484 million for fiscal years 1957 through 1963, of which some $408 million has been for construction grants. Of this amount, $370 million has been allocated as the Federal share in the construction of sewage-treatment works with a total cost of $2.2 billion, serving some 40 million people.

Yet, even while acknowledging the commendable achievements of State and Federal officials under the Water Pollution Control Acts of 1956 and 1961, we must also acknowledge the serious inadequacies of the present program.

The backlog of needed projects in the field of municipal waste collection and treatment added to population growth, plus compensating for continuing obsolescence of plant facilities amounts to $2.6 billion. A projection which assumes that the backlog plus obsolescence and population growth needs would be met by 1970 would require an annual expenditure of $751 million in current prices; however, estimated price increases indicate that this figure would more nearly approximate an average annual expenditure of $830 million. It should be emphasized that this is the projected cost for treatment only of municipal waste and industrial waste products which is normally tributary to a municipal system.

The expenditures required for treatment of industrial waste cannot be estimated at this time; though some indication of the magnitude of the problem can be inferred from the estimate of industrial organic waste in 1970 as equivalent to the raw sewage of a population of 210 million.

An additional and major problem of pollution is that which results from combined sewer systems which receive not only sanitary sewage, but also storm runoff. During periods of heavy runoff, sewer lines are overloaded and treatment plants become incapable of processing the heavy burden placed upon them, with the result that many tons of raw sewage are dumped into watercourses to be conveyed to the next water user. This problem confronts more than 1,900 communities with a total population of nearly 40 million, and carries an estimated cost of correction of $8 billion.

There are an additional 15 million Americans who are not served by any sewers or treatment works, comprising another backlog of some $1.8 billion in construction.

It is estimated that by 1970 our total population will be about 214 million, and at the present rate of sewage treatment construction there will be dumped into our watercourses the equivalent of untreated municipal waste from 85 million people and the equivalent of 210 million from industrial organic waste or the equivalent of organic waste from 295 million people. This does not include the pollution occurring from mineral and chemical origin.

The fast-growing chemical industry is producing synthetic chemicals which find their way into watercourses. Many of these do not respond to biological treatment and persist in streams for long distances. Agricultural fertilizers and pesticides are increasingly troublesome sources of pollution, with far-reaching and still unpredictable effects on stream and river ecologies. Finally, the most recent contributor

to pollution—radioactive wastes—carries both immediate health hazards as well as long-term genetic hazards which have not yet been adequately appraised.

All of these newer pollutant problems, as well as the growing backlog in the conventional problems of treating municipal and industrial waste, indicate the compelling need for major new efforts in the reduction and prevention of water pollution. Recently enacted Federal legislation is pointed in the right direction. Yet we are faced with the inescapable fact of the deterioration of water quality, a fact which clearly demonstrates the need for new preventive efforts.

These efforts must be effected by the States exercising the antipollution laws which are available to them, and strengthening those which are shown to be inadequate. In addition to the preventive efforts required through the enforcement of antipollution laws, there is a great need for sewage-treatment works to handle effluent from cities, industries, and farms, and for the development of new methods to treat the new chemical, pesticide, and radioactive wastes.

Though much remains to be learned about these latter problems, water pollution control cannot wait upon the development of all the answers. Our present state of knowledge in many fields is sufficient for the imposition and vigorous enforcement of controls to safeguard the public health and welfare, and to provide for quality and quantity of water which our rapidly expanding population and economy demand.

TROUBLED WATERS

(Committee documentary film)

The committee in the 88th Congress pioneered a new means of reporting to the Senate on matters before it. Not satisfied that the traditional written report would convey the essence of the problems of water pollution, the committee authorized the production of a motion picture.

This film, produced by the committee itself with technicians borrowed from four departments, was a 30-minute sound color film narrated by Henry Fonda. The script and shooting scheduled was developed and supervised by the committee staff. Cameramen, laboratory assistance, equipment, and film was provided on a reimbursable basis in most cases by the Departments of Health, Education, and Welfare, Agriculture, Air Force, and the Corps of Engineers.

The film was produced in 4 months and premiered in September 1963, 1 month before the Senate passed S. 649, a bill to amend the Water Pollution Act.

Since its first showing to the Senate, more than 40 copies of the film have been sold to Government and non-Government sources. The 7 committee copies have been loaned to more than 100 organizations.

CHAPTER III

HIGHWAYS LEGISLATION

During the 88th Congress, the Committee on Public Works considered numerous legislation in the interest of development and improvement of the Nation's highways.

The Federal-Aid Highway System plays an important role in developing the national economy. The present program came into being through enactment of the Federal-Aid Highway Act of 1956. It is 8 years since this program was authorized and the program is on schedule in relation to the revenues available in the highway trust fund. Since July 1, 1956, revenues accruing to the fund have totaled $20,105 million and expenditures have totaled $19,520 million. On May 1, 1964, the balance in the highway trust fund was $585 million.

As of April 1, 1964, some form of work has been completed or is underway on 34,474 miles or 84 percent of the 41,000-mile Interstate System.

Total interstate mileage improved and open to traffic on May 1, 1964, was 16,702 miles, representing an increase of 2,366 miles during the past 16 months. This total includes 11,287 miles completed to full or acceptable standards, 3,066 miles improved to standards adequate for present traffic but needing additional improvement to meet full standards, and 2,349 miles of toll roads incorporated into the system as authorized by the 1956 legislation.

Work was underway on May 1, 1964, on 17,925 miles of the Interstate System, including 5,745 miles actually under construction contract and 12,180 miles on which engineering or right-of-way acquisition was underway.

Interstate projects totaling $10.5 billion have been completed since July 1, 1956. The completed projects include construction contracts at a total cost of $8.8 billion and engineering and right-of-way acquisition totaling $1.7 billion.

Interstate projects underway or authorized on March 31, 1964, totaled $8.6 billion. The work underway included construction contracts totaling $5.1 billion and engineering and right-of-way acquisition totaling $3.5 billion.

Public Law 423, the Federal-Aid Highway Act of 1964, provides authorization in the amount of $1 billion for fiscal year 1966, and $1 billion for fiscal year 1967, for continuation of the Federal-aid highway program, and $179 million for fiscal year 1966, and a like amount for fiscal year 1967, for public domain roads.

The Federal-Aid Highway Amendments Act of 1963, Public Law 157, makes certain amendments to title 23, United States Code, which are necessary for a more effective operation of the Federal-aid program. These amendments include a minor change in the formula

of the apportionment of urban funds with respect to the States of Connecticut and Vermont; revised dates for the submission to the Congress of Interstate System cost estimates; elimination of the 1975 interstate "design date" restriction, substituting therefor the requirement that geometric design standards for the Interstate System be based on 20-year traffic projection; extension from June 30, 1963, until June 30, 1965, of the period during which a State may enter into an agreement with the Secretary of Commerce relating to the control of outdoor advertising along the Interstate System; provision for research and development in highway planning, design, construction, and maintenance; and, provision for an increase, at the discretion of the Secretary of Commerce, in the limitation on payments for construction engineering from 10 to 15 percent of the total estimated cost of a project financed with Federal-aid primary, secondary, or urban funds.

Other important legislation affecting the national highway program, considered by the committee during the 88th Congress, included the following:

Public Law 381, authorizing the District of Columbia Commissioners to locate a vehicular tunnel under parts of the U.S. Capitol Grounds and the U.S. Botanic Garden grounds, as a part of the innerloop freeway system;

Public Law 657, authorizing the Secretary of Agriculture to grant easements across national forest and other lands administered by the Forest Service, and providing for means of financing construction and maintenance of roads and trails on such lands; and,

Public Law 660, authorizing the Secretary of Commerce to expend an additional $250,000 from general administrative funds, for Federal assistance to the States in planning the Great River Road.

Details concerning the foregoing legislation are set forth below:

FEDERAL-AID HIGHWAY AMENDMENTS ACT OF 1963

(Public Law 88–157)

The Federal-Aid Highway Amendments Act of 1963, amends various sections of title 23 of the United States Code, relating to the Federal-aid highway systems. The provisions of the act are as follows:

APPORTIONMENT OF FUNDS FOR EXTENSIONS OF THE FEDERAL-AID PRIMARY AND FEDERAL-AID SECONDARY SYSTEMS WITHIN URBAN AREAS

Section 2 of the act amends section 104(b)(3) of title 23 of the United States Code, by eliminating a special provision applicable to Connecticut and Vermont in the apportionment of urban highway funds.

The method of apportioning funds authorized for the urban extensions of the Federal-aid primary and secondary systems relates the populations of municipalities and other urban places of 5,000 or more in each State to the total of such population in all the States. An exception, however, is made in existing law with respect to towns in Connecticut and Vermont, which are considered municipalities regardless of their incorporated status.

When this provision was enacted as part of the Federal-Aid Highway Act of 1944, its evident purpose was to place Connecticut and Vermont on an equal basis with other States in the apportionment of urban funds. The term "town" in the New England States usually refers to a political subdivision of a State which may contain both incorporated and unincorporated communities which are urban in character. As used in the 1940 Federal census, however, the term "urban population" did not include the population of unincorporated areas unless those areas met certain population density standards.

Thus, at the time of enactment of the 1944 act, much of the population of these towns was urban in fact, though the communities had not met the urban population density standards established by the Bureau of the Census. The definition of "urban population" has since been revised by the Bureau of the Census to include as nearly as possible the population of all places which have urban characteristics, regardless of their incorporated or unincorporated status.

Under existing law (sec. 104(b)(3) of title 23, United States Code), the population of each town in Connecticut and Vermont with 5,000 or more inhabitants is used as the basis for apportioning Federal-aid urban highway funds regardless of its rural or urban characteristics. Where the area is determined by census to be actually rural in character, it is also included in the rural population data upon which apportionment of Federal-aid secondary funds is based, thus resulting in counting certain populations twice.

In the report to the Congress of August 15, 1962, entitled "Review of Apportionments of Federal-Aid Highway Funds, Bureau of Public Roads, Department of Commerce for Fiscal Years 1956–63," the Comptroller General outlined the effects of such a double count. Specifically, the report noted that for fiscal 1963 Connecticut received approximately $810,000 more urban funds and Vermont approximately $73,000 more urban funds than would have been received if the urban population in these States had been apportioned in the same manner as in all the other States. These amounts represent 18.2 and 22.6 percent, respectively, of the Federal-aid urban highway funds apportioned to the two States for fiscal year 1963, and comparable amounts have been apportioned for fiscal years 1964 and 1965.

In view of the inequities imposed on the other States under existing legislation and the new definition of urban population, the Comptroller General's report recommended that the Congress amend this section of title 23, to eliminate or modify the special provision applicable to the States of Connecticut and Vermont. The committee explored with the Bureau of Public Roads the possibility of other apportionment formulae which would allow Connecticut and Vermont to continue with their present level of highway planning under ABC apportionment. However, every alternative offered would create additional inequities. Therefore, since the original circumstances which prompted the enactment of the special exception for Connecticut and Vermont no longer exist, the committee recommended the enactment of this section in order to provide for uniform treatment of all States in the apportionment of Federal-aid urban highway funds.

SUBMISSION OF CERTAIN COST ESTIMATES FOR THE COMPLETION OF THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

Section 3 of the act amends paragraph 5 of subsection (b) of section 104 of title 23, United States Code, to provide for a change in dates for the submission of new cost estimates for completing the Interstate System to the Congress by the Secretary of Commerce, and to further provide a change in the formula of apportionment of interstate funds authorized for fiscal years 1967 through 1971, so that such apportionment would be based on estimates of the Federal share, rather than the total cost, of completing the then-designated Interstate System.

Under existing law, three more cost estimates for completing the Interstate System must be prepared by the Secretary of Commerce in cooperation with the State highway departments for submission to Congress. As proposed to be amended by this section, the law would still require submission of three such cost estimates, but would change the date of their submission to the Congress. The new dates contemplated under this section would be a 1965 estimate which would be used for the apportionment of funds for the 1967, 1968, and 1969 fiscal years, a 1968 estimate which would be used to apportion the 1970 funds, and a 1969 estimate which would be used for the 1971 apportionment.

The committee believes it essential that these changes be made before the submission of the next cost estimate for the Interstate System, which under existing law is January 1966, and which this bill would set forward 1 year to January 1965. Prompt enactment is necessary because the preparation of such a comprehensive estimate must be begun at least a year, and preferably more, in advance of the time of submission of the report to Congress. This advancement of 1 year in the reporting date will permit the proposed 1965 cost estimate to be used as the basis for the apportionment of funds for the fiscal year 1967. This apportionment would normally be made in the summer of 1965. These new dates also take into consideration the amendments made by the Federal-Aid Highway Act of 1961, which authorized funds for the Interstate System through the fiscal year 1971, in recognition of the increased estimate cost of the Interstate System.

The amendment made by the bill changing the method of apportionment for fiscal years 1967–71 to one based on the Federal share, rather than the total cost of the completion of the Interstate System, is necessary to insure that the apportionments during this period will more correctly match the ratio of disbursement which varies from State to State, depending on the Federal share of construction cost per mile payable to that State.

The committee believes that these changes are fundamental and necessary to the proper administration and full completion of the Interstate System.

GEOMETRIC DESIGN STANDARDS ON THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

Section 4 of the act amends subsection (b) of section 109 of title 23, United States Code, by eliminating the 1975 interstate "design date" as set forth in the Federal-Aid Highway Act of 1956, and substituting therefor the requirement that each project shall be constructed according to design standards that will enable it to accommodate the types and volumes of traffic anticipated 20 years from the period of construction. The 20-year period will commence on the date of approval by the Secretary, under section 106 of title 23, United States Code, of the plans, specifications, and estimates for actual construction of such project.

The committee was advised that the general practice is to plan and design major highways for traffic for 20 years in the future. It is the committee's opinion that this amendment to existing law is the most practical one for construction of projects on the Interstate Highway System. It will clarify the intent of the Congress in this regard, and thus will give State highway departments an opportunity to plan accordingly. The elimination of the 1975 date and inclusion of the 20-year period will further eliminate the possibility of premature obsolescence of sections of the Interstate System.

However, the committee recognizes the danger of certain impediments to sound planning and effective highway administration if the date of the commencement of the 20-year period is too rigidly established. The act provides for the commencement of the 20-year period on the "date of approval by the Secretary, * * * of plans, specifications, and estimates for actual construction of such project." Due to the necessary timelag involved between planning and construction of our major highways, there must be allowance made for time elapsed between the traffic studies and preliminary designs and the final approval of plans, specifications, and estimates for actual construction of an individual project.

The committee, therefore, suggests that the administration of this section of the act should be sufficiently flexible to allow for the Secretary's discretion in such matters and not require submission of new designs or new traffic studies on each project solely because those on which the final plans are based would fall slightly short of the 20-year period projected from the date of the Secretary's final approval.

CONTROL OF OUTDOOR ADVERTISING ON CERTAIN AREAS ADJACENT TO THE INTERSTATE SYSTEM

Section 5 of the act extends to July 1, 1965, the cutoff date prior to which a State may enter into an agreement with the Secretary of Commerce to carry out the national policy with respect to outdoor advertising adjacent to the National System of Interstate and Defense Highways in order to qualify for the additional one-half of 1 percent of the Federal share of the cost of the affected project.

Since the enactment of this section in the Federal-Aid Highway Act of 1958, 20 States have qualified for the additional payment, under

regulations promulgated by the Bureau of Public Roads pursuant to this section, and 1 State, Kentucky, has received payment. The other 19 States are Connecticut, Delaware, Hawaii, Maine, Maryland, Nebraska, New York, North Dakota, Oregon, Pennsylvania, Virginia, Washington, West Virginia, Wisconsin, Ohio, Vermont, New Hampshire, New Jersey, and Rhode Island.

This number of States having already qualified under the legislation, the committee believes that additional time should be allowed the other States to determine whether they wish to comply with the established national policy.

PROVISION FOR RESEARCH AND DEVELOPMENT IN CONNECTION WITH HIGHWAY PLANNING

Section 6 of the act amends paragraph 307(c)(1) of title 23, United States Code, to provide for research and development in connection with the planning, design, construction, and maintenance of highways and highway systems.

The present law allows for 1½ percent of the sums apportioned to any State for any year to be expended on research. The statute includes the word "development" under the research and planning provisions of paragraph 307(a), of title 23, which provision has been interpreted as giving the Secretary of Commerce authority to expend funds for development as well as research.

However, specific provision is not made for the States to initiate development projects and receive reimbursement from the 1½ percent of funds apportioned for that year. Section 6 provides specific authority in paragraph 307(c)(1), of title 23, for reimbursing the States for development projects, making it consistent with the present interpretation of paragraph 307(a), of title 23, and with the practice of other executive departments and agencies in which development is an integral part of a research and development program, and thus stimulate the States to greater initiative and a more active role in the development phase of research and development.

The committee was informed by the Department of Commerce that the amendment offers a technical clarification which will not alter present policy of the Department. The amendment is acceptable to the Secretary of Commerce, and is supported by the roadbuilding industry and the States.

SECTION 7. INCREASING THE LIMITATION ON PAYMENTS FOR CONSTRUCTION ENGINEERING FOR FEDERAL-AID PRIMARY, SECONDARY, AND URBAN PROJECTS

Prior to enactment of this measure, existing law provided for a maximum Federal participation in engineering construction costs of 10 percent of the total estimated cost of a project financed with Federal-aid primary, secondary, or urban funds, after excluding from such total estimated cost the estimated costs of rights-of-way, preliminary engineering, and construction engineering.

Section 7 of the amendment applies only to the Federal share of payments, the maximum net benefit to any State, with reference to the affected projects, would be a 2½-percent transfer to construction engineering costs of Federal funds which would otherwise be used for the Federal share of actual construction.

During the past decade or more, highway construction costs have remained stable, while engineering construction costs have increased considerably due largely to more stringent Federal requirements and the necessity to employ more highway engineers. In Alaska, where the construction season is an unusually short one, and in some of the Western States where projects may be far removed from established housing facilities, the engineering costs have increased well beyond the 10-percent limitation for Federal participation allowed under the present law. It is the opinion of the committee that this amendment will alleviate the difficulties incurred by some of the States under the present law.

It is, furthermore, the opinion of the committee that in the administration of the proposed measure, a State should not be required to show need for the increased limitation on every specific project. In order to minimize the repetition of routine applications, appraisals, and justifications, it should suffice to establish periodically general climatic, geographic, topographic, and engineering conditions which would justify the increase in limitation.

There would be no additional Federal cost involved in the inclusion of this section.

FEDERAL AID HIGHWAY ACT OF 1964

(Public Law 88–423)

The Federal Aid Highway Act of 1964 provides the necessary authorization for continuing the Federal Aid highway program for projects on the Federal-aid primary and secondary highway systems, and their extensions within urban areas, the so-calleed A–B–C roads, for an additional 2-year period, fiscal years 1966 and 1967. It also authorizes funds for those fiscal years for forest highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads and bridges, and public lands highways.

For the Federal-aid systems, the following sums are authorized for the fiscal years 1966 and 1967:

	1966	1967
Primary (45 percent)	$450,000,000	$450,000,000
Secondary (30 percent)	300,000,000	300,000,000
Urban (25 percent)	250,000,000	250,000,000
Total	1,000,000,000	1,000,000,000

The following sums are authorized for the fiscal years 1966 and 1967 for the categories of public domain roads below:

	1966	1967
Forest highways	$33,000,000	$33,000,000
Forest development roads and trails	85,000,000	85,000,000
Public lands development roads and trails	2,000,000	2,000,000
Park roads and trails	23,000,000	23,000,000
Parkways	11,000,000	11,000,000
Indian reservation roads and bridges	18,000,000	18,000,000
Public lands highways	7,000,000	7,000,000

The Federal-aid highways which would be aided by this bill extend into every county of the United States. The present extent of the Federal-aid primary system is 224,630 miles, exclusive of Interstate System mileage, of which 203,298 miles are in rural areas and 21,332 miles are in urban areas. The Federal-aid secondary system consists of 621,189 miles, including 587,659 rural miles and 16,777 miles of urban extensions. At the present time, therefore, the total mileage of highways covered under the A–B–C program is over 845,000 miles in systems which carry almost half of the total of all highway traffic in the Nation.

For the A–B–C program, including the special $400 million program authorized by section 2(a) of the Federal-Aid Highway Act of 1958, projects have been completed since July 1, 1956, at a total cost of $12.7 billion. The completed projects include over 169,000 miles of construction contracts, at a total cost of $11.9 billion, and engineering and right-of-way acquisition totaling $821 million.

A–B–C projects were underway or authorized on March 31, 1964, totaling $3.9 billion. They included over 21,000 miles of construction contracts at a total cost of $3.2 billion, and engineering and right-of-way acquisition totaling $763 million.

The status of active and completed projects under the A–B–C program is shown by States in the following table:

Federal-aid primary and secondary highway systems—Active and completed projects financed with primary, secondary, and urban funds—As of Mar. 31, 1964

[Dollar amounts in millions]

State	Projects underway or authorized							Projects completed July 1, 1956, to date						
	Construction			Engineering and right-of-way		Total		Construction			Engineering and right-of-way		Total	
	Total cost	Federal funds	Miles	Total cost	Federal funds	Total cost	Federal funds	Total cost	Federal funds	Miles	Total cost	Federal funds	Total cost	Federal funds
Alabama	$62.1	$30.3	707.5	$21.7	$10.9	$83.8	$41.2	$244.9	$125.0	5,480.1	$17.4	$8.6	$262.3	$133.6
Alaska	77.6	71.5	394.6	22.9	21.6	100.5	93.1	85.2	76.4	1,193.6	6.3	5.9	91.5	82.3
Arizona	28.2	21.9	200.7	1.4	1.0	29.6	22.9	102.8	75.2	1,099.7	3.5	2.4	106.3	77.6
Arkansas	52.2	26.4	625.3	5.8	2.9	58.0	29.3	166.5	84.8	3,610.4	14.1	6.9	180.6	91.7
California	248.2	137.8	413.0	89.6	3.1	337.8	140.9	663.1	344.6	2,290.7	6.5	3.6	669.6	348.2
Colorado	22.6	12.9	235.2	8.3	4.7	30.9	17.6	185.2	99.2	2,410.3	18.4	9.8	203.6	109.0
Connecticut	41.7	20.2	38.8	20.8	10.4	62.5	30.6	108.7	53.6	177.0	3.8	1.9	112.5	55.5
Delaware	9.7	4.9	31.8	1.8	.9	11.5	5.8	45.0	21.6	320.3	1.7	.8	46.7	22.4
Florida	53.2	26.6	369.6	10.3	5.2	63.5	31.8	237.1	113.0	2,410.6	2.7	1.2	239.8	114.2
Georgia	79.5	40.4	808.1	25.9	13.0	105.8	53.4	263.1	130.9	3,802.9	13.6	6.6	276.7	137.5
Hawaii	17.6	8.3	17.9	3.7	1.9	21.3	10.2	35.1	17.6	81.6	7.8	3.8	42.9	21.4
Idaho	25.7	16.7	217.1	5.2	3.3	30.9	20.0	87.5	55.4	1,728.8	9.5	5.2	97.0	60.8
Illinois	175.5	93.1	842.4	29.0	14.5	204.5	107.6	554.1	286.8	5,449.1	13.2	6.7	567.3	293.5
Indiana	47.1	23.7	179.8	32.9	16.5	80.0	40.2	320.5	166.8	2,858.2	42.6	19.3	363.1	186.1
Iowa	53.6	27.5	940.4	2.6	1.3	56.2	28.8	286.7	149.4	8,197.0	10.8	5.4	297.5	154.8
Kansas	36.4	18.2	841.8	5.3	2.7	41.7	20.9	251.8	127.4	9,425.1	22.0	11.0	273.8	128.4
Kentucky	52.6	26.2	225.6	14.8	7.5	67.4	33.7	203.4	103.7	1,972.9	36.1	17.7	239.5	121.4
Louisiana	60.2	29.7	343.3	17.8	8.9	78.0	38.6	220.8	107.9	2,107.5	7.1	3.6	227.9	111.5
Maine	15.4	8.2	78.1	1.4	.7	16.8	8.9	85.8	43.0	681.0	12.1	5.7	97.9	48.7
Maryland	30.6	15.5	150.5	3.8	1.9	34.4	17.4	144.4	73.3	1,075.2	2.0	1.0	146.4	74.3
Massachusetts	44.5	21.9	61.0	19.9	9.9	64.4	31.8	219.4	108.1	290.7	25.8	12.7	245.2	120.8
Michigan	116.0	56.8	940.9	14.6	7.5	130.6	64.3	476.6	232.3	6,359.0	17.1	8.1	493.7	240.4
Minnesota	67.5	33.6	1,153.4	11.0	5.6	78.5	39.2	312.1	162.5	10,545.2	7.8	4.0	319.9	166.5
Mississippi	42.5	21.1	698.8	9.1	4.5	51.6	25.6	193.6	94.9	5,420.0	19.7	9.8	213.3	104.7
Missouri	71.8	36.3	343.9	43.5	21.9	115.3	58.2	313.6	161.2	8,834.4	57.4	28.5	371.0	189.8
Montana	39.3	23.0	498.8	4.5	2.6	43.8	25.6	156.9	97.1	3,143.7	17.3	9.9	174.2	107.0
Nebraska	37.4	19.2	784.4	5.0	2.6	42.4	21.8	212.6	111.6	5,442.4	20.7	10.3	233.3	121.9
Nevada	8.6	7.7	113.5	9.8	8.8	18.4	16.5	71.8	60.4	1,346.6	5.5	4.3	77.3	64.7
New Hampshire	14.8	7.2	58.5	.8	.4	15.4	7.7	60.6	30.2	299.2	3.0	1.5	63.6	31.7
New Jersey	62.8	31.2	82.0	48.7	24.4	111.5	55.6	166.3	83.7	346.5	13.9	6.9	180.2	90.6
New Mexico	14.2	9.5	153.8	4.0	2.7	18.2	12.2	127.1	82.4	1,697.7	10.8	6.6	137.9	89.0
New York	212.0	145.6	422.1	10.8	5.3	322.8	150.9	926.6	442.3	2,453.8	14.1	6.8	940.7	449.1

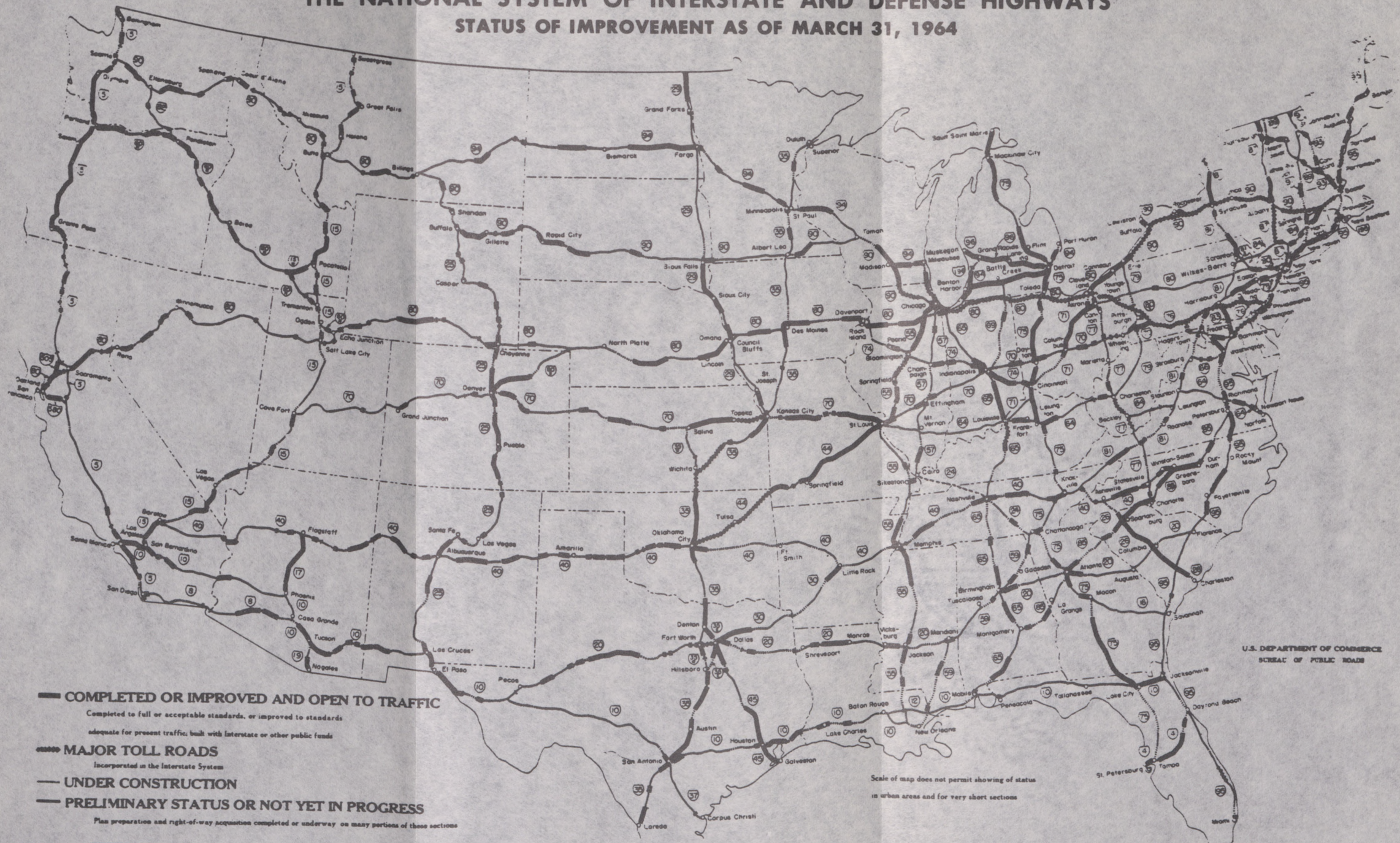
Federal-aid primary and secondary highway systems—Active and completed projects financed with primary, secondary, and urban funds—As of Mar. 31, 1964—Continued

[Dollar amounts in millions]

State	Projects underway or authorized							Projects completed July 1, 1956, to date						
	Construction			Engineering and right-of-way		Total		Construction			Engineering and right-of-way		Total	
	Total cost	Federal funds	Miles	Total cost	Federal funds	Total cost	Federal funds	Total cost	Federal funds	Miles	Total cost	Federal funds	Total cost	Federal funds
North Carolina	$77.1	$38.3	$375.9	$21.7	$10.9	$98.8	$49.2	$248.8	$125.9	4,008.6	$50.8	$25.2	$299.6	$151.1
North Dakota	34.7	17.4	1,305.9	2.0	1.0	36.7	18.4	143.0	73.1	9,175.8	7.8	3.9	150.8	77.0
Ohio	160.7	89.5	304.5	10.7	5.4	171.4	94.9	433.9	228.9	1,993.5	79.1	39.3	513.0	268.2
Oklahoma	60.0	30.0	647.1	8.7	4.3	68.7	34.3	261.3	132.1	4,369.7	10.2	4.9	271.5	137.0
Oregon	46.7	18.9	147.9	8.1	4.9	54.8	23.8	149.2	90.7	1,715.7	10.8	6.5	160.0	97.2
Pennsylvania	157.0	76.9	291.3	33.8	17.0	190.8	93.9	540.3	269.0	1,520.7	44.8	22.4	585.1	291.4
Rhode Island	17.2	8.5	23.2	16.9	8.4	34.1	16.9	52.2	26.2	176.6	8.6	4.3	60.8	30.5
South Carolina	58.5	27.8	1,100.6	2.5	1.3	61.0	29.1	147.0	75.5	4,529.6	17.1	8.5	164.1	84.0
South Dakota	36.1	20.0	828.2	1.0	.6	37.1	20.6	142.8	80.5	6,205.3	1.7	1.0	144.5	81.5
Tennessee	47.0	23.9	429.7	31.6	15.8	78.6	39.7	251.8	127.3	5,173.2	14.2	5.8	266.0	133.1
Texas	160.3	84.0	1,481.9	3.3	1.7	163.6	85.7	779.5	402.1	13,167.7	4.6	2.5	784.1	404.6
Utah	16.1	12.3	108.9	6.0	4.6	22.1	16.9	84.4	59.9	1,172.2	7.6	5.6	92.0	65.5
Vermont	6.8	3.4	35.3	2.3	1.1	9.1	4.5	56.5	28.4	394.6	6.5	2.9	63.0	31.3
Virginia	60.7	31.2	328.8	18.5	9.3	79.2	40.5	223.5	113.5	2,879.5	29.8	14.2	253.3	127.7
Washington	43.0	18.6	222.5	20.3	10.6	63.3	29.2	202.0	102.9	2,789.4	3.3	2.0	205.3	104.9
West Virginia	45.6	22.6	123.4	24.5	12.2	70.1	34.8	89.6	44.8	945.9	14.7	7.3	104.3	52.1
Wisconsin	27.0	13.7	270.4	26.8	12.7	53.8	26.4	304.4	152.3	4,849.1	25.1	12.5	329.5	164.8
Wyoming	15.1	9.7	178.0	3.8	2.5	18.9	12.2	101.1	67.2	1,676.4	3.3	2.2	104.4	69.4
District of Columbia	33.2	16.4	15.5	6.7	3.7	39.9	20.1	41.4	22.4	36.4	4.2	2.0	45.6	24.4
Puerto Rico	30.4	14.4	56.6	7.3	3.6	37.7	18.0	70.6	33.0	204.1	13.1	5.9	83.7	38.9
Total	3,154.5	1,650.9	21,248.4	763.1	360.7	3,917.6	2,011.6	11,852.3	6,178.0	169,497.4	821.4	415.3	12,673.7	6,593.3

THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

STATUS OF IMPROVEMENT AS OF MARCH 31, 1964



COMPLETED OR IMPROVED AND OPEN TO TRAFFIC
Completed to full or acceptable standards, or improved to standards adequate for present traffic; built with Interstate or other public funds

MAJOR TOLL ROADS
Incorporated in the Interstate System

UNDER CONSTRUCTION

PRELIMINARY STATUS OR NOT YET IN PROGRESS
Plan preparation and right-of-way acquisition completed or underway on many portions of these sections

Scale of map does not permit showing of status in urban areas and for very short sections

U.S. DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS

Preliminary Status or Not Yet in Progress	Engineering and Right-of-Way in Progress	Under Construction	Open to Traffic
6,526 Miles	12,349 Miles	5,457 Miles	16,668 Miles

34,474 Miles

INTERSTATE TOTAL 41,000 MILES

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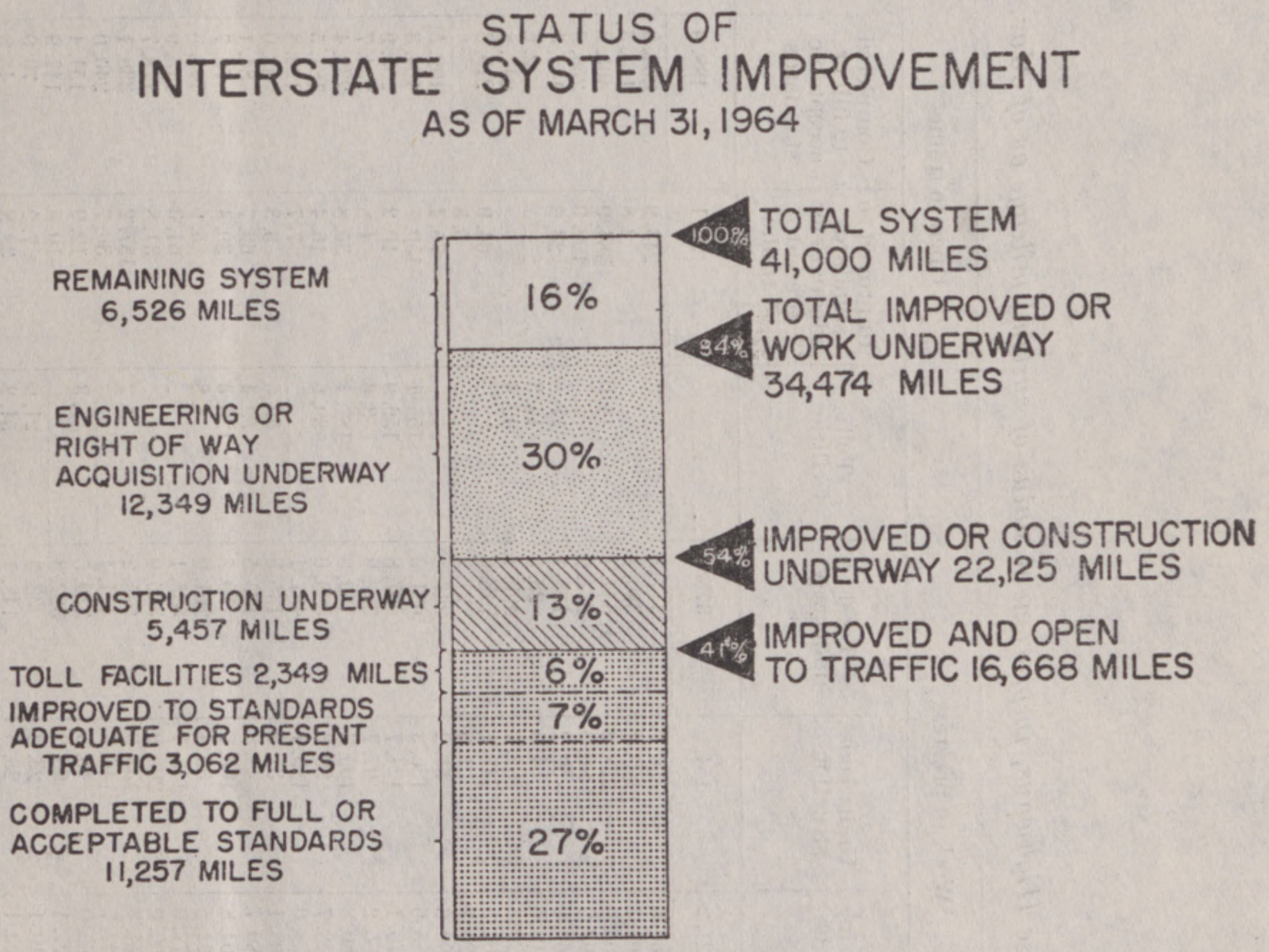
MAR 26 1969
MANHATTAN, KANSAS

FEDERAL INTERSTATE SYSTEM

Public Law 423 does not provide authorizations for the Interstate System, inasmuch as the Federal-Aid Highway Act of 1961 provided a revised schedule of authorizations for that system through fiscal year 1971.

The status of improvement of the Interstate System as of March 31, 1964, is shown on the chart, map, and tables that follow:



40-702—65—pt. 4

The National System of Interstate and Defense Highways, improvement status of system, mileage as of Mar. 31, 1964

State	Preliminary status or not yet in progress [1]	Work in progress			Open to traffic				Total designated system mileage
		Engineering or right-of-way	Under construction	Total underway	Toll facilities	Improved to standards adequate for present traffic	Completed to full or acceptable standards	Total open to traffic	
Alabama	214.1	221.2	154.0	375.2		96.1	188.9	285.0	874.3
Alaska									
Arizona	165.8	360.6	56.7	417.3		243.9	334.0	577.9	1,161.0
Arkansas	13.8	261.7	127.4	389.1		2.8	114.3	117.1	520.0
California	35.2	1,105.9	228.2	1,334.1	14.0	384.9	405.9	804.8	2,174.1
Colorado	301.4	197.9	80.0	277.9		109.9	258.8	368.7	948.0
Connecticut	1.3	60.9	52.2	113.1	17.8	23.0	141.4	182.2	296.6
Delaware		19.5	4.0	23.5	14.3		2.6	16.9	40.4
Florida	422.7	220.4	202.7	423.1	42.4		247.8	290.2	1,136.0
Georgia	70.8	501.5	247.1	748.6		64.9	219.3	284.2	1,103.6
Hawaii	15.0	26.7	1.0	27.7		5.8		5.8	48.5
Idaho	98.4	190.6	55.2	245.8		75.4	192.5	267.9	612.1
Illinois	189.2	555.6	126.3	681.9	155.1	150.7	404.3	710.1	1,581.2
Indiana	94.4	473.1	124.7	597.8	156.9	10.2	259.9	427.0	1,119.2
Iowa	83.4	265.2	97.7	362.9	3.6	4.8	254.7	263.1	709.4
Kansas	156.2	80.3	109.3	189.6	187.1	35.8	232.4	455.3	801.1
Kentucky	75.7	328.7	60.3	389.0	39.6	16.4	181.5	237.5	702.2
Louisiana	65.0	298.0	189.1	487.1		7.7	122.8	130.5	682.6
Maine	32.1	98.1	37.2	135.3	59.6	3.3	82.0	144.9	312.3
Maryland	22.1	80.7	44.8	125.5	52.4	69.7	84.1	206.2	353.8
Massachusetts	44.0	64.8	105.7	170.5	126.3	30.4	76.7	233.4	447.9
Michigan	124.8	161.5	30.4	191.9	4.8	5.6	748.0	758.4	1,075.1
Minnesota	132.4	477.0	118.1	595.1		61.3	113.9	175.2	902.7
Mississippi	160.8	100.0	206.9	306.9		31.8	178.7	210.5	678.2
Missouri	1.0	441.3	133.9	575.2	3.2	187.2	338.1	528.5	1,104.7
Montana	445.2	327.7	146.7	474.4		36.7	240.0	276.7	1,196.3
Nebraska		265.0	45.5	310.5	.3	12.9	154.4	167.6	478.1
Nevada	54.3	227.1	95.2	322.3		10.6	147.9	158.5	535.1
New Hampshire	72.7	10.1	23.2	33.3	21.6	7.2	79.0	107.8	213.8
New Jersey	88.4	120.1	28.6	148.7	54.2	38.8	45.8	138.8	375.9

New Mexico	332.2	210.6	79.1	289.7		106.1	278.9	385.0	1,006.9
New York	96.0	206.5	74.4	280.9	496.8	44.3	309.2	850.3	1,227.2
North Carolina	220.5	89.7	52.9	142.6		58.8	345.2	404.0	767.1
North Dakota	101.6	146.2	55.3	201.5		25.3	241.7	267.0	570.1
Ohio	78.0	469.0	235.3	704.3	206.5	57.2	477.6	741.3	1,523.6
Oklahoma	85.4	142.0	107.9	249.9	174.4	47.0	237.6	459.0	794.3
Oregon	73.9	46.5	55.8	102.3	.8	143.9	410.2	554.9	731.1
Pennsylvania	154.5	423.5	233.9	657.4	362.1	1.7	399.8	763.6	1,575.5
Rhode Island	8.1	27.1	12.8	39.9		.3	22.9	23.2	71.2
South Carolina	103.8	177.9	81.0	258.9		59.5	256.5	316.0	678.7
South Dakota	43.8	297.9	89.6	387.5		49.3	197.8	247.1	678.4
Tennessee	63.1	440.8	323.7	764.5		62.2	157.8	220.0	1,047.6
Texas	506.1	789.6	402.3	1,191.9	30.1	317.8	983.2	1,331.1	3,029.1
Utah	417.5	268.6	134.0	402.6		26.4	88.4	114.8	934.9
Vermont	16.4	192.3	37.7	230.0			73.8	73.8	320.2
Virginia	121.4	368.1	272.0	640.1	39.0	63.9	189.7	292.6	1,054.1
Washington	128.2	178.9	97.6	276.5	.3	192.9	127.7	320.9	725.6
West Virginia	278.0	75.9	39.9	115.8	85.9		51.2	137.1	530.9
Wisconsin		136.2	56.4	192.6		38.5	223.7	262.2	454.8
Wyoming	354.0	117.2	77.5	194.7		36.9	332.0	368.9	917.6
District of Columbia	17.1	2.8	6.1	8.9		1.9	2.6	4.5	30.5
Pending	[2] 146.4								[2] 146.4
Total	[3] 6,526.2	[4] 12,348.5	[5] 5,457.3	17,805.8	[6] 2,349.1	[7] 3,061.7	[8] 11,257.2	16,668.0	41.000.0

[1] Location studies and public hearings have been undertaken on many portions of the mileage in this column.
[2] Includes routes for which the final locations have not yet been determined.
[3] Preliminary status or not yet in progress, 16 percent.
[4] Engineering or right-of-way in progress, 30 percent.
[5] Under construction, 13 percent.
[6] Toll facilities, 6 percent.
[7] Adequte present traffic, 7 percent.
[8] Completed to full or acceptable standards, 28 percent.

Interstate System authorizations through Apr. 30, 1964

[Dollars in millions]

Item	Total cost of work authorized				
	Actual through Apr. 30, 1964		Estimated remaining work as of Apr. 30, 1964		Total Interstate System costs per 1961 estimate
	Amount	Percent of total item costs	Amount	Percent of total item costs	
Preliminary engineering	$886	82	$193	18	$1,079
Right-of-way	4,210	67	2,065	33	6,275
Construction	14,108	44	17,788	56	31,896
Subtotal	19,204	49	20,046	51	39,250
State highway planning and research	----------	----------	----------	----------	574
Public Roads administration and research	----------	----------	----------	----------	357
Contingencies	----------	----------	----------	----------	819
Total	----------	----------	----------	----------	41,000

As of April 1, 1964, some form of work has been completed or is underway on 34,474 miles or 84 percent of the 41,000-mile Interstate System.

Total interstate mileage improved and open to traffic on May 1, 16,702 miles, represents an increase of 2,366 miles during the past 16 months. This total includes 11,287 miles completed to full or acceptable standards, 3,066 miles improved to standards adequate for present traffic but needing additional improvement to meet ful standards, and 2,349 miles of toll roads incorporated into the system as authorized by the 1956 legislation.

Work was underway on May 1 on 17,925 miles of the Interstate System, including 5,745 miles actually under construction contract and 12,180 miles on which engineering or right-of-way acquisition was underway.

Interstate projects totaling $10.5 billion have been completed since July 1, 1956. The completed projects include construction contracts at a total cost of $8.8 billion and engineering and right-of-way acquisition totaling $1.7 billion.

Interstate projects underway or authorized on March 31, 1964, totaled $8.6 billion. The work underway included construction contracts totaling $5.1 billion and engineering and right-of-way acquisition totaling $3.5 billion.

The Interstate System has reached almost the halfway point in project authorizations for completion of the system. Through April 30, 1964, preliminary engineering work had been authorized covering 82 percent of the total program; about 67 percent of the right-of-way acquisition work had been authorized; and contracts had been awarded on 44 percent of the construction work. In total, the work authorized to date represents 49 percent of the total cost of the Interstate System as developed in the 1961 estimate.

Existing law provided authorizations for the Interstate System would make available the sum of $2.8 billion for fiscal year 1966 and

$2.9 billion for fiscal year 1967. The approximate amounts which will be apportioned to each State for fiscal years 1966 and 1967 for the A–B–C program pursuant to Public Law 423 and for the Interstate System under present authorizations are shown in the following tabulations.

Approximate apportionments of Federal-aid highway funds, fiscal year 1966

[Thousands of dollars]

State	A–B–C, pursuant to H.R. 10503				Interstate ($2,800,000)	Total ($3,800,000)
	Primary ($450,000)	Secondary ($300,000)	Urban ($250,000)	Subtotal ($1,000,000)		
Alabama	8,536	6,522	3,361	18,419	57,615	76,034
Alaska	24,019	16,119	164	40,302	----------	40,302
Arizona	6,509	4,220	1,869	12,598	39,108	51,706
Arkansas	6,404	5,098	1,362	12,864	29,152	42,016
California	22,693	10,486	27,062	60,241	266,312	326,553
Colorado	7,405	4,802	2,545	14,752	36,930	51,682
Connecticut	3,338	1,833	3,937	9,108	39,329	48,437
Delaware	2,216	1,478	574	4,268	10,370	14,638
Florida	8,217	5,089	7,030	20,336	57,780	78,116
Georgia	11,439	8,598	4,051	24,088	51,326	75,414
Hawaii	2,216	1,478	928	4,622	21,871	26,493
Idaho	4,948	3,551	528	9,027	13,073	22,100
Illinois	16,805	9,213	16,053	42,071	145,291	187,362
Indiana	10,043	7,267	5,610	22,920	68,978	91,898
Iowa	10,058	7,493	2,672	20,223	35,247	55,470
Kansas	9,937	6,942	2,453	19,332	21,595	40,927
Kentucky	7,250	6,155	2,496	15,901	56,815	72,716
Louisiana	6,671	4,799	3,913	15,383	80,451	95,834
Maine	3,307	2,511	848	6,666	13,156	19,822
Maryland	4,459	2,798	4,521	11,778	51,023	62,801
Massachusetts	5,682	2,520	8,627	16,829	59,683	76,512
Michigan	13,836	8,689	11,337	33,862	108,527	142,389
Minnesota	11,217	7,908	4,098	23,223	72,039	95,262
Mississippi	7,056	5,911	1,468	14,435	33,841	48,276
Missouri	11,865	8,122	5,555	25,542	71,239	96,781
Montana	8,144	5,651	572	14,367	26,063	40,430
Nebraska	8,031	5,724	1,442	15,197	16,272	31,469
Nevada	5,113	3,400	377	8,890	14,038	22,928
New Hampshire	2,216	1,478	661	4,355	12,494	16,849
New Jersey	6,341	2,201	10,742	19,284	72,618	91,902
New Mexico	6,824	4,605	1,209	12,638	27,801	40,439
New York	20,217	8,806	28,794	57,817	131,970	189,787
North Carolina	10,412	9,320	3,279	23,011	22,781	45,792
North Dakota	5,633	4,130	439	10,202	12,301	22,503
Ohio	15,653	9,768	14,128	39,549	190,081	229,630
Oklahoma	8,893	6,191	2,758	17,842	33,510	51,352
Oregon	6,797	4,753	2,089	13,639	48,375	62,014
Pennsylvania	16,278	10,434	15,911	42,623	124,579	167,202
Rhode Island	2,216	1,478	1,503	5,197	10,260	15,457
South Carolina	5,691	4,970	1,790	12,451	24,050	36,501
South Dakota	6,165	4,465	455	11,085	18,286	29,371
Tennessee	8,847	6,966	3,561	19,374	70,191	89,565
Texas	26,909	16,998	13,894	57,801	126,013	183,814
Utah	4,846	3,143	1,304	9,293	40,322	49,615
Vermont	2,216	1,478	268	3,962	19,223	23,185
Virginia	8,829	6,846	4,334	20,009	84,643	104,652
Washington	7,072	4,780	3,740	15,592	58,056	73,648
West Virginia	4,446	3,979	1,316	9,741	41,922	51,663
Wisconsin	9,863	6,962	4,837	21,662	24,629	46,291
Wyoming	5,040	3,429	295	8,764	26,725	35,489
District of Columbia	2,216	1,478	1,569	5,263	40,046	45,309
Puerto Rico	2,216	2,465	1,921	6,602	----------	6,602

Approximate apportionments of Federal-aid highway funds, fiscal year 1967

[Thousands of dollars]

State	A–B–C, pursuant to H.R. 10503				Interstate [1] (2,800,000)	Total (3,800,000)
	Primary (450,000)	Secondary (300,000)	Urban (250,000)	Subtotal (1,000,000)		
Alabama	8,536	6,522	3,361	18,419	59,673	78,092
Alaska	24,019	16,119	164	40,302		40,302
Arizona	6,509	4,220	1,869	12,598	40,505	53,103
Arkansas	6,404	5,098	1,362	12,864	30,193	43,057
California	22,693	10,486	27,062	60,241	275,823	336,064
Colorado	7,405	4,802	2,545	14,752	38,249	53,001
Connecticut	3,338	1,833	3,937	9,108	40,734	49,842
Delaware	2,216	1,478	574	4,268	10,740	15,008
Florida	8,217	5,089	7,030	20,336	59,844	80,180
Georgia	11,439	8,598	4,051	24,088	53,159	77,247
Hawaii	2,216	1,478	928	4,622	22,652	27,274
Idaho	4,948	3,551	528	9,027	13,540	22,567
Illinois	16,805	9,213	16,053	42,071	150,480	192,551
Indiana	10,043	7,267	5,610	22,920	71,441	94,361
Iowa	10,058	7,493	2,672	20,223	36,506	56,729
Kansas	9,937	6,942	2,453	19,332	22,366	41,698
Kentucky	7,250	6,155	2,496	15,901	58,844	74,745
Louisiana	6,671	4,799	3,913	15,383	83,324	98,707
Maine	3,307	2,511	848	6,666	13,626	20,292
Maryland	4,459	2,798	4,521	11,778	52,845	64,623
Massachusetts	5,682	2,520	8,627	16,829	61,815	78,644
Michigan	13,836	8,689	11,337	33,862	112,403	146,265
Minnesota	11,217	7,908	4,098	23,223	74,612	97,835
Mississippi	7,056	5,911	1,468	14,435	35,050	49,485
Missouri	11,865	8,122	5,555	25,542	73,782	99,324
Montana	8,144	5,651	572	14,367	26,994	41,361
Nebraska	8,031	5,724	1,442	15,197	16,853	32,050
Nevada	5,113	3,400	377	8,890	14,539	23,439
New Hampshire	2,216	1,478	661	4,355	12,940	17,295
New Jersey	6,341	2,201	10,742	19,284	75,211	94,495
New Mexico	6,824	4,605	1,209	12,638	28,794	41,432
New York	20,217	8,806	28,794	57,817	136,683	194,500
North Carolina	10,412	9,320	3,279	23,011	23,594	46,605
North Dakota	5,633	4,130	439	10,202	12,740	22,942
Ohio	15,653	9,768	14,128	39,549	196,870	236,419
Oklahoma	8,893	6,191	2,758	17,842	34,707	52,549
Oregon	6,797	4,753	2,089	13,639	50,103	63,742
Pennsylvania	16,278	10,434	15,911	42,623	129,028	171,651
Rhode Island	2,216	1,478	1,503	5,197	10,626	15,823
South Carolina	5,691	4,970	1,790	12,451	24,909	37,360
South Dakota	6,165	4,465	455	11,085	18,939	30,024
Tennessee	8,847	6,966	3,561	19,374	72,698	92,072
Texas	26,909	16,998	13,894	57,801	130,513	188,314
Utah	4,846	3,143	1,304	9,293	41,762	51,055
Vermont	2,216	1,478	268	3,962	19,909	23,871
Virginia	8,829	6,846	4,334	20,009	87,666	107,675
Washington	7,072	4,780	3,740	15,592	60,129	75,721
West Virginia	4,446	3,979	1,316	9,741	43,419	53,160
Wisconsin	9,863	6,962	4,837	21,662	25,509	47,171
Wyoming	5,040	3,429	295	8,764	27,679	36,443
District of Columbia	2,216	1,478	1,569	5,263	41,476	46,739
Puerto Rico	2,216	2,465	1,921	6,602		6,602

[1] Based upon the 1961 cost estimate. These will be revised by the 1965 cost estimate now being prepared for submission to the Congress in January 1965.

EFFECT OF FEDERAL-AID HIGHWAY PROGRAM ON NATIONAL ECONOMY

The vital role that the Federal-aid highway program has played and is playing in contributing its share to the full-scale development of our national economy is, the committee believes, one of the most fundamental reasons for its existence. When the present program came into being as a result of the Federal-Aid Highway Act of 1956, the committee strongly felt that it should be authorized because of the need for new roads in all sections of the country and also because of its invaluable tie-in with our defense apparatus. At the time of the enactment of the Federal-Aid Highway Act of 1956, the committee

was also aware of the effect this new program would have on the national economy and labor conditions.

It is now 8 years since the authorization of the Federal-Aid Highway Act of 1956. During this period the committee has held a number of hearings on all aspects of the highway program as well as on other public works programs. The committee is convinced, as a result of these hearings, that not only is the Federal-aid highway program needed for the purposes of transportation and national defense, but that it also contributes significantly to the national economy both directly and indirectly.

Highway construction plays an important role as a generator of employment.

As the Bureau of Public Roads reported recently, highway construction this year will provide employment for an estimated 870,000 workers. This includes 370,000 on-site employees, and 500,000 persons in off-site jobs in the production, supply, and transportation of highway construction materials and equipment.

The grand total of 1,370,000 includes an additional 500,000 persons who are employed full time by Federal, State, county, and municipal highway agencies to plan, design, supervise, maintain, and operate streets and roads.

An April 1963 report of a study by the Bureau of Labor Statistics of the labor requirements of the highway program includes this statement:

> All major parts of the economy are involved directly or indirectly to some degree in the construction of highways, so such construction activity generates employment throughout the economy.

It should be noted that highway construction generates employment not only in all major sectors of the economy, but also in all sections of the country. The A–B–C program, in particular, provides on-site employment in every locality, since these Federal-aid roads traverse every county of the United States.

The Bureau of Labor Statistics study found that highway construction generates 216 man-hours of employment per $1,000 of construction contract value, divided as follows:

On-site construction	91
Off site:	
Construction	5
Manufacturing	65
Trade, transportation	38
Mining	9
Other industries	8
Total, man-hours	216

If this 216 man-hours of employment is extrapolated to the increase in Federal aid which is authorized in H.R. 10503, and if, as it will be, the $25 million of Federal aid is going to be matched with $25 million of State funds, then one is talking in terms of $50 million, and $50 million would produce 18,800,000 man-hours of work. Or, if this is reduced to man-weeks of work, 270,000 man-weeks of work.

The total payroll of the 1,370,000 people employed in highway construction, and by governmental highway agencies, is difficult to estimate, but $5.9 billion seems a reasonable figure.

While the highway industry is an extremely important segment of the national economy and one in which widespread employment opportunities can be quickly generated by an expansion of the program, the most important economic effect of highway construction is that triggered by the completion of the roads.

The new road openings across the country are setting off chain reactions of industrial and commercial activity. They are the catalysts for the economic growth that is needed to provide jobs for the millions of young people who are joining the labor force each year.

In addition to such direct contributions to the economy and to employment, highway transportation is a vital component of community and regional economic development. The resurgent economic effect resulting from the circumferential highway around Boston, Mass., was noted before the committee, and the role of economic development for highways has been stressed in the Appalachian Regional Development Act which is also pending before this committee.

DISTRICT OF COLUMBIA—INTERSTATE HIGHWAY PROGRAM—CENTER LEG OF THE INNERLOOP FREEWAY SYSTEM

(Public Law 88–381)

Public Law 381, authorizes the Commissioners of the District of Columbia to locate a portion of a vehicular tunnel under parts of the U.S. Capitol Grounds and the U.S. Botanic Garden grounds, to extend from the vicinity of Second and C Streets SW., to the vicinity of Third Street and Constitution Avenue NW., and to be part of the District's innerloop freeway system.

The overall center leg is part of the innerloop freeway system to be built under the Federal-aid interstate highway program within the District of Columbia. The interstate program is required by law to be completed by 1972. The center leg project, to a part of which this bill relates, has received appropriations from Congress in fiscal years 1962, 1963, 1964, but the project has been delayed pending search for a satisfactory plan for crossing the Capitol Grounds without adverse impact on the Capitol. Public Law 381 provides a tunnel solution to this problem which maintains the vista of the Nation's Capitol while granting the essential traffic accommodations within the bounds of engineering feasibility and economy. The entire center leg facility is also a key segment of Interstate Route 95, which extends from Florida to Maine. Within the District of Columbia, this segment of Interstate 95 links the Southwest Freeway to a continuation of Interstate 95 into Maryland.

The center leg project is consistent with the various comprehensive transportation plans prepared during the last decade. The project has not been the subject of disagreement between those official agencies concerned with transportation in the Nation's Capital. Both the National Capital Planning Commission and the National Capital Transportation Agency have endorsed the general alinement of the

center leg freeway. That portion of the freeway described in the bill has been fully coordinated with the House Office Building Commission, the Architect of the Capitol, the National Park Service, and the Board of Trustees of the National Gallery of Art, all of whom have concurred in the project.

ANALYSIS BY SECTIONS

Section 1 of the act authorizes and directs the Commissioners of the District of Columbia, in constructing, maintaining, and operating a vehicular tunnnel, extending from the vicinity of Second and C Streets SW., to the vicinity of Third Street and Constitution Avenue NW., in the District of Columbia, as a part of the inner loop freeway system in the District of Columbia, to locate a portion of the tunnel under square W–576, property of the U.S. Botanic Garden, and a portion of the tunnel under reservation 12, property of the U.S. Capitol Grounds.

Section 2 authorizes the Commissioners of the District of Columbia to make test borings and to do other preliminary work and to store construction materials in square W–576 and reservation 12, as well as in adjacent reservation B, also Botanic Garden property, and to reconstruct the section of Tiber Creek sewer located under square W–576—all subject to the approval of the Arichitect of the Capitol.

Section 3 provides that title to square W–576 and reservation 12 shall remain vested in the United States of America and that the Commissioners of the District of Columbia shall acquire no rights, title, or interest in either of these properties, which shall remain a part of the U.S. Capitol Grounds and U.S. Botanic Garden grounds, respectively; but shall have jurisdiction and control of, and sole responsibility for the operation and maintenance of, the portions of the tunnel located under the Botanic Garden and Capitol Grounds property.

Section 4 provides that all areas of Botanic Garden and Capitol Grounds property disturbed by construction of the tunnel shall be restored to their original condition to the satisfaction of the Architect of the Capitol.

Section 5 provides that the United States shall not incur any expense or liability whatsoever under or by reason of the act, or be liable under any claim of any nature or kind that may arise from the construction, operation, or maintenance of the portions of the tunnel located under Botanic Garden or Capitol Grounds property.

Section 6 authorizes the Architect of the Capitol to convey to the Commissioners of the District of Columbia, for purposes of constructing the inner loop freeway system, the right, title, and interest of the United States in and to all, or such parts as may be necessary, of reservations 6–B, 6–C, 6–D, 6–E, 6–F, and 286, all of which is Botanic Garden property. These are narrow strips of grassplots in the center of Canal Street which the Botanic Garden acquired from the War Department in 1922 and constitute land reclaimed from the Old James Creek Canal. They are not of importance to the Botanic Garden and transfer of portions of these reservations will make for improved traffic conditions. They are shown on the enclosed map in red.

Section 7 provides that the Commissioners of the District of Columbia may construct part of the freeway tunnel under property under

the jurisdiction of the National Gallery of Art, on which no buildings are now located, and specifies certain construction conditions that must be met. This area under the jurisdiction of the National Gallery of Art is bounded by Fourth Street, Pennsylvania Avenue, Third Street, and Madison Drive NW., in the District of Columbia, and was reserved by section 1 of the public resolution approved March 24, 1937 (50 Stat. 51; 20 U.S.C. 71), as a site for future additions to the National Gallery or Art to observe a condition of the gift to the Nation of the National Gallery of Art Building and the renowned Mellon collection of works of art.

NATIONAL FORESTS ROADS AND TRAILS

(Public Law 88–657)

Public Law 657 provides the necessary authority to the Secretary of Agriculture to enable him to grant easements across national forest and other lands administered by the Forest Service and provides for means of financing construction and maintenance of roads and trails on such lands.

This legislation covers a number of matters related to roads and trails within and adjacent to the national forests and other lands administered by the Forest Service. The act provides specific authority to the Secretary of Agriculture to grant easements for road rights-of-way over such lands and means by which such easement may be terminated. The act provides for the acquisition, construction, and maintenance of forest development roads within and near the national forests and other lands administered by the Forest Service and authorizes four specific methods of financing such roads and their maintenance and reconstruction commensurate with their use. The act also makes provision for recording, in the county where the affected land is situated, all instruments affecting permanent interests in land executed under the authority conferred by the act. Finally, the act provides for establishment of a fund into which any fees collected from users of a road may be placed for subsequent payment whenever the terms of a grant to the United States of a right-of-way or easement call for delayed payment to the grantor.

The national forests and national grasslands encompass approximately 186 million acres of land in 44 States and in the Commonwealth of Puerto Rico, of which about 181.5 million acres are in national forests. The major portion of national forests, 160 million acres, are lands which were withdrawn from the public domain, while the remainder are lands acquired under the act of March 1, 1911 (36 Stat. 961, 16 U.S.C. 513–519 (the Weeks law)) or acquired by exchange or other means.

With the exterior boundaries of the national forests there are some 38 million acres of land in private ownership. In many of the Western States, it is common to find square mile sections of land in alternating private and Federal ownership in a typical checkerboard pattern, a pattern resulting from the railroad land grants made in the latter part of the 19th century.

The sections remaining in the public domain frequently became a part of the national forests as the national forests were subsequently

established by withdrawal of lands from the public domain, while the railroad lands passed into diverse private ownership.

While the checkerboard pattern of mixed ownership is typical only of some of the Western States, private inholdings within the external boundaries of the national forests exist also in the forest lands acquired under the Weeks law. In the State of West Virginia, for example, 835,606 acres are in private ownership within the exterior boundaries of the national forests while 806,375 acres are administered by the U.S. Forest Service. In the State of North Carolina there are 1,741,679 acres of private land inside the national forest boundaries where 1,079,144 acres of public land are administered by the Forest Service. And in the State of Kentucky, 899,524 acres of private land exist within the boundaries of the national forests, which otherwise comprise only 457,561 acres of federally owned land.

As of June 30, 1963, the entire area of 186 million acres administered by the Forest Service was served by 186,241 miles of roads and 104,522 miles of trails in the forest development system. It is estimated that when completely installed, this system will consist of 542,250 miles of access roads and that the trail network will have been reduced to 80,000 miles.

Although the Secretary of Agriculture was given statutory authority (act of February 1, 1905, 33 Stat. 628, 16 U.S.C. 551) to administer the national forests at the time Congress transferred jurisdiction from the Department of the Interior to the Department of Agriculture, the act has not been construed as including the power to grant easements across national forest lands. Moreover, by letter between the Secretaries of Agriculture and Interior, dated June 8, 1905 (33 L.D. 609–610), the two Secretaries agreed that the Secretary of Agriculture would not make grants which would amount to easements burdening the lands held in the ownership of the United States. Thus, from the very inception of administration of the national forests by the Secretary of Agriculture, he has lacked explicit authority to grant easements across national forest lands; nor has the Secretary assumed that such authority was implicit in his responsibility for administering national forests.

Owners of land within the exterior boundaries of the national forests, however, were until recently regarded as having statutory assurance of ingress and egress to and from their lands by reason of the provisions of the act of June 4, 1897 (30 Stat. 36, 16 U.S.C. 478). These rights were evidenced upon application therefor by instruments issued by the Forest Service entitled "Stipulations Governing the Exercise of the Right of Ingress and Egress." More commonly, however, rights to cross national forest lands were made in the form of special use permits. Such permits allowed the applicant to cross national forest lands upon compliance with specified terms and conditions and with the applicable administrative regulations of the Department of Agriculture, and were made expressly revocable at any time. The Secretary of Agriculture did not condition in any way the rights of persons owning lands within the exterior boundaries of the national forests to cross national forest lands to reach their property in view of what was regarded as a statutory right of ingress and egress.

On February 1, 1962, the Attorney General of the United States, in response to questions directed to him by letter from the Secretary of Agriculture, dated August 2, 1961, held that the act of June 4, 1897 (32 Stat. 36, 16 U.S.C. 478) was no barrier to the Secretary's conditioning.

> the grant of a right to use existing or to construct new roads on national forest lands on the grant by the applicant of a reciprocal right to the United States.

The Attorney General also held, however, that the act would prohibit so conditioning the right of ingress and egress of actual settlers residing within the boundaries of national forests over already existing roads.

Following the Attorney General's opinion, the Forest Service drafted and circulated for review regulations governing the granting of access across the national forests. The proposed regulations met with considerable objection on a variety of issues from owners holding lands within or adjacent to national forests. These regulations subsequently were revised and promulgated by the Secretary of Agriculture on June 10, 1963.

Forest Service experience both before and after February 1, 1962, in acquiring and negotiating for needed rights-of-way furnishes ample evidence that most right-of-way negotiations, particularly when the Forest Service seeks rights to use existing access roads which are on private lands and which have been built at private expense, raises complex problems. Some of these are:

1. Difficulties in agreeing on valuation of the interest which the Forest Service seeks to acquire; these difficulties turn principally on: (*a*) determinations of timber volumes to be moved over the particular road systems; (*b*) estimating replacement costs of the roads involved; and (*c*) the extent of the interest being acquired by the Forest Service for the United States.
2. Extent of rights to reimbursement for road segments already built or to be built by one party on land of the other.
3. Questions of whether any share of construction and maintenance costs for the roads should be borne by users other than timber haulers.
4. The extent of control of other uses and individual users which will be vested in either party alone, and the extent of Forest Service control over the grantor and his uses.
5. Availability of appropriated funds for use in condemnation proceedings if and when negotiations fail.

But the most significant barrier to the entering of voluntary exchanges of rights-of-way between private landowners and the Forest Service since February 1, 1962, has been the inability of the Forest Service, through the Secretary of Agriculture, to grant permanent easements. In view of the holding by the Attorney General that the act of June 4, 1897 (30 Stat. 36, 16 U.S.C. 478), was not to be construed as a statutory guarantee of access to private lands within the national forests, private landowners assert it is imperative because of their long-range forest management needs and large capital investments in roads that they receive permanent access rights from the Forest Service, particularly when they are asked to give such

rights to the United States to serve virtually identical long-range management needs.

The Forest Service has attempted since February 1962 to utilize provisions of the act of March 3, 1899 (30 Stat. 1233, 16 U.S.C. 525), as the basis for furnishing permanent rights, which are referred to as being "in the nature of easement." [1] That act, however, says nothing about the nature of any right to be conferred under its authority. Enough doubt has been expressed about the nature of the right conferred [2] so that a considerable number of landowners have either refused to accept instruments issued under authority of this statute or have reluctantly accepted them in exchange for permanent easements which they have granted to the United States. Furthermore, the statute is construed to apply only to those portions of the national forests which were withdrawn from the public domain and were originally under the jurisdiction of the Secretary of the Interior. Millions of acres of national forest lands were purchased or were acquired otherwise than by withdrawal, particularly in the Appalachian region, and thus do not fall within the purview of the statute. Lastly, it is not satisfactory from an administrative standpoint for the Secretary of Agriculture, who is vested with authority and responsibility for administering the national forests, to have to apply to the Secretary of Interior in a large number of the cases where the Secretary of Agriculture desires to grant a right-of-way across national forest lands.

SECTION-BY-SECTION ANALYSIS

Section 1 contains a declaration of policy underlying the development and administration of an adequate system of multiple-use roads and trails within and near the national forests and other lands administered by the Forest Service.

Section 2 authorizes the Secretary of Agriculture to grant permanent or temporary easements across the national forests or other lands administered by the Forest Service, and lands over which the Department of Agriculture has such rights under the terms of a grant to it.

This authority permits the Secretary to grant easements for entry upon the national forests for all lawful and proper purposes. Persons or other public agencies who exchange reciprocal rights with the Forest Service as well as those who are unable to do so are eligible for easements when the Secretary determines that such grants would not be inimical to the public interest. The section provides authority to make grants for a purpose and duration reasonably needed by the applicant.

Section 3 provides for cancellation of easements for nonuse, and provides for a hearing prior to such cancellation. Moreover, the section provides that if the Secretary decides to terminate an easement for other than nonuse, he many do so only by condemning such easement or with the consent of the easement holder.

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[1] The act says:
"In the form provided by existing law the Secretary of the Interior may file and approve surveys and plats of any right-of-way for a wagon road, railroad, or other highway over and across any national forest when in his judgment the public interests will not be injuriously affected thereby."

[2] See, e.g., "Report of the Committee on Timber and Vegetative Resources," 1963 Committee Reports of the American Bar Association, Section of Mineral and Natural Resources Law, pp. 137–144.

This section follows the general rules of law applicable to cancellation of easements.

Section 4 of the bill permits the Secretary to provide for construction of access roads to a standard which will serve the long-term needs of all national forest users. These roads are called maximum economy roads. The section provides for financing the construction of such roads through use of (1) appropriated funds; (2) requirements on purchasers of national forest timber and other products; (3) cooperative financing with other public agencies and private parties; and (4) a combination of these methods. There is a proviso in the section that if a road is to be built to a standard higher than needed for removal of timber or other products from a particular sale, that neither the timber nor other products shall bear any of the costs attributable to the higher standard.

Under its existing statutory authority to sell timber, the Forest Service may not require a purchaser of Federal timber as an incident of his timber-purchase contract to build a road to a standard higher than necessary for harvesting the timber involved in the particular sale. Nor may the cost of such higher standard road be charged against the timber sold. Roads built to standards necessary for access to the sale area are called prudent operator roads; i.e., those roads which a prudent operator would deem necessary to harvest such timber. In short, present authority does not permit the Forest Service to exchange timber for roads except to the extent the roads are a necessary incident to the sale of the particular timber.

Particularly since the passage of the Forestry Multiple-Use Act of 1960, act of June 12, 1960 (74 Stat. 215, 16 U.S.C. 528), the Forest Service quite properly in many cases desires to have roads constructed to a standard higher than that necessary to harvest timber, or to harvest timber from a particular sale. Many other users travel over these roads, and roads built to a standard only to accommodate timber or a single initial timber sale may prove inadequate to carry the traffic of all users, or even of subsequent timber sales. Later reconstruction of roads initially constructed to meet needs for a single timber sale is often inefficient and unduly costly. The Forest Service sought authority by section 4 of the bill as initially introduced to charge against timber in a particular sale the full cost of a road built to standards which would satisfy anticipated use for all subsequent timber sales, and not just the initial sale. The substitute amendment later proposed by the Department of Agriculture, and adopted by the committee, repairs this deficiency.

Section 5 provides that permanent easements will be placed of record in the counties in which the lands are located and that copies of instruments affecting public domain lands must be furnished to the Secretary of Interior.

This section provides for orderly land recordkeeping.

Section 6 requires users of roads under control of the Forest Service to pay their fair share of the maintenance and reconstruction costs of such roads. The section provides authority to assess and collect maintenance charges in proportion to total use. It also provides that the Secretary may in his discretion likewise apportion reconstruction charges.

The Secretary already has authority to require commercial haulers to bear an equitable share of the maintenance and reconstruction work of roads under the control of the Forest Service. Forest Service officials testified, however, that the Secretary may not require such users to deposit money with the Forest Service in lieu of performing such work. Often, there are several users operating on a particular road at the same time, some of whom may not be able to perform maintenance and reconstruction work. Moreover, since each user is required to maintain a particular road in proportion to his own use, it is often impractical to have several users simultaneously performing maintenance in proportion to the use by each. This section authorizes the Secretary to collect from each user his pro rata charge of maintenance and reconstruction costs, and permits the Secretary to make independent arrangements to have such work performed.

Section 7 provides for accruing funds with which to make payments to grantors of access rights who have agreed to accept delayed payments.

Often, the Forest Service is granted the right to use a road which is conditioned upon payment of a rental or a share of the construction costs to the grantor. Such payments may not be immediately due. Section 7 permits the Secretary to accept such payment from authorized users and to hold such money in a fund for later payment to grantors.

The purpose of this section is to provide administrative flexibility necessary properly to receive, retain, and disburse such funds.

THE GREAT RIVER ROAD (MISSISSIPPI RIVER PARKWAY)

(Public Law 88–660)

Public Law 660 authorizes the Secretary of Commerce to expend an additional $250,000 from general administrative funds, for Federal assistance to the States in planning the Great River Road. The act amends section 14 of the Federal-Aid Highway Act of 1954 concerning interstate planning and coordination of the Great River Road, increasing the original expenditure authority from $250,000 to $500,000.

The Great River Road (Mississippi River Parkway), envisions a scenic parkway up the historic Mississippi Valley from the Gulf of Mexico to the lake country of Minnesota, which would connect the Trans-Canadian Highway leading to Alaska and the Atlantic seaboard with the great southern highway system around the Gulf of Mexico. Running along both banks of the Mississippi River for 2,470 miles, the route would link the extremes of the North and South American continents by following both shores of the Mississippi River.

The Great River Road would be a scenic parkway, not a high-speed turnpike. It will be designed to enhance the beauty of the Mississippi Valley by preserving the countryside and by restricting roadside development.

Federal assistance to the States has been conducted under authority of the act of 1954 in the form of studies and reports on general route locations. The original $250,000 was apportioned to the 10 States bordering the Mississippi River in proportion to the amount allocated by the respective States for the improvement and expansion of

existing sections of the highway project as approved by the Secretary of Commerce and other public agencies involved. In certain States the studies have been completed or are in progress in delineating needed land acquisitions, scenic easements, and other needs appurtenant to the proposed parkway. This legislation provides that the $250,000 be allocated to the States on the basis of relative need in order to assure that the planning work will proceed in a uniform manner in pursuit of the objectives of the 1954 provision.

CHAPTER IV

ECONOMIC DEVELOPMENT LEGISLATION

In order to combat persistent high levels of unemployment in those areas of the Nation bypassed by general economic recovery and to stimulate the economy, the Congress authorized the accelerated public works program in 1962. This program authorized the appropriation of $900 million to undertake and accelerate Federal public works and for matching grants for local projects.

The program has proved to be a "shot in the arm" to the economy of those depressed areas of the country. It has provided employment for the jobless, improved community facilities in those areas of greatest economic and social need, thereby enhancing the general overall economic condition of the Nation. It has been an effective weapon in the fight to prevent a recession before it could fully develop. However, while the program has been successful, much still remains to be done in the fight against persistent unemployment and underemployment throughout the land.

With this in mind, the committee considered legislation that would continue the accelerated public works program and increase the amount to be appropriated from $900 million, the ceiling of which has been reached by appropriated funds, to $2,400 million, an increase of $1,500 million. The measure was favorably reported by the committee but was not acted upon by the Senate.

Another economic program considered by the committee during the 88th Congress, is the Appalachian Regional Development Act of 1964. This legislation, designed to assist in the economic recovery of the Appalachian region, was requested by the President of the United States in April of 1964.

Appalachia has long suffered the pangs of economic depression. Unemployment is high and measures to stimulate the general economy are drastically needed and must be provided at once if this region of our country is to fight its way back to economic stability.

Although the measure did not become law, principally because it was acted upon late in the session and was lost in the rush for adjournment, it is considered to be meritorious legislation and should be considered and enacted into law early in the next Congress.

The Appalachian regional development program and the accelerated public works program are discussed more fully in the pages that follow:

APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1964

(S. 2782, 88th Cong.)

S. 2782 was reported by the Committee on Public Works on August 25, 1964. The bill passed the Senate on September 25, 1964. A simi-

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lar measure, H.R. 11946, was reported by the House Public Works Committee on July 31, 1964, but was not acted upon by the House.

Information concerning the problems of the Appalachian region and the program designed to assist in the development of the area, together with a section-by-section summary of the bill, is presented in the following paragraphs.

THE NEED FOR APPALACHIAN REGIONAL DEVELOPMENT

The Appalachian region, which stretches diagonally from northern Pennsylvania to central Alabama, has been referred to by the President's Appalachian Regional Commission as "a region apart—geographically and statistically." In the language of the Commission's 1964 Report to the President:

> It is a mountain land boldly upthrust between the prosperous eastern seaboard and the industrial Middle West * * *. Its ridges and twisted spurs and valleys measure to 165,000 miles—an area 10 times the size of Switzerland.
>
> Appalachia has natural advantages which might normally have been the base for a thriving industrial and commercial complex. Below its surface lie some of the Nation's richest mineral deposits including the seams which have provided almost two-thirds of the Nation's coal supply. The region receives an annual rainfall substantially above the national average. More than three-fifths of the land is forested. Its mountains offer some of the most beautiful landscapes in Eastern America, readily lending themselves to tourism and recreation.
>
> Yet this natural endowment has benefited too few of the 15.3 million people of Appalachia. The average Appalachian, whether he lives in a metropolis, in town, on the farm, or in a mountain cabin, has not matched his counterpart in the rest of the United States as a participant in the Nation's economic growth.

Regional economic development of Appalachia is required not only to extend the benefits of American prosperity to the citizens of this neglected region. Such development will also be of direct and indirect benefit to the rest of the Nation.

The current Federal costs for public welfare assistance in Appalachia exceed $375 million annually, a disproportionate share of which is supported by taxes from outside the region. This is evident when it is noted that while Appalachia contains only 8.5 percent of the Nation's population, it receives almost 12 percent of the Federal public assistance funds.

Yet, in the Federal activities which generate and stimulate the economy—as distinguished from welfare payments—the record is again one of neglect and deprivation, as is evidenced by the fact that Appalachia receives less than 5 percent of total Federal expenditures, exclusive of trust fund and interest expenditures.

Thus, a mere continuation of present Federal policies without modification would perpetuate the condition of a region on the dole.

The program proposed by S. 2782 would, the committee believes, in the long run eliminate much of the need for public assistance payments by development of the region's natural and human resources.

Economic studies have demonstrated that if Appalachia's economy merely equaled the national average, $4 billion would be added to our gross national product through retail sales. (This is an amount equivalent to the total commercial sales of goods and services of the United States to the entire rest of the world. One need only consider

the employment that foreign sales produce to realize the beneficial impact that Appalachian economic recovery would have on the remainder of the country.) Our annual rate of personal income could be increased by $5.2 billion; and another billion dollars could be added in new housing construction.

Such data merely indicate what a developed Appalachian economy could do. They do not mirror the misery of a people denied the facilities that are accepted as the standard throughout most of the rest of the Nation. In countless communities of Appalachia, schools, highways, hospitals, and water and sewage systems not only fail to meet the needs of an expanding economy; they do not even meet the elemental needs of the people today.

Attempts at solutions to the problems of Appalachia have been made on four levels: by individuals, by local groups, by communities, and by each of the States. The Federal Government, through its various assistance programs, has also been involved at each level. In each case, it has been demonstrated to this committee that success was limited by the fact that the problems were truly regional in scope, while the solutions were proposed on a piecemeal basis. Therefore, the committee has been most concerned with the response of the Federal Government to the request for a regional program by the Governors of the 11 States acting in concert.

That response, as embodied in S. 2782, contains a program that meets the needs of the people of Appalachia. S. 2782, after it has been successfully implemented by the Federal and State agencies involved in the program, will enable the people of the area, through the investments of private industry, to bring about the full-scale development of this region. S. 2782 is simply the opening step in a campaign to bring the Appalachian region and the people of Appalachia up to the same economic level as the rest of the citizens of the United States. That program will be carried out within a sound Federal, State, and local partnership, coordinating existing efforts and augmenting these with the special programs set forth in title II, part A, of S. 2782.

This committee, therefore, accepts the report of the President's Appalachian Regional Commission and the testimony thereon, acknowledging that it is within the tradition and the prevailing practice of American economic development to provide for the full utilization of the resources of every area of this country. For the well-being of the national economy as a whole is dependent on the continued progress of all segments and sectors of the economy.

Thus, the committee rejects the argument of the opponents of the proposed program that it would give preferential treatment to Appalachia. For this is but one of many instances of regional legislation, for which the scope of direct benefits is limited. The city dweller of the East draws no direct benefit from cotton and wheat and tobacco support programs; peanut research does not directly aid the autoworker of Detroit or the steelworker of Gary; urban renewal and public housing legislation provides no direct benefit to the rancher in Montana; nor do the land reclamation projects of the West benefit the lobsterman in Maine. Yet in each instance, the Congress and the majority of the American people have supported such programs not only for their direct local benefits, but also for their contribution

to the well-being of the national economy. Such justifications exist in equal measure for the proposed legislation for the Appalachian region, where the problems are not limited to a single resource or a single community.

The committee would also emphasize the fact that the presence of distress in other parts of the country is no reason to deny aid to Appalachia. The committee is aware of conditions of economic stagnation in the Ozark Mountain region, in the upper Great Lakes iron ore region, and in pockets of poverty elsewhere in the United States. But nowhere else in the country is there an aggregate of distress comparable to that of Appalachia. Largely as a result of the conditions to which S. 2782 is addressed, 6 of the States included in the region are among the 11 States with the lowest median family income. Attacking poverty in Appalachia thus means attacking the largest single center of poverty in the country.

Assuredly, the proposed Appalachian program will not directly benefit those in distress outside the region. But neither are there provisions in this legislation which would preclude assistance to other areas.

This committee has noted that throughout the testimony presented to it with regard to S. 2782, and throughout the report of the President's Appalachian Regional Commission, one dominant theme has been that the economic problems of the region are not of recent origin. They stem partially from inherent geographic and topographic conditions which make for difficult access in many parts of the region and a high incidence of floods. They are the product also of longstanding reliance of some areas on a single industry which has suffered from national technological changes outside the region. In other instances, plant obsolescence, foreign competition, and depletion of natural resources are contributing factors. In contrast, some observers contend that very recent improvements in Appalachia and current data regarding the comparative economic position of the region render the proposed legislation unnecessary. This committee disagrees with such a judgment.

Progress has occurred in Appalachia, to be sure, and although it is worthwhile to explore the cause of this progress, it must be seen in perspective. For example, it is true that the latest data show a decrease in the rate of unemployment in Appalachia, but the rate is still 40 percent higher than for the United States as a whole. Furthermore, among the Nation's major labor market areas with the highest unemployment rates in 1963, 6 of the top 10 areas were in Appalachia. Five out of the top six areas with highest unemployment were in the region.

That the problems of Appalachia continue to exist is obvious from virtually every statistical indicator available. For example, the latest population report for the Pittsburgh metropolitan area shows that in a 27-month period 4 percent of the residents left the area, and even after allowing for in-migration, the decline in population was 2 percent. This occurred during a period of relative prosperity. Clearly, there are parts of Appalachia that are not as badly off as they once were, but this does not indicate that they are as well off as other parts of the country, nor does it suggest that a fundamental cure of their difficulties has been wrought.

The people of Appalachia have made many superlative efforts, individually and through their local and State governments, toward improving the region's conditions. They have continued their efforts to provide education, transportation, and other facilities on which a program of sustained economic improvement can be built. They have continued their efforts to overcome the handicaps arising from past methods of resource exploitation. They have continued to try to attract new industries and encourage existing ones to remain and expand. These efforts by States and localities provide another base upon which the development process can grow. Certainly the people of the region should not be penalized because their efforts have shown some fruits. Rather they should be encouraged to continue their efforts by providing the regional development program which they and their Governors have asked for and promised to support.

The committee believes that the provisions of S. 2782 will furnish the type of coordinated and concerted attack on the regional problems besetting Appalachia that can lift the region's economy to a level closer to that of the national economy. We believe that S. 2782 will lead to a closing of the gap which now exists between metropolitan Appalachia and metropolitan America, urban Appalachia and urban America, and rural Appalachia and rural America.

We also agree with the regional approach embodied in S. 2782 and recommended by the President's Appalachian Commission in the recognition that poverty is no respecter of State lines and deprivation is no respecter of county lines. The State, Federal, and local approach to solving Appalachia's economic problems is the most feasible and the most workable method of restoring the region through the combined resources of all levels of government.

THE PRESIDENT'S APPALACHIAN REGIONAL COMMISSION

The Governors of the Appalachian States, aware of the problems outlined above, formed the Conference of Appalachian Governors in 1960. After 3 years of study and deliberation, that conference concluded that active Federal cooperation was essential to the formation of comprehensive solutions to the problems facing the region. They requested President John F. Kennedy to establish a joint Federal-State commission to develop those comprehensive solutions.

On April 9, 1963, President Kennedy responded to the request of the Governors by establishing the President's Appalachian Regional Commission. The Commission was comprised of the representatives of the Appalachian States and representatives of the major Federal agencies concerned with the problems of the region. The Commission conducted a yearlong study of the region, including two tours throughout the Appalachian States, during which representatives from all segments of Appalachian economic life were consulted. Numerous meetings were held in the city of Washington between Federal and State representatives on the President's Commission.

Exactly 1 year after the establishment of the Commission by President Kennedy, on April 9, 1964, it submitted its report to President Lyndon B. Johnson. That report contained detailed recommendations on how a coordinated program of Federal, State, and local investment could solve the most urgent problems facing the region. The report

was the product of the cooperative efforts of the following States and Federal agencies:

States: West Virginia, Alabama, Georgia, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and Pennsylvania.

Federal agencies:

Department of Health, Education, and Welfare.
Tennessee Valley Authority.
Atomic Energy Commission.
Small Business Administration.
National Aeronautics and Space Administration.
Area Redevelopment Administration.
Department of the Treasury.
Department of Defense.
Department of the Interior.
Department of Agriculture.
Department of Commerce.
Department of Labor.
Housing and Home Finance Agency.

President Johnson responded to this report with a message to the Congress on April 29, 1964, in which he submitted his administration's draft of an Appalachian Regional Development Act of 1964, and declared that the conditions of Appalachia are "a challenge to the ingenuity as well as the compassion of Congress."

SECTION-BY-SECTION SUMMARY OF S. 2782

The first section of the bill provides a short title.

The second section sets forth certain findings of Congress together with a statement of congressional purpose and intent to assist the Appalachian region in its efforts to promote its economic development.

TITLE I—APPALACHIAN REGIONAL COMMISSION

Section 101

This section creates an Appalachian Regional Commission. The Commission shall consist of the Governor (or his designee) from each participating State in the Appalachian region and one Federal representative appointed by the President with the advice and consent of the Senate. Commission decisions will require the affirmative vote of both a majority of the State members and of the Federal representative.

The section also provides for an alternate to each member of the Commission and in the case of the Federal representative and his alternate establishes their salaries.

Sections 102 and 103

The Commission's prime functions, contained in sections 102 and 103, include the continuing preparation of comprehensive plans and programs, and the establishment of priorities thereunder, for the economic development of the region; the conduct and sponsorship of research and studies relevant to regional development; the encouragement of the formation of local development districts; the provision of a focal point and coordinating unit for Appalachian programs and Appalachian interests; and the provision of a forum where the States,

the citizens, and the Federal Government can come together to discuss and influence Appalachian policy. The Commission is empowered to make recommendations to the President, State Governors, and appropriate local officials concerning the expenditure of public funds and to suggest legislative and administrative actions which the Commission considers necessary to further the development of the region.

Section 104

This section requires the President to provide liaison between the United States and the Commission and a coordinated review of Commission plans and recommendations.

Section 105

For the period ending on June 30 of the second full fiscal year after the date this bill is enacted, the Federal Government shall pay the administrative expenses of the Commission which are estimated at about $2.2 million for these years; thereafter such expenses shall be shared equally by the Federal Government and the States. The Commission will determine each State's share of the administrative expenses and the Federal representative is excluded from participation in that determination. No assistance is to be provided any State nor can it participate in Commission determinations while it is delinquent in paying its share of these expenses.

Section 106

This section provides the Commission with the standard powers of administration, including the authorization to (1) establish procedures to conduct its own business; (2) locate a staff; (3) request assistance from Federal agencies; (4) arrange for services from State and local units; (5) make arrangements for appropriate employee benefit programs; (6) accept gifts, donations, etc.; (7) enter into necessary contracts; (8) maintain a temporary office and eventually establish a permanent office and other field offices; and (9) take other necessary actions.

Section 107

Provides the Commission with the normal powers essential to obtaining information.

Section 108

Prohibits any conflict of interest in the conduct of Commission business.

TITLE II—SPECIAL APPALACHIAN PROGRAMS

Section 201

A system of development highways and local access roads (not to exceed a total of 2,850 miles in length) shall be built to provide satisfactory transportation to isolated areas in the Appalachian region. Existing roads will be upgraded and new sections constructed which will open up area or areas with a developmental potential where commerce and communications have been inhibited by lack of adequate access. The Commission is to recommend the location of the highways and roads; before voting on any highway plans, the Commission members shall consult with their State highway commission. The procedures of the Federal-aid primary highway program, as con-

tained in title 23, United States Code, shall be used in constructing the system unless the Secretary affirmatively waives any specific provision as inconsistent with the provisions of this act. Federal assistance to any construction project is not to exceed 70 percent of the project cost. The total authorized to be appropriated by the Federal Government for the program will be $840 million; the States will contribute $360 million to the total program.

Section 202

To counteract the serious shortage of adequate medical facilities in the region, the Secretary of HEW may make grants for the construction and operation of multicounty demonstration health facilities including hospitals, and diagnostic and treatment centers. Grants for construction shall not exceed 80 percent of project cost nor total more than $41 million; the request for fiscal 1965 and 1966 is $41 million. Such construction grants shall be made in accordance with both the applicable provisions of the Hill-Burton Act, as amended, and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963. Federal grants for operation may cover up to 100 percent of cost for the first 2 years of operation, and up to 50 percent for the following 3 years of operation. The authorization for operation of health facilities for fiscal 1965 and 1966 is $28 million.

Section 203

To promote conservation and efficient use of the region's important land and water resources, to help to meet a predicted increased national demand for feeder calves, and to provide a more stable agricultural base for the regional economy, marginal farmland shall be improved or developed as pasture. Grants to any landowner in the region will not exceed 80 percent of the costs of improving and developing not more than 25 acres of pastureland owned by such landowner. In carrying out this section, the Secretary of Agriculture shall use the services of the Soil Conservation Service and the State and local committees established under Soil Conservation and Domestic Allotment Act. He is also authorized to use the Commodity Credit Corporation in carrying out this section. Seventeen million dollars is authorized for cost sharing in fiscal 1965 and 1966.

Section 204

To enable the Appalachian region to more fully benefit from the timber (80 percent hardwood) which is one of the prime assets, the Secretary of Agriculture is authorized to provide technical assistance in the organization and operation, under State law, of timber development organizations organized by local interests. These organizations shall provide improved timber productivity through (1) continuity of management, cutting practices, and marketing; (2) administrative consolidation of small holdings; and (3) utilization of efficient timber growing practices and techniques. Up to $3.5 million in Federal Government loans, but not to exceed 50 percent of their initial capital requirements, is authorized for these organizations in fiscal 1965 to be used only for better management, cutting, and marketing of timber. At least another $3.5 million will be provided by the local operators. The Federal loans will be administered under the applicable provisions of the Consolidated Farmers Home Administration Act of 1961.

Section 205

In this section the Secretary of the Interior is given broadened authority to (1) seal and fill in voids in abandoned coal mines, (2) execute projects for extinguishing underground and outcrop mine fires in the region, and (3) expand and accelerate the restoration of fish and wildlife habitat destroyed by strip mines and stream pollution from mine drainage. The section authorizes the Secretary of the Interior, in cooperation with the Commission, to carry out a comprehensive strip mine study by July 1, 1966. The Federal share of mining area restoration projects is increased for this program to cover up to 75 percent of the total project costs; $21.5 million in Federal outlay in fiscal 1965 and 1966 is authorized for this part of the program. The authorizations in this section will make it possible to carry out a comprehensive program of coal lands reclamation including subsidence control, extinguishment of burning and removal of nonburning clum piles, strip mine rehabilitation, and geological survey activities.

Section 206

The Secretary of the Army is authorized to prepare a program for the development of the water resources of the region. This program is to be prepared in cooperation with the appropriate Federal agencies and the Commission.

The resource survey will be correlated with existing river basin studies and it is hoped that optimum use can be made of the region's water resource potential when the study is completed. The sum of $5 million is authorized to carry on this work in fiscal years 1965 and 1966.

SUPPLEMENTATIONS AND MODIFICATIONS OF EXISTING PROGRAMS

Section 211

A Federal supplement of $16 million for fiscal years 1965 and 1966 is authorized in addition to the construction funds provided by the recently enacted Vocational Education Act because of the great shortage of vocational school facilities in the Appalachian region. Funds will be made available under the same terms contained in that act.

Section 212

One of the major problems of Appalachia is inadequate sewage treatment which is a deterrent to both sound health and economic development. In addition to the appropriations made in the Federal Water Pollution Control Act, $6 million in Federal funds is authorized by this section for fiscal years 1965 and 1966. These funds will be made available through the Secretary of Health, Education, and Welfare under the terms contained in that act.

Section 213

This section amends section 701 of the Housing Act of 1954 so as to make the Appalachian Regional Commission an eligible agency to receive comprehensive planning grants under that act. This is done to allow the Housing and Home Finance Agency to take advantage of the research capabilities of the Commission. Contracts will be made with the Commission on the same terms as the law now authorizes. All funds for this section will come from HHFA's budget.

Section 214

In order to allow Appalachian communities to take maximum advantage of Federal grant-in-aid programs for which they are eligible but for which they cannot supply the matching funds, a special fund of $90 million for fiscal years 1965 and 1966 is authorized by this section. The Secretary of Commerce, acting on the recommendations of the Commission, shall use this fund to increase the Federal contribution to grant-in-aid programs above the fixed maximum portion authorized by the applicable law.

The Federal portion may not be increased above 80 percent of the cost. The programs referred to include those authorized by this act and other existing grant-in-aid programs which assist the construction and equipment of public facilities. The Secretary may not supplement grant-in-aid programs providing funds for operation, but only construction and equipment programs.

PART C.—GENERAL PROVISIONS

Section 221

No State or political subdivision thereof may receive benefits under this bill if the total expenditures of State funds, exclusive of local expenditures, for the portion of the State located in the Appalachian region falls below the average level of such expenditures for the last 2 full fiscal years preceding the date of enactment of this act. A State's expenditures for the Interstate System shall not be included. Further, if there is a substantial population decrease in the region which does not justify a continued expenditure or if the expenditure is now disproportionate to needs of the region a lesser requirement may be imposed by the President.

Section 222

This section insures that no State will be required to engage in or accept any program without its consent. The consent of a State to a program for which assistance is provided under this act will be given by that State in the same manner in which the State consents to receive assistance under the basic statute authorizing that assistance.

Section 223

To more clearly delineate the role of the Commission in the program planning process this section provides that no programs authorized by this act shall be implemented until the Commission has submitted program plans to the President or such officer or officers as he may designate, and they have either approved or modified the plans.

Section 224

In order to clearly establish the intent of the Congress, specific criteria are set forth in this section which the Commission is to consider in making program and project recommendations. These criteria include: the relationship of the project to overall economic development; the population and area that the project or class of project serves, including the unemployment rate and per capita income of the people of the area; the financial resources available to the State and political subdivision thereof which are undertaking the project; the importance of the project in relation to other projects seeking aid; the prospects that the project will make a long-range

contribution to the economic growth of the region. There is also a specific requirement that the funds not be used to finance the cost of commercial facilities, industrial facilities, machinery, or working capital, or the generation, production, transmission, or distribution of gas or electricity.

TITLE III—ADMINISTRATION

Section 301

This section sets forth a definition of those local units to which the Commission will extend assistance through the appropriate State governments. The State governments will certify local development districts. Such local development districts shall be nonprofit organizations certified by their States as units having the responsibility for the economic development of counties, parts of counties or other political subdivisions within the region.

Section 302

The Secretary of Commerce is authorized to make grants either directly or through appropriate public or private organizations (including the Commission) to provide funds for investigation, research, studies, and demonstration projects to further the purposes of this act. No funds can be provided for construction purposes under this section. The Secretary is also authorized to either directly or through arrangements with the Commission, make grants for the administrative expenses of local development districts, of up to 75 percent of their expenses. Such grants shall not be made to any one district for a period in excess of 3 years. Local shares may be paid in cash or in kind; $5.5 million is provided to carry out this section in fiscal 1965 and 1966.

Section 303

The Commission is herein directed to prepare an annual report on its activities within 6 months of the close of the Federal fiscal year for presentation to the Governor of each State in the region and to the President for transmittal to the Congress.

TITLE IV—APPROPRIATIONS AND MISCELLANEOUS PROVISIONS

This section provides an authorization of $237,200,000 in addition to the funds authorized in section 201 for the Appalachian development highway system, to be appropriated for the 2 fiscal years, ending on June 30, 1966. The sums enumerated in each section, other than 201, add up to the $237,200,000 total contained in this section.

Section 402

This section provides that the construction projects assisted by this act will be covered by standard Davis-Bacon (local prevailing wage) provisions.

Section 403

This section designates those counties in the Appalachian region which are eligible for assistance under this act.

Section 404

This is the usual clause used to protect other sections of a bill in case one section is held to be invalid.

Section 405

This provides that the act will cease to be in effect on and after July 1, 1970.

ACCELERATED PUBLIC WORKS PROGRAM

(S. 1856, 88th Congress)

This legislation would increase the amount authorized to be appropriated to carry out the provisions of the Public Works Acceleration Act, from $900 million to $2,400 million, an increase of $1,500 million, to be used until expended.

S. 1856 was reported by the Committee on Public Works on June 1, 1964. Public hearings on the measure were held in December 1963, and March 1964. During the course of these hearings testimony was received from more than 60 witnesses, including Members of Congress, elected officials from the great metropolitan areas, as well as from smaller cities and rural and semirural communities throughout the Nation, from labor, farm, and management organizations, and from scholars and economists. All were overwhelmingly in support of the accelerated public works program as it has been administered and in favor of an extension of the program under a new authorization.

A summary of the accelerated public works program is given in the following paragraphs:

THE ORIGIN OF THE ACCELERATED PUBLIC WORKS PROGRAM

The present APW program was generated from President Kennedy's desire to have standby authority to combat a recession before it might become fully developed. Among the arsenal of economic weapons devised for such a purpose, he requested authority from the Congress to commit $2 billion in Federal funds for public works projects whenever unemployment reached a critical level as defined in the draft bill the President submitted to the Congress.

On February 19, 1962, President Kennedy in a letter to the Congress requested standby authority to commit $2 billion in Federal funds to stimulate the economy whenever seasonally adjusted unemployment rates had risen 3 out of 4 or 4 out of 6 consecutive months by a total of at least one percentage point during that period, and whenever the President determined that use of the standby authority was necessary to realize the goals of the Full Employment Act of 1946.

Under the proposal, the President could, after determining that the requisite conditions existed, declare a 12-month "capital improvement acceleration period" during which he could commit, without further congressional approval, $750 million in direct Federal expenditures previously authorized, $750 million for grants-in-aid to States and local governments, $250 million in loans to the States and localities, and $250 million additional among the three categories.

The proposal called for automatic termination of the President's authority at the end of 12 months unless extended by Congress or previously terminated by the President. After a waiting period of 6 months, he could declare another 12-month capital improvement acceleration period, commit another $2 billion, and repeat the cycle without further limitation.

The $750 million for grants-in-aid was to be used either to accelerate work on existing Federal-State grant projects, or to initiate Federal grants for projects not otherwise eligible under existing statute.

Transmitted with the President's message was a draft bill—the Standby Capital Improvements Act of 1962—which was introduced in the House (H.R. 10318) on February 21, 1962, and in the Senate (S. 2965) on March 8, 1962.

On March 26, in letters to the House and Senate Public Works Committees the President stated that the economy had not recovered as well as had been expected during the first months of 1962, and requested the Congress to amend H.R. 10318 to permit immediate commitment of $600 million for capital improvement programs in areas designated for redevelopment under the Area Redevelopment Act of 1961, and areas which had an unemployment rate of over 6 percent for a year or longer.

The Senate Public Works Committee conducted hearings on April 12–13, 1962, and on April 25, 1962, reported, with amendments, the administration bill (S. 2965–S. Rept. 1358), containing a $2 billion standby authority and a $600 million immediate acceleration program.

On May 28, 1962, the Senate passed an amended version of S. 2965, authorizing the President to spend $750 million for immediate acceleration of public works projects in areas of heavy unemployment, and also authorizing appropriation after June 30, 1963, of $750 million for a standby public works program.

The Senate measure provided that the standby authority could be triggered only when the adjusted unemployment rate had risen one percentage point over a 3- to 9-month period, a condition which has not been fulfilled during the past 18 months.

The House Public Works Committee conducted hearings from March 26 to April 6, 1962, on the administration bill (H.R. 10318) to authorize a $2 billion standby program and a $600 million immediate acceleration program, and a bill (H.R. 10113) to authorize a $2 billion standby program and an Office of Public Works Coordination and Acceleration.

On June 2, 1962, the House Public Works Committee reported, with amendments, H.R. 10113, authorizing appropriations of $900 million for immediate acceleration of public works through both direct Federal projects and grants-in-aid to State and local governments. It also provided for an Office of Public Works Coordination and Accelerations but provided no authority for a standby program.

The House passed on August 29, 1962, by a voice vote, H.R. 10113, authorizing appropriation of $900 million for immediate acceleration of public works, deleting the provision for a special Office of Coordination and Acceleration and providing no standby authority. The House then vacated passage of H.R. 10113, amended S. 2965 to conform to the House-passed version, and substituted S. 2965 for H.R. 10113.

On September 10, 1962, the Senate agreed to the House amendments by a 45-to-22 rollcall vote and the bill was signed into law by President Kennedy on September 14, 1962 (Public Law 87–658).

THE ACT AND ITS ADMINISTRATION

The enabling statute includes specific provisions as to the areas eligible for accelerated public works projects, the requirements for State and local governments to participate, and the rules of equity to be followed by the Federal Government in approving the projects. Eligible areas, as defined in the statute, exist in each of the 50 States, in Puerto Rico, the Virgin Islands, Guam, and American Samoa.

The principal features of Public Law 87–658 are as follows:

First, areas eligible for assistance include all designated redevelopment areas under sections 5(a) and 5(b) of the Area Redevelopment Act. (Section 5(a) areas are urban areas of high unemployment; section 5(b) areas are rural and small urban areas of low income, underemployment, and high unemployment designated by the Secretary of Commerce and the Indian reservations.) Also eligible are those areas designated by the Secretary of Labor as having had substantial unemployment for at least 9 of the preceding 12 months, substantial unemployment being defined as above 6 percent.

Second, Federal public works projects in eligible areas which have been authorized by Congress can be initiated or accelerated.

Third, public works projects of States and local governments for which Federal financial assistance is authorized in other legislation can be initiated and accelerated. For such projects, grants up to 50 percent of the total cost are authorized, and up to 75 percent if the State or local government lacks the economic or financial capacity to assume the additional financial obligation.

Department of Commerce regulations have established firm and objective criteria for relating grants of above 50 percent to local financial capacity. Areas eligible for 58-percent grants are those with median family incomes between $1,700 and $1,800 or twice the national unemployment rate for 3 of the last 4 years. As of November 1, 1963, there were 72 such areas, out of a total number of 1,297 eligible areas.

Areas with median family incomes of $1,600 to $1,700 or twice the national unemployment rate for all of the last 4 years are eligible for 66-percent grants; as of November 1, there were 112 such areas.

Areas with median family incomes under $1,600 or three times the national unemployment rate for all of the last 4 years are eligible for 75-percent grants. As of November 1, there were 161 such areas, including all 54 Indian reservations. In all, a total of 345 of the 1,300 eligible areas are entitled to grants above 50 percent.

The fourth main provision of the act declares that no State may receive more than 10 percent of the funds allocated, and no less than $300 million of the $900 million authorized must be allocated for the nonurban small-labor-market areas, low-income areas, and Indian reservations designated under section 5(b) of the Area Redevelopment Act.

Fifth, adequate consideration must be given to relative needs of eligible areas, and criteria are established which the selected projects must meet. These criteria assure that projects—

(*a*) Can be initiated or accelerated within a reasonably short period of time, this period having been interpreted as within 120 days after the obligation of funds;

(*b*) Will meet an essential public need;
(*c*) Will have a substantial portion (51 percent) completed within 12 months after initiation;
(*d*) Will contribute significantly to the reduction of local unemployment;
(*e*) Are not inconsistent with locally approved comprehensive plans for the areas affected, where such plans exist.

The Public Works Acceleration Act authorized the President to conduct the program through existing Federal agencies. By Executive Order 11049 of September 14, 1962, the President designated the Secretary of Commerce to coordinate the program, to establish rules and regulations for its administration, and to advise the President as to the allocation of funds. The Secretary of Commerce assigned to the Area Redevelopment Administration the responsibility for assisting him in the administration of the program.

The following Federal departments and agencies are participating in the program:

(*a*) State and local projects:
Housing and Home Finance Agency.
Department of Health, Education, and Welfare.
Department of Commerce.
Department of the Interior.
Department of Agriculture.

(*b*) Direct Federal projects:
Department of Defense—Civil Engineers.
Department of the Interior.
Department of Agriculture.
General Services Administration.
Department of Commerce.
Post Office Department.
Department of Health, Education, and Welfare.
Department of Justice.
Treasury Department.
Tennessee Valley Authority.
Veterans' Administration.

(*c*) Designation of eligible areas:
Department of Labor.
Department of Commerce.

In general, the program operates as follows:

1. Eligible areas and communities deal directly with the Federal department or agency which normally handles the program under which a project may be initiated or accelerated.

2. All Federal departments and agencies concerned with public works projects screen those which meet the criteria of the accelerated program and submit them to the Area Redevelopment Administration for review.

3. The Area Redevelopment Administration programs all such submissions within the rules, regulations, criteria, and the limitations of available funds and prepares recommendations for the Secretary to advise the President as to the allocation of funds.

4. Funds are allocated directly to the Federal department or agency involved and such agency proceeds with those projects which have been cleared by ARA.

5. Each department and agency reports project status and progress to the Area Redevelopment Administration which compiles reports as required to inform the Secretary, the President, the Congress, and the public.

The Congress appropriated $400 million for this program in October 1962 and another $450 million in May 1963.

Except for $6.8 million allocated for administrative costs and small amounts set aside by the participating agencies as contingency reserves, the entire amount of $850 million has been committed to specific public works projects, as presented in the allocation table in the next chapter.

Staff Report on Accelerated Public Works

"Accelerated Public Works—in Retrospect and Prospect"

A report on the history of the program, the use of the funds, the benefits, and the continued needs, concerning the current accelerated public works program was prepared by the committee staff in December of 1963. The report has been published as a committee print and is titled: "Accelerated Public Works—in Retrospect and Prospect."

This report indicates the value of the accelerated public works program in fulfilling President Kennedy's request for—

> a further Federal effort * * * both to provide immediate useful work for the unemployed and underemployed, and to help these and other hard-pressed communities, through improvement of their public facilities, to become better places to live and work.

Public Law 658, 87th Congress, the Public Works Acceleration Act, together with the standards and procedures under this act published in the Federal Register, are set forth in the appendix for convenient reference.

CHAPTER V

PUBLIC BUILDINGS LEGISLATION

The Committee on Public Works has the responsibility of providing adequate and proper housing for the various agencies of the Government. Structures considered and approved by the committee include those for post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia. The committee also has the responsibility of examining and considering all proposals for improvements to the Capitol Building and the Senate and House Office Buildings. Other areas of housing within the jurisdiction of the committee are those relating to the construction and reconstruction, maintenance and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.

The General Services Administration is the agency within the framework of the Federal Government charged with carrying out the directives of the Congress relating to the acquisition of land and the construction of public buildings to house the various agencies of Government. A history of the public buildings program, together with details on present procedures, is given elsewhere in this chapter.

Public buildings are authorized for construction in accordance with directives of the Committee on Public Works. During the past 2 years, the committee authorized the construction or repair of over 300 public buildings, having an estimated cost in excess of $600 million. These buildings will house postal facilities, courts, and other Federal activities throughout the Nation. The Administrator of the General Services Administration was authorized by the committee to make surveys at nine localities throughout the country on the need for public buildings construction, and to report his findings to the committee for consideration at an early date.

Shortly after the death of President John Fitzgerald Kennedy, the committee favorably considered and recommended enactment of Senate Joint Resolution 136, providing for the renaming of the National Cultural Center in honor of our late President. This measure, on which the committee held a joint hearing with the House Committee on Public Works, was signed by President Johnson on January 23, 1964, and became Public Law 88–260. The John F. Kennedy Center for the Performing Arts, will serve as a living memorial to President Kennedy and perpetuate the memory of this great American.

The 30-year leasing authority of the Post Office Department, under authority of title 39, United States Code, section 2103, was due to expire in July 1964. However, the committee took action on a measure to extend this authority, which subsequently became Public Law 88–480. The lease construction program of the Post Office Department enables the Department to obtain control of a suitable site either by assignable option, by purchase, or by condemnation. The site is conveyed to a successful bidder, who builds the facility and leases it

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back to the Post Office Department at a fixed rental for a period not in excess of 30 years. Continuation of this authority until December 31, 1966, was considered desirable by the committee. As introduced the legislation would have made permanent the long-term leasing authority of the Post Office Department but the committee felt that a more detailed evaluation of this authority was necessary in order to evaluate other methods which might be applied as well as to review the procedures followed in leasing to assess the impact it has on keeping with the intent of Congress. As a result, the bill was amended to provide for an extension of the 30-year leasing authority, 2½ years from its expiration date of July 22, 1964, until December 31, 1966.

A subject of widespread interest during the 88th Congress, was the need for a residence to house congressional and Supreme Court pages. The committee held a hearing on S. 1847, a bill to provide for such a residence. It was the general consensus that while the page system provided a useful and needed service to the legislative and judicial branches of the Government, adequate supervision of the pages during off hours was seriously lacking.

The bill reported by the committee for consideration of the Senate, provided for the creation of a Pages Residence Board, with powers to construct, maintain, and operate a residence for pages. The committee was of the opinion that it was the responsibility of the Congress to provide adequate housing and supervision for the page boys that it brings to the Nation's Capital.

Details concerning the foregoing legislation are set forth below.

History of the Public Buildings Program

The Public Buildings Act of 1926 provided the basic authority for construction of public buildings by direct appropriation of funds by the Congress. Following that authorization, many public buildings were constructed throughout the country for several years. This included the emergency construction program during the depression period of the 1930's.

With the beginning of World War II in 1939, the entire building program was stopped, and except for a few emergency projects, no public buildings were constructed during the next 10 years. During this period, 1939–49, the activities of the Federal Government expanded at a tremendous rate keeping pace with the increase in the Nation's business activities and the increase in population during the war and postwar years. As a result, the physical establishment was inadequate to carry out the activities of the Federal Government in an efficient and businesslike manner.

The Public Buildings Act of 1949 authorized programs for improvement of existing federally owned buildings, and for acquisition of sites and preparation of plans for Federal public buildings outside the District of Columbia. This authorization looked to the eventual adoption of a Federal public building program and resumption of construction on same. Under this program many sites for public buildings were acquired all over the country and plans prepared for their construction.

In 1954, when it appeared that a program for construction of needed public buildings was not immediately forthcoming, Congress enacted Public Law 519, 83d Congress, which provided for the acquisition of title to real property and construction of public buildings by the Administrator of General Services and the Postmaster General through lease-purchase agreements, and also provided an expansion of authority for long-term leasing agreements for the accommodation of activities of the Post Office Department.

Under the provisions of the law, installment payments on the purchase price could be made in lieu of rent, and title to the improved property would be vested in the United States at the end of the agreement period, usually for terms of from 10 to 25 years, depending on the amount of amortization required for the property. Local taxes would be paid on the property until title is vested in the United States.

During the 84th Congress the committee approved 83 post office projects having an estimated cost of $69,573,565, and 67 Federal building projects with an estimated cost of $667,588,830. Approval of projects for inclusion in the construction program contemplated under Public Law 519 expired on July 22, 1957.

Under the Lease-Purchase Act, 5 projects have been constructed by the Post Office Department, and 29 by the General Services Administration. The Congress provided funds for construction of public buildings by direct appropriations in the Independent Offices Appropriation Act, 1959. That act approved 45 projects for construction by direct appropriation, all of which had been previously approved for construction by lease-purchase contracts. It also approved allocation of funds to 20 projects for acquisition of sites and preparation of plans for public buildings thereon.

Public Law 249, 86th Congress, vests authority and responsibility in the Administrator of General Services for acquiring, constructing, altering, repairing, remodeling, improving, or extending public buildings and acquiring the necessary sites or additions to sites in connection therewith. It recodifies existing public building laws, retains many of the good features of the 1926 act, and deletes many features of various laws no longer applicable or desirable.

The act establishes a logical method of securing approval of public building projects unquestionably needed throughout the country. Approval by resolutions of the Committees on Public Works of the Senate and the House of Representatives would be required for construction or acquisition of any building involving an expenditure in excess of $100,000 or alteration of an existing building which costs in excess of $200,000. For securing consideration of such approval, the Administrator of General Services is required to submit a prospectus to Congress outlining the details of the proposed project. The estimated maximum cost of any approved project could be increased by a percentage increased in construction or alteration costs over that set forth in the prospectus, but not to exceed 10 percent of such estimated maximum cost.

The committees may rescind by resolution their approval of any project for construction, alteration, or acquisition, for which an appropriation has not been made within 1 year after the date of such approval at any time thereafter before such an appropriation has been

made. The committees cannot approve any project when there are 30 or more projects costing in excess of $100,000 which have been approved for more than 1 year but for which appropriations have not been made, until approval has been rescinded or appropriations have been made which results in their being less than 30 such projects.

The act authorizes the Administrator to carry out any authorized construction or alteration by contract if deemed advantageous; to temporarily employ, by contract or otherwise, the services of architectural or engineering corporations, firms, or individuals, to the extent such services are required for any authorized public building project; and places the responsibility for approval and administration of contracts, vouchers, and payments in the Administrator.

The Administrator of General Services and the Postmaster General are authorized to make such building project surveys as may be requested by resolutions of either Committee on Public Works, and make a report thereon to the Congress containing the information included in a public building prospectus. The Administrator is to submit a report to Congress each January on the status and progress on uncompleted projects approved under the act, and is authorized to make a continuing investigation and survey of the public building needs of the Federal Government, with the advice, cooperation, and assistance of all Federal agencies, and to submit to Congress prospectuses on projects deemed necessary and distributed equitably throughout the United States, with due regard to the comparative urgency of the need for each particular building. The act also authorized the Administrator to enter into leases of public buildings or office space for periods of 20 years instead of 10 years under existing law.

The act defines various terms used therein such as Federal agency, executive agency, alter, and construct, and defines the term "public building" to include single or multitenant occupancy buildings, grounds, approaches, and appurtenances, generally suitable for office or storage space, such as Federal office buildings, post offices, customhouses, courthouses, warehouses, etc., but shall not include buildings and construction projects on the public domain, on properties of the United States in foreign countries, on Indian and native Eskimo lands held in trust, on lands in connection with Federal programs, on military installations, on Veterans' Administration installations, and other projects specifically excluded.

The act does not apply to construction of small public buildings outside the District of Columbia authorized by the Public Buildings Act of May 25, 1926; to projects authorized in the Independent Offices Appropriation Act, 1959, including Federal office buildings Nos. 6 and 7 in the District of Columbia and the U.S. Mission to the United Nations Building; to lease-purchase projects under construction; to public buildings for which an appropriation for direct construction by an executive agency other than the General Services Administration has been made prior to the date of enactment of this act; to buildings constructed with unappropriated or trust funds; and it also exempts smaller buildings of the Customs Bureau and the Immigration and Naturalization Service.

Under present procedures most of the Federal buildings used strictly for post office purposes are constructed and financed by

private or commercial interests and leased to the Post Office Department under their long-term leasing authority. Federal buildings to be used for other purposes, but also to include space for postal purposes, are planned, designed, and constructed by the Administrator of General Services under the authority of the Public Buildings Act.

PUBLIC BUILDINGS APPROVED FOR CONSTRUCTION OR ALTERATION BY THE COMMITTEE ON PUBLIC WORKS, U.S. SENATE, DURING THE 88TH CONGRESS

During the 88th Congress, the committee adopted resolutions approving 229 Federal building projects and acquisition of land, having a total estimated cost of $512,139,300, 78 projects for alterations to existing Federal buildings with an estimated cost of $100,183,300, and 1 leased office building at an annual rental of $134,810.

The projects approved in accordance with public building prospectus submitted by the General Services Administration, are as follows:

Public buildings projects approved by the Committee on Public Works, U.S. Senate

A. CONSTRUCTION OF NEW BUILDINGS AND ACQUISITION OF LAND

Location	Project	Estimated cost	Date approved
Alabama:			
1. Cullman	Post office and Federal office building	$590,200	Apr. 4, 1963
2. Mobile	Federal office building	6,165,000	Apr. 30, 1964
3. Talladega	Post office and Federal office building	453,800	Do.
4. Tuscaloosa	Courthouse and Federal office building	2,161,000	Apr. 4, 1963
Alaska:			
5. Alaska Highway near the United States-Canadian Tok junction border.	Border station	1,641,000	Apr. 30, 1964
Arizona:			
6. Nogales	Border station facility	2,323,000	July 1, 1964
Arkansas:			
7. Hope	Post office and Federal office building	470,800	Apr. 4, 1963
8. Magnolia	do	397,900	Apr. 30, 1964
California:			
9. Blythe	do	483,300	Apr. 4, 1963
10. Harbor City	do	307,900	Do.
11. Jackson	do	437,000	Do.
12. Lawndale	Federal Aviation Agency	6,100,000	Apr. 30, 1964
13. San Bruno	Federal Records Center	1,775,000	Apr. 4, 1963
14. Sacramento	Federal office building	6,932,000	Apr. 30, 1964
15. Stockton	Facility, Naval Supply Center, Stockton Annex.	2,500,000	Sept. 28, 1964
16. Van Nuys	Federal office building	2,477,000	Apr. 30, 1964
Colorado:			
17. Glenwood Springs	Post office and Federal office building	515,400	Apr. 4, 1963
18. Leadville	do	267,600	Do.
Connecticut:			
19. Bridgeport	Courthouse and Federal office building	4,277,000	Do.
20. Orange	Post office and Federal office building	270,800	Do.
21. Winsor Locks	do	345,000	Do.
Florida:			
22. Cross City	do	221,400	Do.
23. Ocoee	do	199,300	Do.
24. Umatilla	do	236,700	Apr. 30, 1964
Georgia:			
25. Acworth	do	202,600	Apr. 4, 1963
26. Americus	Post office and courthouse	1,438,000	Do.
27. Athens	Post office and Federal office building	2,812,000	Apr. 30, 1964
28. Chatsworth	do	307,700	Apr. 4, 1963
29. Toccoa	do	439,600	Do.
30. Valdosta	Post office and courthouse	2,547,000	Apr. 30, 1964

Public buildings projects approved by the Committee on Public Works, U.S. Senate—Continued

A. CONSTRUCTION OF NEW BUILDINGS AND ACQUISITION OF LAND—continued

Location	Project	Estimated cost	Date approved
Idaho:			
31. Moscow	Post office and courthouse	$1,739,000	Apr. 30, 1964
32. St. Maries	Post office and Federal office building	1,094,000	Do.
Illinois:			
33. Edwardsville	do	507,900	June 13, 1963
Indiana:			
34. Evansville	Courthouse and Federal office building	3,008,000	Apr. 4, 1963
35. Evansville	Post office and Federal office building	2,233,000	Do.
36. Indianapolis	Federal office building	13,638,000	Apr. 30, 1964
Kansas:			
37. Scott City	Post office and Federal office building	433,500	Apr. 4, 1963
38. Wellington	do	406,900	Do.
Kentucky:			
39. Covington	Treasury—Regional Service Center (IRS)	4,610,000	May 13, 1963
40. Frankfort	Courthouse and Federal office building	2,300,000	Apr. 30, 1964
41. Olive Hill	Post office and Federal office building	228,100	Apr. 4, 1963
42. Paris	do	357,700	Do.
Louisiana:			
43. Crowley	do	471,100	Do.
44. Opelousas	do	1,292,000	Do.
45. Thibodaux	do	422,700	Do.
Maine:			
46. Rockland	do	561,000	Apr. 30, 1964
Maryland:			
47. Bethesda	National Institutes of Health-Child Research Center.	1,080,000	Do.
48. Centerville	Post office and Federal office building	336,700	Apr. 4, 1963
49. Prince Frederick	do	289,100	Do.
50. Suitland	Central heating plant	3,814,000	Do.
51. Woodlawn	Health, Education, and Welfare—Social Security Administration Buildings.	9,179,000	Apr. 30, 1964
Massachusetts:			
52. Boston	G.S.A. Federal Records Center	1,073,000	Apr. 4, 1963
53. Boston-Lawrence area.	Treasury—Regional Service Center (IRS)	4,980,000	May 13, 1963
54. Cambridge	Post office and Federal office building	887,000	Apr. 4, 1963
55. Marlboro	do	356,500	Do.
56. Milford	do	414,800	Do.
57. Springfield	do	4,105,000	Do.
Michigan:			
58. Detroit	Federal office building	33,021,000	Do.
59. Detroit	IRS National Administrative Service Center and regional training center building.	3,845,000	May 13, 1963
60. Grand Haven	Post office and Federal office building	515,800	Apr. 4, 1963
61. Grand Rapids	Courthouse and Federal office building	6,202,000	Apr. 30, 1964
Missouri:			
62. Cape Girardeau	do	1,702,000	Do.
63. Crystal City	Post office and Federal office building	211,200	Apr. 4, 1963
64. Montgomery City	do	377,800	Do.
65. St. Louis	Federal office building	14,375,000	Apr. 30, 1964
New Hampshire:			
66. Berlin	Post office and Federal office building	446,200	Apr. 4, 1963
67. Newmarket			
New Jersey:			
68. Avenel	Post office and Federal office building	205,000	Do.
69. Burlington	do	409,900	Do.
New Mexico:			
70. Gallup	Federal office building	3,251,000	Apr. 30, 1964
71. Raton	Post office and Federal office building	489,800	Apr. 4, 1963
New York:			
72. Albany	Federal office building	8,524,000	Apr. 30, 1964
73. Bronx	Post office and Federal office building	17,960,000	Aug. 20, 1963
North Carolina:			
74. Cary	do	184,100	Apr. 4, 1963
75. Goldsboro	Federal office building	665,000	Apr. 30, 1964
76. Jacksonville	Post office and Federal office building	409,700	Apr. 4, 1963
77. Oxford	do	528,000	Apr. 30, 1964
78. Raleigh	Post office, courthouse, and Federal office building.	7,831,000	Apr. 4, 1963
79. Trenton	Post office and Federal office building	180,000	Apr. 30, 1964
80. Waynesville	do	587,800	Apr. 4, 1963
North Dakota:			
81. Fargo	do	5,183,000	Do.
82. Pembina	Border station	500,000	Do.

Public buildings projects approved by the Committee on Public Works, U.S. Senate—Continued

A. CONSTRUCTION OF NEW BUILDINGS AND ACQUISITION OF LAND—continued

Location	Project	Estimated cost	Date approved
Ohio:			
83. Canton	Post office and Federal office building	$2,951,000	Apr. 4, 1963
84. Mantua	do	266,900	Do.
Oklahoma:			
85. Elk City	do	368,000	Do.
86. Hugo	do	429,800	Do.
Oregon:			
87. Baker	do	1,500,000	Do.
88. Enterprise	do	270,300	Do.
89. Portland	Federal office building	15,513,000	Do.
90. Prineville	Post office and Federal office building	392,900	Do.
Pennsylvania:			
91. Dallas	do	238,100	Do.
92. Irwin	do	364,700	Do.
Tennessee:			
93. Oak Ridge	Federal office building	4,026,000	Do.
Texas:			
94. Big Spring	Post office and Federal office building	1,367,000	Apr. 30, 1964
95. Houston	Federal motor vehicle facility	891,000	Sept. 28, 1964
96. McAllen	Border patrol sector headquarters	760,000	Apr. 30, 1964
97. Pearsall	Post office and Federal office building	271,000	Do.
98. San Antonio	do	7,700,000	Apr. 4, 1963
99. Sulphur Springs	do	441,600	Do.
Utah:			
100. Ogden	Treasury—Regional Service Center (IRS)	4,823,000	July 1, 1964
101. St. George	Federal office building	265,200	Apr. 30, 1964
Vermont:			
102. Derby Line	Border Station No. 2	504,000	July 1, 1964
103. St. Johnsbury	Post office and Federal office building	482,000	Apr. 4, 1963
Virginia:			
104. Chester	do	194,900	Do.
105. Franconia	Federal supply service warehouse	5,805,000	Apr. 30, 1964
Washington:			
106. Colville	Federal office building	481,300	Apr. 4, 1963
107. Seattle	do	24,257,000	Apr. 30, 1964
108. Vancouver	do	717,600	Apr. 4, 1963
Wisconsin:			
109. Horicon	Post office and Federal office building	219,700	June 13, 1963
Wyoming:			
110. Casper	do	5,178,000	Apr. 30, 1964
District of Columbia:			
111. Washington	Acquisition of certain lands in squares 168 and 169.	7,500,000	[1]July 11, 1963
112. Washington	Acquisition of certain lands in square 171	2,750,000	Apr. 30, 1964
113. Washington (metropolitan area).	General Services Administration Building	20,897,000	Do.
114. Washington	Government Printing Office	47,287,000	Do.
115. Washington	National Science Foundation Building	4,531,000	June 13, 1963
116. Washington	Department of Labor Building	47,617,000	Do.
117. Washington	Patent Office Building	48,238,000	Do.
118. Washington	U.S. Tax Court Building	9,848,000	Do.
143. Construction of 25 small public buildings for use primarily by the Social Security Administration, Department of Health, Education, and Welfare, throughout the United States.	Federal buildings	5,307,000	July 1, 1964
229. Construction of 86 small public building projects throughout the United States.	do	20,768,000	Apr. 4, 1963
Total (229 projects)		512,139,300	

B. LEASED OFFICE SPACE

Texas:			
Waco	Veterans' Administration regional office	[2] 134,810	Sept. 28, 1964

Footnotes at end of table, p. 81.

Public buildings projects approved by the Committee on Public Works, U.S. Senate—Continued

C. ALTERATIONS TO EXISTING BUILDINGS

Location	Project	Estimated cost	Date approved
Alaska:			
1. Anchorage	Post office and courthouse	$505,600	Apr. 4, 1963
California:			
2. Calexico	Border station	1,862,000	Do.
3. San Francisco	49 Fourth Street Building	942,700	Do.
4. San Francisco	100 McAllister Street Building	1,041,000	Aug. 20, 1963
Colorado:			
5. Grand Junction	Post office and courthouse	364,000	Apr. 30, 1964
6. Pueblo	do	294,000	Apr. 4, 1963
Florida:			
7. Fort Myers	Post office	244,000	Do.
8. Miami	Post office, courthouse, and customhouse	570,000	Apr. 30, 1964
Georgia:			
9. Atlanta	Federal annex	199,000	Apr. 4, 1963
10. Gainesville	Post office and courthouse	374,000	Do.
Illinois:			
11. Chicago	Customhouse	646,000	Do.
12. Chicago	Post office (main)	4,450,000	Apr. 30, 1964
13. Chicago	Federal building, 536 South Clark St	5,120,000	Do.
Indiana:			
14. Hammond	Post office and courthouse	841,000	Do.
15. Indianapolis	do	1,536,000	Do.
Iowa:			
16. Dubuque	Post office and courthouse	600,000	Do.
Maine:			
17. Portland	Post office and Federal office building	1,491,000	Do.
Maryland:			
18. Baltimore	Customhouse	78,000	Apr. 4, 1963
19. Suitland	Federal Office Building No. 3	6,962,000	Do.
20. Suitland	Federal Office Building No. 4	985,000	Do.
Massachusetts:			
21. Boston	Appraisers stores	1,441,000	Do.
22. Springfield	Courthouse and Federal office building	1,334,000	Do.
Michigan:			
23. Detroit	Roosevelt Park Annex (conversion)	3,821,000	Do.
Minnesota:			
24. St. Paul	Post office and customhouse	1,450,000	Do.
Missouri:			
25. Kansas City	Federal building, 1500 East Banister Rd	5,500,000	Apr. 30, 1964
26. St. Joseph	Post office and courthouse	356,000	Apr. 4, 1963
27. St. Louis	Federal building, 208 North Broadway	525,000	Do.
28. St. Louis	Post Office	279,000	Do.
29. St. Louis	Military personnel record center	1,060,000	Apr. 30, 1964
Montana:			
30. Billings	Post office and courthouse	473,000	Do.
31. Butte	do	707,000	Do.
New Jersey:			
32. Newark	Federal office building, 20 Washington Place.	1,853,000	Apr. 4, 1963
33. Newark	Post office and courthouse	1,343,000	Do.
New York:			
34. Albany	Post office, courthouse, and customhouse	762,000	Do.
35. Brooklyn	Post office building, 210 Livingston St	1,851,000	Do.
36. Brooklyn	Post office and courthouse	1,327,000	Do.
37. Bronx	Building-Bronx Central Post Office	2,375,000	Aug. 20, 1963
38. Mitchel Field	Federal center	2,240,000	Apr. 30, 1964
39. New York	Appraisers stores, 201 Varick St	3,498,000	Apr. 4, 1963
40. New York	Federal office building, 252 Seventh Ave	2,914,000	Do.
41. New York	Post Office, Grand Central Annex	399,000	Do.
42. New York	Post Office, Morgan Annex Station	1,145,000	Do.
43. Utica	Post office, courthouse, and customhouse	311,000	Apr. 30, 1964
North Carolina:			
44. Asheville	Federal building	905,000	Apr. 4, 1963
45. Greensboro	Post office and courthouse	760,000	Apr. 30, 1964
North Dakota:			
46. Fargo	do	747,000	Apr. 4, 1963
Ohio:			
47. Canton	Post office building	1,195,000	Do.
48. Shelby	Federal supply service depot	340,000	Apr. 30, 1964
Oregon:			
49. Klamath Falls	Post office	350,000	Apr. 4, 1963
50. Medford	Post office and courthouse	266,000	Do.
51. Portland	Courthouse	1,067,000	Do.
Pennsylvania:			
52. Erie	U.S. courthouse	304,000	Apr. 30, 1964
53. Philadelphia	128 North Broad St	1,616,000	Apr. 4, 1963
54. Philadelphia	Post office and courthouse (William Penn Annex).	275,000	Apr. 30, 1964

Public buildings projects approved by the Committee on Public Works, U.S. Senate—Continued

C. ALTERNATIONS TO EXISTING BUILDINGS—Continued

Location	Project	Estimated cost	Date approved
South Carolina:			
55. Spartenburg	Post office and courthouse	$490,000	Apr. 30, 1964
South Dakota:			
56. Sioux Falls	do	273,000	Apr. 4, 1963
Tennessee:			
57. Dyersburg	do	450,000	Apr. 30, 1964
58. Memphis	Post office, courthouse, and customhouse	560,000	Apr. 4, 1963
Texas:			
59. Houston	Federal office building	790,000	Apr. 30, 1964
60. Houston	Veterans' Administration Building	720,000	Do.
61. San Antonio	Post office building, courthouse, and Federal office building, post office, and courthouse.	10,111,000	July 1, 1964
Utah:			
62. Clearfield	Naval Supply Depot	1,265,000	Apr. 4, 1963
Vermont:			
63. Brattleboro	Post office, courthouse, and Federal office building.	772,000	Apr. 30, 1964
64. Rutland	do	798,000	Do.
65. St. Albans	do	955,000	Apr. 4, 1963
Virginia:			
66. Arlington	Temporary building No. 7	366,000	Do.
67. Arlington	Virginia heating, refrigeration, and sewage disposal plants.	1,472,000	Do.
Washington:			
68. Seattle	Courthouse	928,000	Aug. 4, 1963
Wisconsin:			
69. Milwaukee	342 North Water St	445,000	Apr. 4, 1963
West Virginia:			
70. Mount Hope	Bureau of Mines Building	343,000	Apr. 30, 1964
Wyoming:			
71. Casper	Post Office and courthouse	575,000	Do.
District of Columbia:			
72. Washington	General Heating and Refrigeration Plant	653,000	Apr. 4, 1963
73. Washington	Treasury Annex	453,000	Do.
74. Washington	101 Indiana Ave	825,000	Do.
75. Washington	1626 K St	480,000	Do.
76. Washington	24th and M Streets Building	252,000	Do.
77. Washington	City Post Office	1,944,000	Apr. 30, 1964
78. Washington	711 12th St	369,000	Do.
Total (78 buildings)		100,183,300	

[1] Withdrawn by GSA.
[2] Annually.

BUILDING PROJECT SURVEYS

During this Congress, the committee adopted nine resolutions authorizing the Administrator of General Services to make building project surveys as follows:

Date adopted	Location	Type
Jan. 17, 1963	Island of Kauai, Hawaii	Federal office building.
Jan. 23, 1963	Atlanta, Ga	Do.
Apr. 4, 1963	Cape Girardeau, Mo	U.S. Courthouse and Federal office building.
Apr. 10, 1963	Casper, Wyo	Federal office building.
Nov. 21, 1963	Anchorage, Alaska	Do.
Do	Wilkesboro, N.C	Do.
Feb. 5, 1964	Shreveport, La	Do.
June 17, 1964	Houma, La	Do.
Oct. 1, 1964	Rapid City, S.Dak	Post office and Federal office building.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

(Public Law 88–260)

Public Law 88–260, approved January 23, 1964, provides for the renaming of the National Cultural Center as the John F. Kennedy Center for the Performing Arts, in honor of the late President of the United States, John Fitzgerald Kennedy.

Public Law 874, 85th Congress, authorized the establishment in the Smithsonian Institution of a Board of Trustees of the National Cultural Center, composed of 15 specified Federal officials, members ex officio, and 15 general trustees appointed by the President, to cause to be constructed for the Institution, with funds raised by voluntary contributions, a building to be designated as the National Cultural Center on a site in the District of Columbia bounded by Rock Creek Parkway, New Hampshire Avenue, the proposed inner loop freeway, and the approaches to the Theodore Roosevelt Bridge.

The Board would maintain and administer the National Cultural Center and site thereof, present programs of the performing arts, lectures, and other programs, and provide facilities for other civic activities. There would also be established an Advisory Committee on the Arts, designated by the President, to advise and consult with the Board and make recommendations regarding cultural activities to be carried on in the Center. The lands for the National Cultural Center and related activities would be acquired by the National Capital Planning Commission, with plans and specifications for the building approved by the Commission of Fine Arts.

The act provided that it would expire if, within 5 years after the date of its approval, in the opinion of the Board of Regents of the Smithsonian Institution, sufficient funds to construct the National Cultural Center had not been received by the trustees. Any funds and property (real and personal) received by the trustees during this period, and income therefrom, in event of the termination of the offices of such trustees, would vest in the Board of Regents of the Smithsonian Institution and be used by the Board to carry out the purposes of Public Law 357, approved March 28, 1958, which provides for the transfer of the Civil Service Commission Building in the District of Columbia, to the Smithsonian Institution to house certain art collections, and for the acquisition of works of art to be housed in such building, except that such funds or property may be vested in an organization designated by the donor at the time of making the donation, if a contribution to such organization is tax deductible under the internal revenue laws.

Public Law 100, 88th Congress (77 Stat. 128), approved August 19, 1963, authorized an increase in the number of general trustees appointed by the President from 15 to 30, to hold office as a member of the Board for a term of 10 years. The terms of any members appointed prior to the date of approval of the act would expire as designated by the President at the time of appointment; and the terms of the first 15 members appointed under the provisions of the act would expire at staggered intervals, 3 on each of the dates September 1, 1964, 1966, 1968, 1970, and 1972. The act also increased the membership of the Board constituting a quorum required for the transaction of business from 8 to 12. The authorized period for the trustees to

solicit funds for construction of the National Cultural Center was extended for a period of 3 years, until September 2, 1966, in order to give the trustees additional time in which to complete their fundraising campaign.

Within a short time of the untimely death of our late President, John Fitzgerald Kennedy, intense desire was expressed throughout the country for the establishment of an appropriate memorial to perpetuate many of his aims and ideals. These expressions were enthusiastic in the support of the proposal that the National Cultural Center be renamed and dedicated as a living memorial to John Fitzgerald Kennedy.

The late President Kennedy and his family were personally interested in the artistic accomplishment, and development and enlargement of the cultural opportunities for all the citizens of the Nation. They brought to the center of Government the finest which America has to offer in the performing arts. He took a keen personal interest in and positive support of the National Cultural Center, the fundraising campaigns, and the progress toward the completion of a national showcase for the performing arts. The realization of his earnest desire that ground breaking for the Center take place during 1964, as the culmination of one of his most cherished projects during his first term as President of the United States, was prevented by the tragedy of his death.

At that time the National Cultural Center had already been designed, large amounts of funds raised for its construction, and work thereon can be initiated at an early date. It was believed appropriate that this Center for the performing arts would constitute a memorial to President John F. Kennedy as a fitting and lasting tribute to his memory. Since direct contributors would be limited in number, a Federal contribution of 50 percent of the estimated cost will permit participation by all of the people of the United States in its completion.

Enactment of Public Law 88–260 accomplishes the widespread desire of all Americans to designate a national monument in the city of Washington as a living memorial to our late and beloved President.

EXTENSION OF AUTHORITY OF POSTMASTER GENERAL TO LEASE REAL PROPERTY

(Public Law 88–480)

Public Law 480 extends the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years. It continues beyond the expiration date of July 22, 1964, the authority under title 39, United States Code, section 2103, for the Postmaster General to enter into lease agreements for postal buildings for periods up to 30 years and the authority under such section for condemnation and other land acquisition and related land disposition.

The existence of the Department's land acquisition and disposal authority and the related 30-year leasing authority is an integral part of the Department's space acquisition program. Section 2103 meets the current need to continue the authority. The major reasons for the decision may be summarized as follows:

(1) It is an economical method of procuring space under any leasing program where long-term occupancy is project.

(2) The 30-year term enables the Department to more evenly match space cost and revenue while at the same time minimizing Government financing.

(3) In the absence of an existing construction program, the Department's major facilities acquisition program will be drastically curtailed, especially during fiscal year 1965.

The necessity for continuing the land acquisition and disposal authority may be summarized as follows:

1. It is basic to a competitive lease construction program irrespective of the length of the lease terms.

2. Without land disposition authority and in the absence of an appropriation for a Federal construction program during fiscal year 1965, the entire postal construction program of major facilities will come to a halt during fiscal year 1965.

3. The condemnation authority protects the Department against excessive land costs and by its very existence enables the Department to obtain options at fair prices which would not otherwise be obtainable.

The Post Office Department is a tremendous user of space. The Department currently occupies more than 112 million interior square feet, about evenly divided between leased or rented buildings and space in Government-owned buildings.

The Department's space needs are met in any one of three ways:

1. *Utilization of existing space.*—Existing space which meets the needs of the Department, or which can be brought up to acceptable standards by economical remodeling or renovation, is leased by the Department wherever possible. The authority used for this type of leasing is contained in title 39, United States Code, section 2102, which permits leases for terms not exceeding 20 years.

2. *Direct construction with appropriated funds.*—The Post Office Department cooperates with the General Services Administration in acquiring new federally owned buildings wherever needs of other Government agencies and of the postal service can be met in a combined post office-Federal building. At the present time, the General Services Administration has more than 140 buildings approved, and at least partially funded, which will be occupied in part for postal service purposes.

3. *The lease construction program.*—The 30-year lease construction program is authorized by title 39, United States Code, section 2103. This authority was due to expire on July 22, 1964, but Public Law 480 extended the authority to December 31, 1966. This program enables the Post Office Department to obtain control of a suitable site either by assignable option, by purchase, or by condemnation. Competitive bid procedures are followed. The Department conveys the site to the successful lease bidder, who builds the postal facility according to contract plans and specifications and then leases back the land and the building at a fixed rental for a specified term of years not in excess of 30.

If the site is controlled by an assignable option, the option is assigned to the low bidder. If the Department owns the site, it is sold to the low bidder, generally at cost. The successful bidder finances the entire project, based upon the Government's agreement to pay rent. About 90 percent of the current leases under this authority are for 10-year terms. About 9 percent are for 15- to 20-year terms, and

less than 1 percent are for 30-year terms. This is in terms of numbers only. The final 1 percent includes virtually all the large and important postal facilities not located in Federal buildings.

Federal construction.—The least costly method often is direct construction by the Federal Government. The Department believes however, that the leasing of small- and medium-size buildings is more economical than Federal construction and ownership of such buildings where a substantial degree of flexibility is desirable.

It should be emphasized that there are situations where leasing is preferable, and also situations where Federal ownership would be preferable if there were an adequate program for Federal construction and ownership sufficient to meet the needs of the postal service. However, even if an adequate Federal ownership program were to be commenced in fiscal year 1966, there would continue to be situations in which the 30-year leasing authority and the supporting land acquisition and disposal authority would be required to enable the Department to fill its space needs. This conclusion is supported by a statement included on page 51 of the hearings on this legislation by the Honorable Robert E. Jones, chairman of the Public Buildings and Grounds Subcommittee of the House Committee on Public Works.

Postal space requirements—1964–68.—The Post Office Department has submitted a report summarizing and projecting the space requirements for the postal service for the fiscal years 1964 through 1968 which is included in the hearings starting on page 27.

Based on the growth factors of population and mail volumes experienced in the last two decades, the report estimates that the total originating domestic mail will nearly double each 20 years to the end of the century. Applying existing standards to these growth factors, it is estimated in the report that it will be necessary to expand the present postal plant at the rate of approximately 5 million square feet of additional interior space per year merely to meet current requirements. Sound economic practice dictates the feasibility of building now to meet both current and foreseeable requirements. It is obvious that the plant expansion program, particularly in the high growth areas, should include provisions for handling increasing mail volumes without major additional remodeling or construction.

It is presently estimated by the Post Office Department that the postal plant must be increased to a minimum of approximately 150 million square feet of interior space by 1970 and 200 million square feet by 1980, just to keep current and without provision for future growth. The proposed 5-year program submitted by the Department is a segment of the Department's long-range facilities projection, based on meeting requirements both for today and for part of tomorrow. It is obvious that it will be necessary to continue to expand the postal plant as long as the economic position of the country continues to grow.

To meet urgent requirements for additional postal facilities as well as to replace obsolete or inadequate buildings, it will be necessary for the Department to acquire a total of 51.8 million square feet of interior postal space during the 5-year period 1964 through 1968. Twenty-five percent of this total, or 12.9 million square feet, will be needed for replacement purposes and 38.9 million square feet will be needed to handle expanding mail volumes.

RESIDENCE FOR CAPITOL PAGES

(S. 1847, 88th Cong.)

S. 1847, provides for a residence for congressional and Supreme Court pages. The bill would create a Pages' Residence Board composed of two Senators, two Members of the House of Representatives, and one Associate Justice of the Supreme Court.

The bill was reported by the Committee on Public Works on July 1, 1964, but was not acted upon by the Senate.

A section-by-section analysis of the bill, together with an explanation of the page boy system and proposed facilities, follows:

SECTION-BY-SECTION EXPLANATION OF S. 1847

The committee in considering S. 1847, rewrote the bill to define the areas of responsibility. An explanation of each of the sections in the amended bill follows:

The first section creates a Pages' Residence Board composed of two Senators, two Members of the House of Representatives, and one Associate Justice of the Supreme Court.

Section 2(a) authorizes the Administrator of the General Services Administration, under the direction of the Board, to acquire a site and construct the facility.

Section 2(b) provides for condemnation authority under provisions of the act of March 1, 1929 (45 Stat. 1415; District of Columbia Code, secs. 619–644).

Section 2(c) authorizes the Administrator of the General Services Administration, when directed by the Board, to prepare and maintain the site until construction begins and provides for the transfer of funds to carry out this project to the General Services Administration.

Section 3(a) authorizes the Board to accept gifts, contributions, and other property donations and as such they shall be deductible from taxation. Funds collected must be used for acquisition of a site or construction of the facility.

Section 3(b) authorizes the Board to appoint a manager and an assistant and to fix compensation for them.

Section 3(c) provides that the Sergeant at Arms of the U.S. Senate and the Doorkeeper of the House of Representatives will act as executive officers of the Board on alternate years and shall be responsible for the administration and supervision of the facility.

Section 3(d) limits review of the Board's financial actions to a court of law.

Section 4(a) requires residence at the facility by all pages of the Congress and Supreme Court unless exempted by the Board.

Section 4(b) permits pages to live in facility when Congress and/or the Supreme Court are in recess or adjournment if the page was eligible for residence while the body was in session.

Section 5 provides that the Board shall fix monthly lodging rates which are to be deducted from page's compensation and deposited in an operating, revolving fund. Rates to be such as to make facility self-sustaining insofar as practicable. Provides for quarterly review of rates by the Board.

Section 6 provides for transfer of all real property to the Architect of the Capitol after completion of the facility. The Architect of the Capitol is responsible for operation and maintenance of the buildings and grounds, under the direction of the Board.

Section 7 establishes a revolving fund for maintenance and operation of the facility.

Section 8 gives Capitol Police jurisdiction over the real property acquired under this act.

Section 9 authorizes appropriation of funds necessary to complete the acquisition of a site and construction of the facility in addition to donations and contributions received for the acquisition of the site and construction of the building.

PAGE BOY SYSTEM

Approximately 80 pages are employed by the Senate, the House of Representatives, and the Supreme Court under the jurisdiction of the Senate Sergeant at Arms, the House Doorkeeper, and the Marshal of the Supreme Court, respectively.

At present, congressional pages provide for their own housing accommodations on the open market, singly or in small groups. Supervision of their activities during their leisure hours is measured only by the tolerance of local landlords.

The Page Boys' School which is part of the public school system of the District of Columbia conducts classes in five rooms on the top floor of the Library of Congress, for which approximately 4,000 square feet has been set aside.

Contrary to earlier practice, when most congressional pages were appointed from families living in the District of Columbia or the metropolitan area, pages are increasingly appointed in both the Senate and the House of Representatives from among the local constituents of the individual Members who make the appointments. Thus, every year the Congress and the Supreme Court bring to Washington approximately 80 teenage boys, many of whom are making their first extended residence away from their parents. They are thus exposed to the attractions and the diversions of a large city, with virtually no supervision, except during their actual working and classroom hours, and with a salary considerably in excess of the funds available to the average teenage boy, even in our present affluent society. Under such circumstances, the occasional derelictions of behavior on the part of pages are not only understandable, but almost inevitable.

With the increasing length of congressional sessions, it is apparent that the Congress requires the individual page to spend almost a year at a critical and impressionable time of his life under conditions of minimum supervision and irregular hours. Under the best of circumstances such a life presents some hazard to the normal emotional and intellectual development of a youth. In the opinion of those who have jurisdiction over congressional pages, the Congress has a moral responsibility to the pages and to their families to minimize this hazard.

DESCRIPTION OF PROPOSED FACILITIES

To improve the conditions for supervision and also to enhance the prospects for pages having a relatively normal school program, the proposed project contemplates the construction of a dormitory and classroom structure suitable for accommodating 100 Capitol page boys. The proposed building is thus 25 percent in excess of the needs of present page appointments and could, therefore, be decreased with consequent lesser cost. However, provision for future expansion is realistic and recommended. The building will offer residence, educational, dining, recreational, and physical training facilities for the boys, appropriately located to afford maximum convenience to their duties at the Capitol.

The proposed building will be a 2½-story, air-conditioned structure with a basement which would contain a gymnasuim, locker rooms and showers, as well as the mechanical area. The first floor (which would also contain the high-bay area of the basement gymnasium) will house the kitchen and dining facilities, the resident manager's suite, and 10 dormitory rooms. An appropriate lobby area is also planned for the first floor, opening off a landscaped patio approach to the building from the street.

The second floor will contain 16 dormitory rooms and a classroom area, consisting of a lounge, reading room (library), stockroom, and 5 classrooms. Provisions is also made for conference rooms and audio-visual equipment storage space.

The third floor would contain 24 dormitory rooms.

Each dormitory room would house two page boys, and would be of sufficient size (approximately 200 square feet) to include two studio-type single beds at right angles, a corner combination headboard and lamp table, dressers, closets, and a lavatory. There would be sufficient space also for a study table in the middle of the room.

Common restroom and shower facilities would be located on each floor; no private facilities, except those of the resident manager, would be provided. No frills are included. The structure is designed to be pleasant, but requires a reasonable amount of self-help from the pages in cleaning and care.

The proposed structure would encompass 8,000 square feet of ground space, and comprise approximately 46,300 square feet in gross, with a net assignable area of approximately 33,875 square feet.

PUBLIC HEARING

A public hearing was held on S. 1847 on November 19, 1963, by the Subcommittee on Public Buildings and Grounds of the Committee on Public Works, at which time testimony and statements were received from Members of Congress, administrative officials of the Senate and House, the Clerk of the Supreme Court, Federal agencies, and others. All of the statements and material furnished this committee were in favor of the legislation.

ESTIMATED COST

The cost of the site and design of the facility is estimated at $286,000 and the cost of construction is estimated at $1,124,000.

COMMITTEE VIEWS

Capitol and Supreme Court pages have living quarters scattered over the city. Not only are some of these young men paying exorbitant rents, but they are in many cases exposed to the evils of a large city. Members of Congress have appointed these young men to leave their homes and travel to Washington and live here many months of each year. The committee feels that a residence near the Capitol, as proposed in S. 1847, in which the pages would live under adult supervision would greatly improve this situation.

Staff Report on Capitol Pages

"residence for capitol pages"

A report on a proposal to provide a suitable structure in which to house, feed, and school the pages employed by the Senate, the House of Representatives, and the Supreme Court, was prepared by the Committee on Public Works in November of 1963. The report has been published as a committee print, and is titled: "Residence for Capitol Pages."

APPENDIX

The following material is included in this appendix:

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Clean Air Act

PUBLIC LAW 88–206, 88TH CONGRESS, H.R. 6518, DECEMBER 17, 1963

AN ACT To improve, strengthen, and accelerate programs for the prevention and abatement of air pollution

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 14, 1955, as amended (42 U.S.C. 1857–1857g), is hereby amended to read as follows:

"FINDINGS AND PURPOSES

"SECTION 1. (a) The Congress finds—

"(1) that the predominant part of the Nation's population is located in its rapidly expanding metropolitan and other urban areas, which generally cross the boundary lines of local jurisdictions and often extend into two or more States;

"(2) that the growth in the amount and complexity of air pollution brought about by urbanization, industrial development, and the increasing use of motor vehicles, has resulted in mounting dangers to the public health and welfare, including injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to air and ground transportation;

"(3) that the prevention and control of air pollution at its source is the primary responsibility of States and local governments; and

"(4) that Federal financial assistance and leadership is essential for the development of cooperative Federal, State, regional, and local programs to prevent and control air pollution.

"(b) The purposes of this Act are—

"(1) to protect the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population;

"(2) to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution;

"(3) to provide technical and financial assistance to State and local governments in connection with the development and execution of their air pollution prevention and control programs; and

"(4) to encourage and assist the development and operation of regional air pollution control programs.

"COOPERATIVE ACTIVITIES AND UNIFORM LAWS

"SEC. 2. (a) The Secretary shall encourage cooperative activities by the States and local governments for the prevention and control of air pollution;

encourage the enactment of improved and, so far as practicable in the light of varying conditions and needs, uniform State and local laws relating to the prevention and control of air pollution; and encourage the making of agreements and compacts between States for the prevention and control of air pollution.

"(b) The Secretary shall cooperate with and encourage cooperative activities by all Federal departments and agencies having functions relating to the prevention and control of air pollution, so as to assure the utilization in the Federal air pollution control program of all appropriate and available facilities and resources within the Federal Government.

"(c) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of air pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements or compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by Congress.

"RESEARCH, INVESTIGATIONS, TRAINING, AND OTHER ACTIVITIES

"SEC. 3. (a) The Secretary shall establish a national research and development program for the prevention and control of air pollution and as part of such program shall—

"(1) conduct, and promote the coordination and acceleration of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, and control of air pollution; and

"(2) encourage, cooperate with, and render technical services and provide financial assistance to air pollution control agencies and other appropriate public or private agencies, institutions, and organizations, and individuals in the conduct of such activities; and

"(3) conduct investigations and research and make surveys concerning any specific problem of air pollution in cooperation with any air pollution control agency with a view to recommending a solution of such problem, if he is requested to do so by such agency or if, in his judgment, such problem may affect any community or communities in a State other than that in which the source of the matter causing or contributing to the pollution is located; and

"(4) initiate and conduct a program of research directed toward the development of improved, low-cost techniques for extracting sulfur from fuels.

"(b) In carrying out the provisions of the preceding subsection the Secretary is authorized to—

"(1) collect and make available, through publications and other appropriate means, the results of and other information, including appropriate recommendations by him in connection therewith, pertaining to such research and other activities;

"(2) cooperate with other Federal departments and agencies, with air pollution control agencies, with other public and private agencies, institutions, and organizations, and with any industries involved, in the preparation and conduct of such research and other activities;

"(3) make grants to air pollution control agencies, to other public or nonprofit private agencies, institutions, and organizations, and to individuals, for purposes stated in subsection (a) (1) of this section;

"(4) contract with public or private agencies, institutions, and organizations, and with individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5);

"(5) provide training for, and make training grants to, personnel of air pollution control agencies and other persons with suitable qualifications;

"(6) establish and maintain research fellowships, in the Department of Health, Education, and Welfare and at public or nonprofit private educational institutions or research organizations;

"(7) collect and disseminate, in cooperation with other Federal departments and agencies, and with other public or private agencies, institutions, and organizations having related responsibilities, basic data on chemical, physical, and biological effects of varying air quality and other information pertaining to air pollution and the prevention and control thereof; and

"(8) develop effective and practical processes, methods, and protoype devices for the prevention or control of air pollution.

"(c) (1) In carrying out the provisions of subsection (a) of this section the Secretary shall conduct research on, and survey the results of other scientific studies on, the harmful effects on the health or welfare of persons by the various known air pollution agents (or combinations of agents).

"(2) Whenever he determines that there is a particular air pollution agent (or combination of agents), present in the air in certain quantities, producing effects harmful to the health or welfare of persons, the Secretary shall compile and publish criteria reflecting accurately the latest scientific knowledge useful in indicating the kind and extent of such effects which may be expected from the presence of such air pollution agent (or combination of agents) in the air in varying quantities. Any such criteria shall be published for informational purposes and made available to municipal, State, and interstate air pollution control agencies. He shall revise and add to such criteria whenever necessary to reflect accurately developing scientific knowledge.

"(3) The Secretary may recommend to such air pollution control agencies and to other appropriate organizations such criteria of air quality as in his judgment may be necessary to protect the public health and welfare.

"GRANTS FOR SUPPORT OF AIR POLLUTION CONTROL PROGRAMS

"SEC. 4. (a) From the sums appropriated annually for the purposes of this Act but not to exceed 20 per centum of any such appropriation, the Secretary is authorized to make grants to air pollution control agencies in an amount up to two-thirds of the cost of developing, establishing, or improving programs for the prevention and control of air pollution: *Provided*, That the Secretary is authorized to make grants to intermunicipal or interstate air pollution control agencies (described in section 9(b) (2) and (4)) in an amount up to three-fourths of the cost of developing, establishing, or improving, regional air pollution programs. As used in this subsection, the term 'regional air pollution control program' means a program for the prevention and control of air pollution in an area that includes the areas of two or more municipalities, whether in the same or different States.

"(b) From the sums available under subsection (a) of this section for any fiscal year, the Secretary shall from time to time make grants to air pollution control agencies upon such terms and conditions as the Secretary may find necessary to carry out the purpose of this section. In establishing regulations for the granting of such funds the Secretary shall, so far as practicable, give due consideration to (1) the population, (2) the extent of the actual or potential air pollution problem, and (3) the financial need of the respective agencies. No agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for air pollution programs will be less than its expenditures were for such programs during the preceding fiscal year. No grant shall be made under this section until the Secretary has consulted with the appropriate official as designated by the Governor or Governors of the State or States affected.

"(c) Not more than 12½ per centum of the grant funds available under subsection (a) of this section shall be expended in any one State.

"ABATEMENT OF AIR POLLUTION

"SEC. 5. (a) The pollution of the air in any State or States which endangers the health or welfare of any persons, shall be subject to abatement as provided in this section.

"(b) Consistent with the policy declaration of this Act, municipal, State, and interstate action to abate air pollution shall be encouraged and shall not be displaced by Federal enforcement action except as otherwise provided by or pursuant to a court order under subsection (g).

"(c) (1) (A) Whenever requested by the Governor of any State, a State air pollution control agency, or (with the concurrence of the Governor and the State air pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to air pollution which is alleged to endanger the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the air pollution control agency of the municipality

where such discharge or discharges originate, to the air pollution control agency of the State in which such municipality is located, and to the interstate air pollution control agency, if any, in whose jurisdictional area such municipality is located, and shall call promptly a conference of such agency or agencies and of the air pollution control agencies of the municipalities which may be adversely affected by such pollution, and the air pollution control agency, if any, of each State, or for each area, in which any such municipality is located.

"(B) Whenever requested by the Governor of any State, a State air pollution control agency, or (with the concurrence of the Governor and the State air pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to alleged air pollution which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate and if a municipality affected by such air pollution, or the municipality in which such pollution originates, has either made or concurred in such request, give formal notification thereof to the State air pollution control agency, to the air pollution control agencies of the municipality where such discharge or discharges originate and of the municipality or municipalities alleged to be adversely affected thereby, and to any interstate air pollution control agency, whose jurisdictional area includes any such municipality and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution is not of such significance as to warrant exercise of Federal jurisdiction under this section.

"(C) The Secretary may, after consultation with State officials of all affected States, also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) is occurring and is endangering the health and welfare of persons in a State other than that in which the discharge or discharges originate. The Secretary shall invite the cooperation of any municipal, State, or interstate air pollution control agencies having jurisdiction in the affected area on any surveys or studies forming the basis of conference action.

"(2) The agencies called to attend such conference may bring such persons as they desire to the conference. Not less than three weeks' prior notice of the conference date shall be given to such agencies.

"(3) Following this conference, the Secretary shall prepare and forward to all air pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of air pollution subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

"(d) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State, interstate, or municipal air pollution control agency (or to all such agencies) that the necessary remedial action be taken. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

"(e)(1) If, at the conclusion of the period so allowed, such remedial action or other action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a hearing board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of such hearing board and each Federal department, agency, or instrumentality having a substantial interest in the subject matter as determined by the Secretary shall be given an opportunity to select one member of such hearing board, and one member shall be a representative of the appropriate interstate air pollution agency if one exists, and not less than a majority of such hearing board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State, interstate, and municipal air pollution control agencies called to attend such hearing and to the alleged polluter or polluters.

"(2) On the basis of evidence presented at such hearing, the hearing board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the hearing board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and suitable to secure abatement of such pollution.

"(3) The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution; to air pollution control agencies of the State or States and of the municipality or municipalities where such discharge or discharges originate; and to any interstate air pollution control agency whose jurisdictional area includes any such municipality, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution.

"(f) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

"(1) in the case of pollution of air which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of pollution, and

"(2) in the case of pollution of air which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, at the request of the Governor of such State, shall provide such technical and other assistance as in his judgment is necessary to assist the State in judicial proceedings to secure abatement of the pollution under State or local law or, at the request of the Governor of such State, shall request the Attorney General to bring suit on behalf of the United States to secure abatement of the pollution.

"(g) The court shall receive in evidence in any suit brought in a United States court under subsection (f) of this section a transcript of the proceedings before the board and a copy of the board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability of complying with such standards as may be applicable and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

"(h) Members of any hearing board appointed pursuant to subsection (e) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such board or otherwise engaged on the work of such board, be entitled to recive compensation at a rate fixed by the Secretary, but not exceeding $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

"(i)(1) In connection with any conference called under this section, the Secretary is authorized to require any person whose activities result in the emission of air pollutants causing or contributing to air pollution to file with him, in such form as he may prescribe, a report, based on existing data, furnishing to the Secretary such information as may reasonably be required as to the character, kind, and quantity of pollutants discharged and the use of devices or other means to prevent or reduce the emission of pollutants by the person filing such a report. After a coference has been held with respect to any such pollution the Secretary shall require such reports from the person whose activities result in such pollution only to the extent recommended by such conference. Such report shall be made under oath or otherwise, as the Secretary may prescribe, and shall be filed with the Secretary within such reasonable period as the Secretry may prescribe, unless additional time be granted by the Secretary. No person shall be required in such report to divulge trade secrets or secret processes and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

"(2) If any person required to file any report under this subsection shall fail to do so within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum of $100 for each and every day of the con-

tinuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business: *Provided*, That the Secretary may upon application therefor remit or mitigate any forfeiture provided for under this subsection and he shall have authority to determine the facts upon all such applications.

"(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

"AUTOMOTIVE VEHICLE AND FUEL POLLUTION

"SEC. 6 (a) The Secretary shall encourage the continued efforts on the part of the automotive and fuel industries to develop devices and fuels to prevent pollutants from being discharged from the exhaust of automotive vehicles, and to this end shall maintain liaison with automotive vehicle, exhaust control device, and fuel manufacturers. For this purpose, he shall appoint a technical committee, whose membership shall consist of an equal number of representatives of the Department and of automotive vehicle, exhause control device, and fuel manufacturers. The committee shall meet from time to time at the call of the Secretary to evaluate progress in the development of such devices and fuels and to develop and recommend research programs which could lead to the development of such devices and fuels.

"(b) One year after enactment of this section, and semi-annually thereafter, the Secretary shall report to the Congress on measures taken toward the resolution of the vehicle exhaust pollution problem and efforts to improve fuels including (A) occurrence of pollution as a result of discharge of pollutants from automotive exhaust; (B) progress of research into development of devices and fuels to reduce pollution from exhaust of automotive vehicles; (C) criteria on degree of pollutant matter discharged from automotive exhausts; (D) efforts to improve fuels so as to reduce emission of exhaust pollutants; and (E) his recommendations for additional legislation, if necessary, to regulate the discharge of pollutants from automotive exhausts.

"COOPERATION BY FEDERAL AGENCIES TO CONTROL AIR POLLUTION FROM FEDERAL FACILITIES

"SEC. 7. (a) It is hereby declared to be the intent of Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare and with any air pollution control agency in preventing and controlling the pollution of the air in any area insofar as the discharge of any matter from or by such building, installation, or other property may cause or contribute to pollution of the air in such area.

"(b) In order to control air pollution which may endanger the health or welfare of any persons, the Secretary may establish classes of potential pollution sources for which any Federal department or agency shall, before discharging any matter into the air of the United States, obtain a permit from the Secretary for such discharge, such permits to be issued for a specified period of time to be determined by the Secretary and subject to revocation if the Secretary finds pollution is endangering the health and welfare of any persons. In connection with the issuance of such permits, there shall be submitted to the Secretary such plans, specifications, and other information as he deems relevant thereto and under such conditions as he may prescribe. The Secretary shall report each January to the Congress the status of such permits and compliance therewith.

"ADMINISTRATION

"SEC. 8. (a) The Secretary is authorized to prescribe such regulations as are necessary to carry out his functions under this Act. The Secretary may delegate to any officer or employee of the Department of Health, Education, and Welfare such of his powers and duties under this Act, except the making of regulations, as he may deem necessary or expedient.

"(b) Upon the request of an air pollution control agency, personnel of the Public Health Service may be detailed to such agency for the purpose of carry-

ing out the provisions of this Act. The provisions of section 214(d) of the Public Health Service Act shall be applicable with respect to any personnel so detailed to the same extent as if such personnel had been detailed under section 214(b) of that Act.

"(c) Payments under grants made under this Act may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary.

"DEFINITIONS

"SEC. 9. When used in this Act—

"(a) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(b) The term 'air pollution control agency' means any of the following:

"(1) A single State agency designated by the Governor of that State as the official State air pollution control agency for purposes of this Act;

"(2) An agency established by two or more States and having substantial powers or duties pertaining to the prevention and control of air pollution;

"(3) A city, county, or other local government health authority, or, in the case of any city, county, or other local government in which there is an agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the prevention and control of air pollution, such other agency; or

"(4) An agency of two or more municipalities located in the same State or in different States and having substantial powers or duties pertaining to the prevention and control of air pollution.

"(c) The term 'interstate air pollution control agency' means—

"(1) an air pollution control agency established by two or more States, or

"(2) an air pollution control agency of two or more municipalities located in different States.

"(d) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(e) The term 'person' includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State.

"(f) The term 'municipality' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

"(g) All language referring to adverse effects on welfare shall include but not be limited to injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to transportation.

"OTHER AUTHORITY NOT AFFECTED

"SEC. 10. (a) Except as provided in subsection (b) of this section, this Act shall not be construed as superseding or limiting the authorities and responsibilities, under any other provision of law, of the Secretary or any other Federal officer, department, or agency.

"(b) No appropriation shall be authorized or made under section 301, 311, or 314(c) of the Public Health Service Act for any fiscal year after the fiscal year ending June 30, 1964, for any purpose for which appropriations may be made under authority of this Act.

"RECORDS AND AUDIT

"SEC. 11. (a) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.

"SEPARABILITY

"SEC. 12. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

"APPROPRIATIONS

"SEC. 13. (a) There is hereby authorized to be appropriated to carry out section 4 of this Act for the fiscal year ending June 30, 1964, not to exceed $5,000,000.

"(b) There is hereby authorized to be appropriated to carry out this Act not to exceed $25,000,000 for the fiscal year ending June 30, 1965, not to exceed $30,000,000 for the fiscal year ending June 30, 1966, and not to exceed $35,000,000 for the fiscal year ending June 30, 1967.

"SHORT TITLE

"SEC. 14. This Act may be cited as the 'Clean Air Act'."

SEC. 2. The title of such Act of July 14, 1955, is amended to read "An Act to provide for air pollution prevention and control activities of the Department of Health, Education, and Welfare, and for other purposes".

Approved December 17, 1963.

Legislative History

House reports: No. 508 (Commission on Interstate and Foreign Commerce), No. 1003 (Commission of Conference).

Senate Report No. 638 accompanying S. 432 (Commission on Public Works).

Congressional Record, volume 109 (1963): July 24: Considered and passed House. November 19: Considered and passed Senate, amended, in lieu of S. 432. December 10: House and Senate agreed to conference report.

Public Hearings Held by the Committee on Public Works, 88th Cong.

Subject	Bill No.	Place Held	Date
Accelerated public works program	S. 1856, S. 1121	Washington, D.C	Dec. 10, 11, 12, and 13, 1963.
Do	S. 1856, S. 1121	do	Mar. 11, 12, and 13, 1964.
Air pollution control	S. 432, S. 444, S. 1009, S. 1040, S. 1124, H.R. 6518.	do	Sept. 9, 10, and 11, 1963.
Capitol pages, residence for	S. 1847	do	Nov. 19, 1963.
Clean air (air pollution abatement)		Los Angeles, Calif	Jan. 27, 1964.
		Denver, Colo	Jan. 29, 1964.
		Chicago, Ill	Jan. 31, 1964.
		Boston, Mass	Feb. 17, 1964.
		New York, N.Y	Feb. 18, 1964.
		Tampa, Fla	Feb. 20, 1964.
Forest development roads and trails	S. 1147	Washington, D.C	June 11, and July 31, 1963.
Great Lakes Hudson River Waterway, N.Y.	S. 1938, H.R. 6518	do	Aug. 29, 1963.
John F. Kennedy Center for the Performing Arts (joint hearings).	H.J. Res. 828, S.J. Res. 136, H.J. Res. 871.	do	Dec. 12, and 16, 1963.
Highways, Federal-aid, 1963	S. 626, S. 959, S. 1416.	do	June 3, 1963.
Highways, Federal-aid, 1964	S. 2520, S. 2692, S. 1282, S. 1593, S. 1672.	do	May 18, 20, 21, and 22, 1964.
New Hope Dam, Cape Fear River, N.C		do	Mar. 15, 1963.
Public buildings, 1963		do	Mar. 20, 1963.
Passamaquoddy-St. John tidal power project.	S. 2573	do	Aug. 12, 1964.
Road program, disaster	S. 2968	do	July 8, 1964.
Upper Rock Creek watershed, Maryland.		do	May 28, 1963.
Red Rock Reservoir, Iowa	S. 931	do	July 30, 1963.
North Sanpete watershed project, Utah		Salt Lake City, Utah	May 16, 1963.
Clean air (air pollution abatement)		Washington, D.C	June 24, 25, and 30; July 1 and 2, 1964.
Appalachian Regional Development Act of 1964.	S. 2782	do	June 23, 24, and 26, 1964.
St. Croix River, Minn. (water quality control).		Stillwater, Minn	Dec. 10, 11, 1964.
Water pollution control	S. 649, S. 737, S. 1118, S. 1183.	Washington, D.C	June 17, 18, 19, 20, 25, and 26, 1963.
Vehicular tunnel under U.S. Capitol	S. 2692, H.R. 10392	do	June 19, 1964.

Documents Prepared by the Committee on Public Works

Subject	Date
Committee Print No. 3: Joint meeting of the Committees on Public Works and delegates to the 9th Pan American Congress	May 13, 1963.
Committee print: A study of pollution, water	June 1963.
Committee print: A study of pollution, air	September 1963.
Committee Film No. 1: Documentary film report on water pollution entitled "Troubled Waters"	Do.
Committee print: Residence for Capitol pages	Nov. 8, 1963.
Committee print: Accelerated public works in retrospect and prospect	Dec. 10, 1963.
Committee print: Passamaquoddy-St. John tidal power project. Appendix material compiled in conjunction with the hearing on S. 2573	Aug. 12, 1964.
Committee print: Western water development. A summary of water resources projects, plans, and studies relating to the Western and Midwestern United States	October 1964.
Committee print: Summary of legislative activities, Committee on Public Works	December 1964.

Major Steps in the Conception, Authorization and Construction of Corps of Engineers' Projects for Water Resources Development

SURVEY INVESTIGATIONS AND REPORTS

This summarizes the major steps in the conception, authorization and construction of civil works projects by the Corps of Engineers for navigation, beach erosion control, flood control, and related water resources developments, except for small projects of limited scope which may be accomplished under general authority available to the Secretary of the Army and the Chief of Engineers.

The Federal interest.—Congress, by general and specific laws, has determined that a Federal interest exists in the comprehensive planning of water resources development for long-range needs, and in constructing and participating in the costs of projects for navigation, flood control major drainage, irrigation, beach erosion control, and hurricane flood protection, and such related developments as hydroelectric power, water supply, water quality control, fish and wildlife preservation and enhancement, and outdoor recreation. The procedures involved in determining the justification and the extent of Federal interest in activities of this kind are described below. Corps of Engineers' reports include comprehensive studies of river basin development, and survey reports on specific projects and systems of related projects. The following steps apply generally to both types of studies, differing principally in the scope of geographic coverage. Basin studies and survey investigations by the Corps of Engineers may be authorized by congressional act or by resolution of the Senate or House Committee on Public Works. Subsequent Federal construction and participation in project costs are subject to specific congressional authorization. While all relevant aspects of water resource development are considered in the investigation stage, this does not necessarily lead to Federal assumption of all responsibility, and local cooperation may be indicated depending on applicable laws and precedents.

Step No. 1. Initiation of action by local interests

Local citizens who desire Federal assistance in improvements for navigation, beach erosion control, flood control and related water resource purposes should contact their Senators and Representatives with a request that provision of the desired facilities be considered by the Federal Government. Local interests may also request advice of representatives of the Corps of Engineers on the appropriate further procedures.

Step No. 2. Consultation by Senator or Representative with Public Works Committee

(*a*) If previous reports on navigation, flood control, or related purposes have been made for the area in question, the Senator or Representative may request the Senate or House Committee on Public Works to adopt a resolution authorizing a review of previous reports to determine whether any modifications of the Chief of Engineers' recommendations in such reports would be advisable, as contemplated by section 4 of River and Harbor Act approved March 4, 1914.

(*b*) If no previous report has been made, the Senator or Representative may request the committee to include authorization for a survey in either an omnibus river and harbor and flood control bill or a separate bill.

(*c*) In the case of beach erosion control, hurricane protection, and related purposes, the Senator or Representative may sponsor an act authorizing a study or may request the committee to adopt a resolution authorizing a study in accordance with section 103(b) and 110 of the River and Harbor Act approved October 23, 1962.

Step No. 3. Action by the Public Works Committee

If the committe to which the request is referred is convinced of the need for a review report, an appropriate resolution calling upon the Board of Engineers for Rivers and Harbors to make the review will be adopted by the committee and referred to the Chief of Engineers for action. In the case of a beach erosion problem, the resolution requests the Secretary of the Army to cause the survey to be made. If the previous report involves the project for the alluvial valley of the Mississippi River and tributaries, the resolution will call for a review of that report by the Chief of Engineers rather than by the Board. Where no previous study has been made, the authorization for an investigation may be included in either an omnibus river and harbor and flood control bill or a separate bill for consideration by Congress. Each committee may request advice of the Chief of Engineers on the desirability of authorizing such study.

Step No. 4. Assignment of investigation by Chief of Engineers

When Congress authorizes an investigation, the Chief of Engineers will assign the detailed studies to an appropriate reporting officer, usually the division engineer in whose territory the area is located. The division engineer may further assign the investigation to the proper district engineer. However, before studies can be undertaken, funds for the purpose must be appropriated by the Congress.

Step No. 5. Public hearings by division or district engineers

The division or district engineer, in order to ascertain the views and desires of local people, will hold public hearings at times appropriate at localities accessible to all concerned. Local interests will be afforded full opportunity to express their views on the character and extent of the improvement desired, on the need and advisability of its execution, and on their general willingness and ability to cooperate with the Federal Government in the costs of projects in accordance with established policies and laws. Notices of public hearings to be held by the reporting officers are distributed directly to all parties known to be interested in the investigation.

Step No. 6. Investigation by division or district engineer

The division or district engineer, after careful analysis of engineering and economic data obtained through field and office studies, will formulate alternative plans of improvement and determine their costs and probable benefits. Consideration will also be given to other objectives defined by Congress, such as area redevelopment. In selecting the plan of improvement best suited for the problems and the area in question, consideration will be given to optimum use of all water resources of the area by providing related improvements. All stages of study are carefully coordinated with local and other Federal agencies concerned. A favorable recommendation will depend on whether the benefits to be derived through the plan of improvement exceed the costs to be incurred. If the plan is economically justified, further public hearings may be held to inform those interested in its characteristics, and to obtain general agreement by reposnsible officials on the specific requirements of local cooperation.

Step No. 7. Review by division engineer and issuance of public notice

Upon completion of the report by the district engineer, the division engineer having jurisdiction will review the report and transmit it to the Board of Engineers for Rivers and Harbors. At this time he will issue a public notice to all parties known to be interested in the investigation, setting forth the findings of the district and division engineers and their recommendations for improvement, and informing those concerned that they may furnish their views to the Board. The Mississippi River Commission acts instead of the Board on reports on the alluvial valley of the Mississippi River.

Step No. 8. Review and hearings by the Board of Engineers for Rivers and Harbors or the Mississippi River Commission

The Board of Engineers for Rivers and Marbors, an independent body with separate staff in Washington, D.C., is required by law to review all survey and

review reports of the Corps of Engineers except those of the Mississippi River Commission. The Board or the Commission may hold public hearings before making its recommendations to the Chief of Engineers.

Step No. 9. Preparation of proposed report of the Chief of Engineers and review thereof by the affected States and Federal agencies

When the Board or the Commission completes its review of the report and transmits its recommendations to the Chief of Engineers, the latter will prepare his proposed report and will refer it, with the Board's or Commission report, to the Governors of the affected States and to other interested Federal agencies in order to obtain their formal views and recommendations on the improvements discussed in the report. The Federal agencies involved may include the Departments of Commerce, Interior, Labor, and Health, Education, and Welfare; the Federal Power Commission; and interested branches of the Department of Defense. The States and the other Federal agencies normally will be expected to forward their comments on the proposed report to the Chief of Engineers within 90 days.

Step No. 10. Transmittal of report to Bureau of the Budget

After the Chief of Engineers receives and considers the comments of the Governors of the affected States and those of other interested Federal agencies, he will complete his report and submit it to the Secretary of the Army, who will then submit a draft of his letter of transmission to Congress, with the report of the Chief of Engineers and all pertinent papers, to the Director of the Bureau of the Budget for a determination of the relationship of the report to the program of the President.

Step No. 11. Transmittal of report to Congress

Upon receipt and consideration of the comments of the Bureau of the Budget, the Chief of Engineers will forward his report with all pertinent papers and comments, to the Secretary of the Army, who will transmit it to Congress. This step will complete the action required of the Chief of Engineers and the Department of the Army in complying with the congressional resolution or act authorizing the investigation.

Step No. 12. Project authorization by Congress

After the report is forwarded to Congress by the Secretary of the Army, the Committees on Public Works of the Senate and the House may hold hearings on the report with a view toward formulating a bill including authorization of projects recommended in the report. The report may be ordered to be printed by a committee as a Senate or House document, and then is known as the project document. Authorization for construction of projects will usually be included in omnibus river and harbor and flood control bills.

Step No. 13. Assurances of local cooperation

When scheduling of planning and construction of an authorized project is considered, the district engineer notifies responsible local interests that they will be required to furnish formal assurances that they will provide the authorized measures of local cooperation. (See steps 5 and 6.) If assurances satisfactory to the Secretary of the Army are not furnished, projects generally are placed on the inactive list. In the specific case of local flood control projects, projects are deauthorized as provided by law if the assurances are not provided within 5 years after the request is made.

Step No. 14. Request for planning and construction funds

In order that the Corps of Engineers can construct a project authorized in an omnibus bill, funds must be requested from Congress. All requests for planning and construction funds will be reviewed by the Bureau of the Budget, and, if found to conform with the President's budgetary policies, will be transmitted to the Congress as part of the President's budget, and later considered by the Appropriations Committees.

Step No. 15. Appropriation of planning and construction funds

Upon completion of hearings by the Appropriations Committees considering the Department of the Army civil works appropriations, a bill will be reported out of committee and referred to the full Congress for passage. The enactment will then go to the President for signature. Authority and funds will be thereby given to the Chief of Engineers to initiate detailed planning and construction of the projects referred to in that bill.

Step No. 16. Preparation of detailed plans

Before construction of the project can be started, detailed plans, specifications, and cost estimates will be prepared by the district engineer, with such assistance and review by the division engineer and the Chief of Engineers as are necessary. At this time, the formal assurances of local cooperation required by law, of which local interests were notified in step 13, must be provided by local interests and approved by the Secretary of the Army.

Step No. 17. Invitation to bid

Upon completion of detailed plans and specifications, qualified contractors will be invited to bid on constructing the proposed improvements. A contract will then be awarded to the eligible low bidder for construction of the project in accordance with the plans and specifications.

Step No. 18. Construction of project

After award of the contract, the successful bidder will mobilize his plant, equipment, and personnel, and start construction. Upon completion, a final sharing of costs is determined, and the Federal Government or local interests assume operation and maintenance of the project in accordance with authorized requirements.

Nominations

The following nominations were referred to the committee during the 88th Congress, each of which was reported to the Senate and subsequently confirmed:

MISSISSIPPI RIVER COMMISSION

Brig. Gen. Robert F. Seedlock, Corps of Engineers, member, vice Brig. Gen. Jackson Graham, Corps of Engineers, reassigned. Confirmed March 15, 1963.

Brig. Gen. Walter P. Leber, Corps of Engineers, member, vice Brig. Gen. Robert F. Seedlock, Corps of Engineers, reassigned. Confirmed October 31, 1963.

Maj. Gen. George H. Walker, Corps of Engineers, member, vice Brig. Gen. Carroll H. Dunn, Corps of Engineers, reassigned. Confirmed September 23, 1964.

BOARD OF DIRECTORS, TENNESSEE VALLEY AUTHORITY

Frank E. Smith, of Mississippi, member for the term expiring May 18, 1972. Reappointment. Confirmed April 26, 1963.

CALIFORNIA DEBRIS COMMISSION

Lt. Col. Robert H. Allan, Corps of Engineers, member, vice Col. John A. Morrison, Corps of Engineers, retired. Confirmed October 31, 1963.

Col. Robert E. Mathe, Corps of Engineers, member and secretary, vice Col. Herbert N. Turner, Corps of Engineers, reassigned. Confirmed October 31, 1963.

Public Works Acceleration Act

Public Law 87–658, 87th Congress, S. 2965, September 14, 1962

AN ACT To provide authority to accelerate public works programs by the Federal Government and State and local bodies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Works Acceleration Act".

SEC. 2. (a) The Congress finds that (1) certain communities and areas in the Nation are presently burdened by substantial unemployment and underemployment and have failed to share fully in the economic gains of the recovery from the recession of 1960–61 and (2) action by the Federal Government is necessary, both to provide immediate useful work for the unemployed and underemployed in these communities and to help these communities, through

improvement of their facilities, to become more conducive to industrial development and better places in which to live and work. The Nation has a backlog of needed public projects, and an acceleration of these projects now will not only increase employment at a time when jobs are urgently required but will also meet longstanding public needs, improve community services, and enhance the health and welfare of citizens of the Nation.

(b) The Congress further finds that Federal assistance to stimulate public works investment in order to increase employment opportunities is most urgently needed in those areas, both urban and rural, which qualify as redevelopment areas because they suffer from persistent and chronic unemployment and economic underdevelopment, as well as in other areas which have suffered from substantial unemployment for a period of at least twelve months.

SEC. 3. (a) For the purposes of this section the term "eligible area" means—

(1) those areas which the Secretary of Labor designates each month as having been areas of substantial unemployment for at least nine of the preceding twelve months; and

(2) those areas which are designated by the Secretary of Commerce under subsections (a) and (b) of section 5 of the Area Redevelopment Act as "redevelopment areas".

(b) The President is authorized to initiate and accelerate in eligible areas those Federal public works projects which have been authorized by Congress and those public works projects of States and local governments for which Federal financial assistance is authorized under provisions of law other than this Act, by allocating funds appropriated to carry out this section—

(1) to the heads of the departments, agencies, and instrumentalities of the Federal Government responsible for the construction of Federal public works projects, and

(2) to the heads of the departments, agencies, and instrumentalities of the Federal Government responsible for the administration of laws authorizing Federal financial assistance to public works projects of States and local governments.

(c) All grants-in-aid made from allocations made by the President under this section shall be made by the head of the department, agency, or instrumentality of the Federal Government administering the law authorizing such grants, and, except as otherwise provided in this subsection, shall be made in accordance with all of the provisions of such law except (1) provisions requiring allocation of funds among the States, and (2) limitations upon the total amount of such grants for any period. Notwithstanding any provision of such law requiring the Federal contribution to the State or local government involved to be less than a fixed portion of the cost of the project, grants-in-aid may be made under authority of this section which bring the total of all Federal contributions to such project up to 50 per centum of the cost of such project, or up to 75 per centum of the cost of such project if the State or local government does not have economic and financial capacity to assume all of the additional financial obligations required.

(d) There is hereby authorized to be appropriated not to exceed $900,000,000 to be allocated by the President in accordance with subsection (b) of this section, except that not less than $300,000,000 shall be allocated for public works projects in areas designated by the Secretary of Commerce as redevelopment areas under subsection (b) of section 5 of the Area Redevelopment Act.

(e) The President shall prescribe rules, regulations, and procedures to carry out this section which will assure that adequate consideration is given to the relative needs of eligible areas. In prescribing such rules, regulations, and procedures the President shall consider among other relevant factors (1) the severity of the rates of unemployment in the eligible areas and the duration of such unemployment and (2) the income levels of families and the extent of underemployment in eligible areas.

(f) Funds allocated by the President under this section shall be available only for projects—

(1) which can be initiated or accelerated within a reasonably short period of time;

(2) which will meet an essential public need;

(3) a substantial portion of which can be completed within twelve months after initiation or acceleration;

(4) which will contribute significantly to the reduction of local unemployment;

(5) which are not inconsistent with locally approved comprehensive plans for the jurisdiction affected, wherever such plans exist.

(g) Not more than 10 per centum of all amounts allocated by the President under this section shall be made available for public works projects within any one State.

(h) The criteria to be used by the Secretary of Labor in determining areas of substantial unemployment for the purposes of paragraph (1) of subsection (a) of this section shall be the criteria established in section 6.3 of title 29 of the Code of Federal Regulations as in effect May 1, 1962.

SEC. 4. (a) No part of any allocation made by the President under this Act shall be made available during any fiscal year to any State or local government for any public works project, unless the proposed or planned total expenditure (exclusive of Federal funds) of such State or local government during such fiscal year for all its capital improvement projects is increased by an amount approximately equal to the non-Federal funds required to be made available for such public works project.

(b) No part of any allocation made by the President under this Act shall be made available for any planning or construction, directly or indirectly, of any school or other educational facility.

SEC. 5. (a) Paragraph (4) of subsection (b) of section 202 of the Housing Amendments of 1955 is amended by adding at the end thereof the following new sentence: "This paragraph shall not apply to any financial assistance to be extended under subsection (a) of this section for the purpose of financing any project for public works or facilities to be initiated or accelerated as the result of a grant-in-aid from an allocation made by the President under section 9 of the Public Works Acceleration Act."

(b) Section 202 of the Housing Amendments of 1955 is amended by adding at the end thereof the following new subsection:

"(e) The Administrator is authorized to make a grant-in-aid from any allocation made for such purpose by the President under section 9 of the Public Works Acceleration Act to any public entity described in clause (1) of subsection (a) of this section of not to exceeed 50 per centum of the cost of construction of any project for public works or facilities, if such project would be eligible (without regard to the restrictions and limitations of subsections (b) and (c) of this section) for financial assistance under clause (1) of subsection (a) of this section in accordance with the rules and regulations of the Administrator (as in effect on the date of enactment of this subsection) relating to the type of public works and facilities to which such assistance may be extended."

SEC. 6. Section 702 of the Housing Act of 1954 is amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provision of this section, no advance made under this section for the planning of any public works project shall be required to be repaid if construction of such project is initiated as a result of a grant-in-aid made from an allocation made by the President under the Public Works Acceleration Act."

Approved September 14, 1962, 9:40 a.m.

Rules and Regulations of the Public Works Acceleration Act

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter VIII—Office of the Secretary, Department of Commerce (Public Works Acceleration)

ESTABLISHMENT, ORGANIZATION, AND PROCEDURES

Chapter VIII of Title 44 of the Code of Federal Regulations relating to the establishment of standards and procedures under the Public Works Acceleration Act (Public Law 87–658) and Executive Order 11049 dated September 14, 1962, is issued to read as follows:

PART 801—ESTABLISHMENT

Subpart A—Introduction

Sec.

801.1 President's Executive Order.
801.2 Definitions.
801.3 Purpose.

Subpart B—Functions

801.10 Allocation requests for Federal public works.
801.11 Allocation requests for financial assistance to State and local government agencies.
801.12 Recommendations for allocation of funds to participating departments, agencies, and instrumentalities of the Federal government.
801.13 Maintenance of information and reporting.

AUTHORITY: §§ 801.1 to 801.13 issued under sec. 3, Pub. Law 87–568, E.O. 11049, 27 F.R. 9203.

Subpart A—Introduction

§ 801.1 President's Executive Order.

Presidential Executive Order 11049 provides that the Secretary of Commerce shall assist the President in the carrying out of the Public Works Acceleration Act (Public Law 87–658). It also delegates to the Secretary certain authorities vested in the President by the Act, and prescribes that Federal departments and agencies receiving funds under the Act shall cooperate with the Secretary and follow rules, regulations, and procedures established by the Secretary.

§ 801.2 Definitions.

(a) *Secretary.* "Secretary" when used without further designation shall mean the Secretary of Commerce.

(b) *Act.* "Act" when used without other designation shall mean the Public Works Acceleration Act (Public Law 87–658).

(c) *State.* The term "State" when used in connection with the sponsorship of a public works project shall include those public entities, departments, instrumentalities, agencies, and authorities owned and controlled by a State and by and through which a State may provide public services and accommodations.

(d) *Local government.* The term "local government" when used in connection with the sponsorship of a public works project shall include municipalities, counties, and other sub-divisions of State governments and those public entities, departments, instrumentalities, agencies, and authorities owned and controlled by any such municipality, county, or other sub-division of State government and by and through which any such municipality, county, or sub-division of State government may provide public services and accommodations.

(e) *Agency.* The term "agency" when used without further designation shall mean any department, agency or instrumentality of the Federal government responsible for the construction of Federal public works projects or for the administration of laws authorizing Federal financial assistance to public works projects of State and local governments.

§ 801.3 Purpose.

The purpose of the Public Works Acceleration Act and the program authorized thereby is to assist those areas of the Nation which are burdened by the highest rates of unemployment and underemployment by providing immediate employment opportunities and enhancing the capabilities of these areas for economic growth.

Subpart B—Functions

§ 801.10 Allocation requests for Federal public works.

The head of each department, agency, and instrumentality of the Federal government responsible for the construction of Federal public works projects shall submit to the Secretary of Commerce allocation requests setting forth those Federal public works projects which have been authorized by Congress and which such department, agency, or instrumentality desires to initiate or accelerate in "eligible areas". Such requests should include a general description of each project or program to be initiated or accelerated, the location, and an estimate of the projected cost. All requests should be directed to the Administrator, Area Redevelopment Administration, Department of Commerce, Washington 25, D.C.

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§ 801.11 Allocation requests for financial assistance to State and local government agencies.

The head of each department, agency, or instrumentality of the Federal government responsible for the administration of laws authorizing Federal financial assistance to public works projects of the State and local government shall submit to the Secretary of Commerce allocation requests setting forth estimates of the total Federal financial assistance which such department, agency, or instrumentality believes necessary to initiate or accelerate public works projects of State or local governments in eigible areas. All requests should be directed to the Administrator, Area Redevelopment Administration, Department of Commerce, Washington 25, D.C.

§ 801.12 Recommendations for allocation of funds to participating departments agencies, and instrumentalities of the Federal government.

(a) The Area Redevelopment Administration of the Department of Commerce shall (1) review and evaluate all allocation requests received from participating Federal departments, agencies, and instrumentalities; (2) prepare comprehensive allocation proposals for the Secretary of Commerce; and (3) assist the Secretary of Commerce in developing recommendations to the President for the allocation of funds appropriated to carry out the Public Works Acceleration Act among the several participating departments, agencies, and instrumentalities.

(b) The Secretary of Commerce shall make recommendations to the President for the allocation of such funds.

§ 801.13 Maintenance of information and reporting.

(a) The Area Redevelopment Administration, Department of Commerce, shall maintain a list of those areas which the Secretary of Labor has designated for the current month as having been areas of substantial unemployment for at least nine (9) of the preceding twelve (12) months.

(b) The head of each department, agency or instrumentality of the Federal government participating in the accelerated public works program shall submit to the Area Redevelopment Administration, Department of Commerce, such periodic and special status reports and other information as the Secretary of Commerce or his representative shall request in order to fulfill those duties assigned to him under Executive Order 11049.

(c) In order to fulfill its responsibilities for evaluating and coordinating the Public Works Acceleration Program, the Area Redevelopment Administration shall (1) maintain current lists of eligible areas as defined in section 3(a) of the Public Works Acceleration Act; (2) maintain current records of all amounts allocated by the President under this Act; (3) maintain records of progress and accomplishments under such allocations; and (4) review such periodic and special status reports and other information as may be required of the several participating departments and agencies and prepare consolidations and statistical summaries, together with appropriate recommendations, to apprise the Secretary of the status of the public works acceleration program and to serve as the basis for the Secretary's recommendations to the President.

(d) The head of each agency shall be responsible for taking all possible steps to assure that all obligations for accelerated public works projects incurred by his agency adhere carefully to the restrictions and requirements of the Act, the allocation made by the President, and the approved program upon which such allocation was based. Particular care should be exercised that such projects do not merely replace public expenditures which would otherwise occur during the period. It is intended that funds allocated under the Act shall be supplementary to other Federal funds which otherwise would be expended in eligible areas and the Secretary or his representative may require as a part of the reports from agencies evidence that this objective is being accomplished to the fullest extent practicable.

(3) To enable the Secretary to carry out his responsibilities in assuring that adequate consideration is given to the relative needs of eligible areas, that the required benefits shall be made available to areas designated under section 5(b) of the Area Redevelopment Act, and that no more than 10 percent of all amounts allocated under the Act shall be made available for projects in any one State, each agency shall prior to making any final commitment with respect to funds for any project provide the Area Redevelopment Administration with a reasonable identification and description of the proposed project and shall receive notification from the Area Redevelopment Administration that such project is not inconsistent with the above requirements.

PART 802—USE OF ALLOCATED FUNDS

Subpart A—General Rules

Sec.

802.1 Eligible areas.
802.2 Limitation to any State.
802.3 Time in which projects initiated.
802.4 Time in which projects can be completed.
802.5 Essential public need.
802.6 Contribution to reduction of local unemployment.
802.7 Relationship to locally approved comprehensive plans.
802.8 School or other educational facility.
802.9 Employment of local labor.

Subpart B—Federal Projects

802.20 Authorization by Congress.

Subpart C—State and Local Projects

802.30 General.
802.31 Grants to extent of 50 percent.
802.32 When grants-in-aid over 50 percent.
802.33 State or local share as extra effort.
802.34 Not for relocating industry.
802.35 Application forms.
802.36 Report forms.

AUTHORITY: §§ 802.1 to 802.36 issued under sec. 3, Pub. Law 87–658, E.O. 11049, 27 F.R. 9203. Additional authority is cited in parentheses following the sections affected.

Subpart A—General Rules

§ 802.1 Eligible areas.

(a) For the purposes of this Act, the term "eligible area" means those areas which the Secretary of Labor designates each month as having been areas of substantial unemployment for at least nine of the preceding twelve months; and those areas which are designated by the Secretary of Commerce under subsections (a) and (b) of section 5 of the Area Redevelopment Act as "redevelopment areas".

(b) Public works projects must be located in an eligible area in order to qualify for assistance under the Act.

§ 802.2 Limitation to any State.

Not more than 10 percent of the total amount appropriated by Congress for the purposes of the Act shall be made available for public works projects within any one State.

§ 802.3 Time in which projects initiated.

To be eligible for assistance under the Act a project must be such as can be initiated or accelerated within a reasonable short period of time. Preference will be given to those projects which can be undertaken immediately following obligation of funds and with respect to all projects there must be reasonable assurance that on-site work will commence within 120 days after funds are obligated, subject only to conditions outside the control of the contracting parties, such as adverse weather conditions.

§ 802.4 Time in which projects can be completed.

To be eligible for assistance under the Act a project must be one with respect to which a substantial portion can be completed within twelve months after initiation or acceleration. This shall mean those projects for which there is reasonable assurance that the same may be more than half completed within twelve months after first employment of on-site labor.

§ 802.5 Essential public need.

To be eligible for assistance under the Act a project must be such as will meet an essential public need. In applying this standard, consideration may be given to the prospective effect of the project upon the health, safety and welfare of the citizens of the area, and the implementation of economic development.

§ 802.6 Contribution to reduction of local unemployment.

To be eligible for assistance under the Act a project must be such as will contribute significantly to the reduction of local unemployemnt. In applying this standard primary consideration shall be given to employment involved in the project construction. Supporting consideration may be given to the employment opportunities which may be created as a result of the completion of the project.

§ 802.7 Relationship to locally approved comprehensive plans.

To be eligible for assistance under the Act a project must not be inconsistent with locally approved comprehensive plans for the jurisdiction affected, wherever such plans exist. Many areas and communities have, pursuant to the Area Redevelopment Act and otherwise, developed and approved overall economic development programs, land us programs, and other plans for the orderly and effective promotion of the areas' best potentials. Where such plans and programs exist, projects assisted under the Act must not be in conflict therewith.

§ 802.8 School or other educational facility.

No part of any allocation made by the President under this Act shall be made available for any planning or construction, directly or indirectly, of any school or other educational facility.

(Sec. 4, Public Law 87–658)

§ 802.9 Employment of local labor.

(a) For the purpose of advancing that objective of the Act to increase employment opportunities for the unemployed and underemployed within the eligible areas, every contractor and subcontractor undertaking to do work on any project assisted under the Act which is or reasonably may be done as on-site work shall be required to employ in carrying out such contract work qualified persons who regularly reside in the eligible area where such project is situated or in the labor market area as designated by the United States Department of Labor wherein such project is situated, except:

(1) To the extent that qualified persons regularly residing in the area are not available.

(2) For the reasonable needs of any such contractor or subcontractor, to employ supervisory or specially experienced individuals necessary to assure an efficient execution of the contract.

(3) For the obligation of any such contractor or subcontractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that in no event shall the number of non-resident persons employed under this subparagraph (3) exceed 20 percent of the total number of employees employed by such contractor and his subcontractors on such project.

(b) Every such contractor and subcontractor shall furnish the United States Employment Service office in the area in which the public works project is located with a list of all positions for which it may from time to time require laborers, mechanics and other employees.

(Sec. 2, Public Law 87–658)

Subpart B—Federal Projects

§ 802.20 Authorization by Congress.

The head of the department, agency, or instrumentality of the Federal government responsible for the construction of any Federal public works projects to be initiated or accelerated pursuant to the terms of this Act shall, in addition to assuring compliance with the terms and conditions as set forth in Supart A, determine that the Congress of the United States has previously authorized such project by class or item.

Subpart C—State and Local Projects

§ 802.30 General.

The heads of departments, agencies, and instrumentalities authorized by law to extend Federal financial assistance for public works projects of States and local governments may, subject to the terms and conditions of the Act, this chapter, and the law otherwise governing such departments, agencies, and instrumentalities as amended by the Act, use funds allocated under the Act for financial assistance for eligible public works projects.

§ 802.31 Grants to extent of 50 percent.

Except as hereinafter provided in $802.32, grants-in-aid made from allocations under this Act with respect to projects otherwise qualified for assistance, may in the discretion of the head of any department, agency, or instrumentality of the Federal government administering an authorized grant-in-aid program be extended in such amount as shall not exceed 50 percent of the cost of such project:

Provided further, however, That where existing legislation permits a grant-in-aid in excess of 50 percent of the cost of a project, then a grant-in-aid under this Act may not exceed the percentage of the cost of such a project allowable under such existing grant-in-aid program except as authorized by $802.32. In determining the cost of a project the department or agency extending the financial assistance shall be guided by the policies and standards applicable to its regular programs of assistance.

§ 802.32 When grants-in-aid over 50 percent.

(a) Grants-in-aid from allocations under this Act with respect to projects otherwise qualified for assistance, may be extended in an amount up to 75 percent of the cost of a project in those eligible areas where the State or local government does not have economic and financial capacity to asume all of the additional financial obligations required as evidenced by the incidence of unemployment or low family income. In determining the maximum grant which may be made within any eligible area, the head of a participating Federal agency shall utilize the following criteria:

Criteria for establishing maximum grant	Maximum grant (percent)
Three times the national agerage unemployment rate for 4 out of 4 years (1958, 1959, 1960, 1961) or median family income under $1,600	75
Two times the national average unemployment rate for 4 out of 4 years (1958, 1959, 1960, 1961) or median family income $1,600 or above but less than $1,700	66
Two times the national average unemployment rate for 3 out of 4 years (1958, 1959, 1960, 1961) or median family income $1,700 or above but less than $1,800	58

(b) The Area Redevelopment Administration will maintain a current list of "Maximum Grants-in-Aid for Eligible Areas" which list shall be kept available for public inspection during the regular business hours of the Department of Commerce.

(c) In determining the exact percentage of the grant in excess of 50 percent to be made available for each particular project, the head of the participating Federal agency shall consider the net revenues which should be available to the borrower from fair user charges generated by the project and reduce the grant percentum accordingly.

§ 802.33 State or local share as extra effort.

As a condition to the extension of any financial assistance under this Act, any State or local government making application shall be required to:

(a) Certify to the head of the participating agency that the proposed or planned total expenditure (exclusive of Federal funds) of such State or local government for all its capital improvement projects has been increased for the fiscal year in which the assisted project is to be initiated by an amount approximately equal to the non-Federal funds required to be made available for such public works project; and

(b) Submit such supporting documents which the participating Federal agency may require to determine that the planned or proposed increase in capital improvement expenditures will occur.

(Sec. 4, Public Law 87–658)

§ 802.34 Not for relocating industry.

Whenever the project for which financial assistance is sought is undertaken principally to assist the establishment or expansion of commercial or industrial plants and facilities and the head of the participating agency has reason to believe that such establishment or expansion is being created with the intention of closing down or reducing the operations of an existing business entity in the area of its original location or in any other area where it conducts similar operations, financial assistance shall not be extended under this Act.

§ 802.35 Application forms.

Application for financial assistance under this Act shall be made directly to the Federal agency responsible for the administration of the law authorizing Federal assistance to the particular public works project to be initiated, and shall be made by filing the regular agency application form together with such additional information which may be required by such participating agency.

§ 802.36 Report forms.

Every State and local government receiving assistance under the terms of this Act shall file with the participating Federal agency such periodic status report

setting forth such information as shall be requested by the participating agency.

In accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it has been found that notice and hearing on the foregoing Chapter VIII of Title 44 of the Code of Federal Regulations is unnecessary for the reason that all matters therein relate to agency management, personnel, loans, grants or benefits; and for the reason that because of the nature of these rules, such notice and hearing would serve no useful purpose. The provisions of Chapter VIII of Title 44 are effective October 24, 1962.

Dated November 14, 1962.

EDWARD GUDEMAN,
Acting Secretary of Commerce.

[F.R. Doc. 62–11532 ; Filed, Nov. 20, 1962 ; 8 :47 a.m.]

Water Pollution Law

A brief history of existing water pollution law is presented in the following paragraphs :

Public Law 660, 84th Congress, amended the existing Water Pollution Control Act. It declared the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution ; to support and aid technical research relating to the prevention and control of water pollution ; and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution.

The act is administered by the Surgeon General of the United States, through the Public Health Service, under the Secretary of Health, Education, and Welfare. That agency cooperates with other Federal agencies, State water pollution control agencies (in most cases State health departments), interstate agencies, municipalities, and industries in developing comprehensive programs for eliminating or reducing pollution and improving sanitary conditions of surface and underground waters.

Cooperative activities by the States, development of uniform State laws, and compacts between States are encouraged. Consent of Congress is given to two or more States to enter into agreements or compacts.

The act provide for conduct and promotion by all interested agencies of research, investigations, experiments, demonstrations, and studies, and dissemination of data obtained. It authorizes establishment and maintenance of research fellowships in the Public Health Service in an amount of $100,000 for any fiscal year.

The act authorizes an appropriation of $3 million for each fiscal year 1957 through 1961 for grants to States and interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution. These funds will be allotted to the States on the basis of population, extent of the water-pollution problem, and the financial need of the States.

The Surgeon General is authorized to make grants to any State, municipality, or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters, and for preparation of reports, plans, and specifications in connection therewith. These grants will be made to appropriate State agencies for allocation to projects, will be limited to 30 percent of the estimated cost, or $250,000, whichever is the smaller, the grantee to pay the remaining cost. Apportionments are made to the States on the basis of 50 percent on ratio of population and 50 percent on the ratio of per capita income.

The grant program authorized an appropriation of $50 million for each fiscal year, or an aggregate of $500 million, with at least 50 percent of the funds to be used for construction of treatment works serving municipalities with populations of 125,000 or less.

The act established a Water Pollution Control Advisory Board composed of the Surgeon General and nine members appointed by the President, none of whom shall be Federal officers or employees.

The act includes provision for enforcement measures against pollution of interstate waters in or adjacent to any State or States which endangers the health or welfare of persons in a State other than that in which the discharge

originates. This will be done by conferences, discussions, hearings, notice of remedial action necessary, study by appointed board, and court action.

The 1956 Water Pollution Control Act broadened and strengthened earlier legislation by providing grants for the construction of municipal waste treatment facilities, grants to improve and strengthen State and interstate programs, more workable Federal enforcement, more effective research, and collection of basic data.

The Water Supply Act of 1958 authorizes the Corps of Engineers and the Bureau of Reclamation to include capacity in reservoirs for municipal and industrial water supplies, along with capacity for other purposes. The act provides for the repayment of these costs with interest. It provides that capacity may be included for present and anticipated future demands and that not to exceed 30 percent of the total cost of any project constructed by these agencies may be allocated to anticipated future demands.

During the 86th Congress, the Congress passed a bill which would have increased the grant limitation on projects from $250,000 to $450,000, the annual appropriation from $50 to $90 million, the total appropriation from $500 to $900 million, and would permit construction of joint facilities to serve more than one municipality with each community obtaining the appropriate Federal grant. It would also have increased from 12 to 18 months the period during which a State would obligate funds allocated to it, and would have made the provisions of the Davis-Bacon Act applicable to these projects. The President vetoed the bill stating that the primary responsibility for solving the water pollution problem rests with State and local governments, rather than with the Federal Government, and that the promise of a large-scale program of long-term Federal support would tempt municipalities to delay essential water pollution abatement efforts while they wait for Federal funds.

The Federal Water Pollution Control Act Amendments of 1961, Public Law 88, amends existing Federal water pollution control laws. It places the responsibility for administration of water pollution control activities and enforcement measures directly with the Secretary of Health, Education, and Welfare, rather than the Surgeon General.

It grants authority to Federal agencies to give consideration in the survey or planning of any reservoir to inclusion of storage for streamflow regulation for water quality purposes. Such storage and releases are not to be provided as a substitute for adequate treatment of sewage and other waste-controlling methods at the source. A determination would be made of the benefits of such capacity and an appropriate share of the cost allocated to this purpose. Beneficiaries would be determined and if the benefits are widespread or national in scope, the capacity would be nonreimbursable.

Section 3 removes the limitation of $100,000 that could be used to establish and maintain research fellowships, but requires the Secretary to report annually to Congress on his operations under that provision of the law.

This section also authorizes the Secretary to develop and demonstrate under varied conditions: (1) Practicable means of treating sewage and other wastes to remove the maximum amounts of pollutants in order to restore and maintain the Nation's water at a quality suitable for repeated reuse; (2) improved methods and procedures for identifying and measuring effects of pollutants on water uses, including new pollutants; (3) methods for evaluating the effects of augmented streamflow on water quality and water uses to control water pollution not susceptible to other means of abatement for these purposes. An authorization of not more than $5 million per year and a total authorization of $25 mililion is provided.

This section further authorizes the establishment and maintenance of field laboratory and research facilities, including, but not limited to, one in the northeast area, one in the middle Atlantic area, one in the southeast area, one in the midwest area, one in the southwest area, one in the Pacific Northwest, and one in Alaska. Provision is also included for research, studies, and technical development work, with respect to the quality of waters of the Great Lakes, including an analysis of water quality under varying conditions of waste treatment and disposal.

Section 4 increases the grants to States and interstate water pollution control agencies for the operation of their programs from $3 to $5 million, and extended such authorizations through June 30, 1968.

Section 5 provides that no construction grant may be made for any project in an amount exceeding 30 percent of the estimated reasonable cost thereof, or $600,000, whichever is the smaller; except that for a project that serves more

than one municipality the Secretary will allocate to each municipality to be served such reasonable and equitable share of the estimated cost of such project as he determines reasonable, subject to the 30-percent and $600,000 limitation, with a total of all the amounts so determined limited to $2,400,000. No grant is to be made for any project in any State in an amount exceeding $250,000 until a grant has been made for each such project for which an application was filed with the appropriate State water pollution control agency prior to 1 year after the date of enactment of Public Law 87–88, July 20, 1961, which the Secretary determines met the requirements in effect prior to that date.

This section also provides that sums allotted to a State which are not obligated within 6 months following the end of the fiscal year for which they were allotted because of a lack of projects approved by the State agency, shall be reallotted by the Secretary to States having projects which have been approved for which grants have not been made because of lack of funds, and such sums will be in addition to any funds otherwise allotted to such State. Whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant to such project which will reflect an equitable contribution for the need caused by such Federal institution or activity, and State allotments shall be available for payments for projects in such State which have been approved under these terms.

This section increases the authorization for appropriations from $50 million annually to $80 million for fiscal year 1962, $90 million for 1963, and $100 million for each fiscal year 1964 through 1967; at least one-half of the funds appropriated are to be used on projects in cities of 125,000 population or less.

The provisions of the Davis-Bacon Act are made applicable to projects for which grants are made for sewage and waste-treatment facilities, which requires that laborers and mechanics employed by contractors shall be paid wages at rates not less than those prevailing for similar work in the immediate locality, as determined by the Secretary of Labor.

Section 6 provides that the Secretary of Health, Education, and Welfare, or his designee, shall be a member and Chairman of the Water Pollution Control Advisory Board established in the Department, and the term of any member is extended until the date on which his successor's appointment is effective, and present members of the Board shall remain until the expiration of the terms of office for which they are appointed.

Section 7 provides that interstate or navigable waters will be subject to abatement under the law. It also provides that a conference could be called by the Secretary in the case of interstate pollution upon the request of the Governor of any State, the State water pollution control agency, or the governing body of any municipality, with the concurrence of both the Governor and of the State water pollution control agency. In the case of intrastate pollution, the Secretary may call a conference on the matter only when requested by the Governor of the State in which the pollution is occurring; but he may refuse to exercise Federal jurisdiction if in his judgment the pollution is not of sufficient significance to warrant the exercise of such jurisdiction. The Secretary may call a conference on pollution matters on his own initiative in the case of pollution on interstate streams.

After the conference, if the Secretary believes that effective progress toward abatement of such pollution is not being made, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action, and shall allow at least 6 months for taking such recommended action. If at the conclusion of the period so allowed such remedial action to reasonably secure abatement of such pollution has not been taken, the Secretary shall call a public hearing before a hearing board, which will issue its findings.

Following the public hearing, if the pollution is not abated within the time specified in the notice issued, the Secretary may request the Attorney General to bring a suit on behalf of the United States to secure abatement in the case of interstate pollution, and in the name of the United States in the case of intrastate pollution, only with the written consent of the Governor of such State.

This section also establishes the compensation of members of the hearing board, and includes the definition of a municipality.

Section 8 provides that the summary of conference discussions issued by the Secretary will include references to any discharges allegedly contributing to pollution from any Federal property. Notice of any hearing involving any

pollution alleged to be caused by any such discharges shall be given to the Federal agency having jurisdiction over the property involved, and the findings and recommendations of the hearing board shall include references to discharges found to be contributing to the pollution.

Definitions under the law are changed to include Guam, and interstate waters to include coastal waters.

The Water Supply Act of 1958 provides authority for the Corps of Engineers and the Bureau of Reclamation to include municipal and industrial water supply capacity in reservoirs under their jurisdiction. Under that act not to exceed 30 percent of the total cost of any project may be allocated to anticipated future demands if State or local interests give reasonable assurances that they will contract for the use of storage for anticipated future demands within a period of time which will permit paying out the cost allocated to water supply within the life of the project. Section 10 amends this act to permit the Federal agency concerned to make its own determination of future water supply needs, and, on the basis of such determination, to include capacity in a project without definite contractual commitments from State or local interests.

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