UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 89th CONGRESS
SECOND SESSION

VOLUME 112—PART 16

AUGUST 29, 1966, TO SEPTEMBER 12, 1966

(PAGES 20931 TO 22326)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1966

in the work needed to be done in this field.

I would like to mention briefly some other major parts of the Appalachian program. I want to call particular attention to the land stabilization and conservation program, which is working in 27 eastern Kentucky counties.

I have followed this program closely and with interest, as I serve on the Senate Agriculture Committee which deals with agricultural programs throughout the Nation. In the Appalachia region, the participating farmers are improving their soil and water and forestry resources, and conservation practices are being carried out in connection with established stabilization and watershed programs. Many small farmers are benefiting, and so are their immediate areas.

In another field, water resources development, the special study authorized by the Appalachian Act, is going forward under the U.S. Army Corps of Engineers, through its division office at Cincinnati.

I have attended meetings in our counties with representatives of the Corps of Engineers. Great attention is being given to studies, criteria, and actual field surveys to provide flood control and water supplies for the Appalachian States. The study is to be completed in 1967, and the recommendations will provide a basis for actual work and development.

The States and local communities are also responding to the initiatives of the Appalachian Act. Kentucky offers a good example of this response, and this program and our people can benefit from it.

Last year, a bond issue of $176 million was voted by a margin of 4 to 1 by the people of Kentucky. The funds will be used in part to provide the State's share of the cost of highways in eastern Kentucky, and in the development of its schools and parks in its counties.

In conclusion, I join Senator RANDOLPH in emphasizing that the Appalachian Regional Commission has done well. The Commission has been efficient and responsible, and the States have responded.

The people in the Appalachian counties in Kentucky will derive the benefits sought by the Congress, as will the people of the whole Appalachian region. I would like to see the Commission have the opportunity to present its budget requests in one package in the years ahead, so that the Congress, the administration and the people will be aware of the total effort and impact of the program.

I support Senator RANDOLPH in urging that the next budget include the Appalachian program in one package, and thus enable it to receive consideration through the whole appropriations process. It would allow the appropriation of funds directly to the Commission, rather than through a great many agencies, and I believe this step would lead to greater efficiency.

The Congress wisely put together a number of programs to be administered on a regional basis by this Commission. I do not believe we should run the risk of letting these programs become separated in a few years. I hope that full attention will be given to our proposal when the budget is considered for the next fiscal year.

I join with Senator RANDOLPH in commending the work of the Commission, the leadership of Federal Cochairman Sweeney, the response of the States, and the progress of work under the Appalachian Regional Development Act.

Mr. MORSE. Mr. President, I suggest the absence of a quorum, and ask that it be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 235 Leg.]

Aiken	Hart	Mundt
Allott	Hartke	Nelson
Anderson	Hickenlooper	Neuberger
Bass	Hill	Pastore
Bayh	Holland	Pell
Bible	Hruska	Prouty
Brewster	Jackson	Proxmire
Burdick	Javits	Randolph
Byrd, Va.	Jordan, N.C.	Ribicoff
Byrd, W. Va.	Kennedy, Mass.	Robertson
Cannon	Kennedy, N.Y.	Russell, Ga.
Carlson	Kuchel	Saltonstall
Clark	Long, Mo.	Smathers
Cooper	Long, La.	Smith
Cotton	Magnuson	Sparkman
Curtis	Mansfield	Stennis
Dirksen	McCarthy	Symington
Dodd	McClellan	Talmadge
Dominick	McGee	Thurmond
Eastland	McGovern	Tydings
Ellender	Miller	Williams, N.J.
Ervin	Mondale	Williams, Del.
Fannin	Monroney	Yarborough
Fulbright	Montoya	Young, N. Dak.
Griffin	Morse	Young, Ohio
Gruening	Morton	
Harris	Moss	

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 13712) to amend the Fair Labor Standards Act of 1938 to extend its protection to additional employees, to raise the minimum wage, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POWELL, Mr. HOLLAND, Mr. O'HARA of Michigan, Mr. DENT, Mr. PUCINSKI, Mr. DANIELS, Mr. AYRES, Mr. BELL, and Mr. GOODELL were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 14904) to revise postal rates on certain fourth-class mail, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 1483. An act for the relief of the John V. Boland Construction Co.;

H.R. 1822. An act for the relief of Won Loy Jung;

H.R. 2270. An act for the relief of the Moapa Valley Water Co., of Logandale, Nev.

H.R. 2653. An act to provide that the U.S. District Court for the District of Connecticut shall also be held at New London, Conn.;

H.R. 2681. An act for the relief of Sidney S. Shapiro and Shirley Shapiro;

H.R. 3233. An act for the relief of Emanuel G. Topakas;

H.R. 3999. An act to provide the same life tenure and retirement rights for judges hereafter appointed to the U.S. District Court for the District of Puerto Rico as the judges of all other U.S. district courts now have;

H.R. 5552. An act for the relief of David B. Glidden;

H.R. 6926. An act to strengthen the financial condition of the employees' life insurance fund created by the Federal Employees' Group Life Insurance Act of 1954, to provide certain adjustments in amounts of group life and group accidental death and dismemberment insurance under such act, and for other purposes;

H.R. 7354. An act for the relief of Norman Morris Rains;

H.R. 9324. An act to amend the Life Insurance Act of the District of Columbia, approved June 19, 1934, as amended;

H.R. 11940. An act for the relief of Fred M. Osteen;

H.R. 12315. An act for the relief of Anthony A. Calloway;

H.R. 12884. An act for the relief of John R. Sylvia; and

H.R. 13703. An act to make technical amendments to titles 19 and 20 of the District of Columbia Code.

FOOD FOR PEACE ACT OF 1966

The Senate resumed the consideration of the bill (H.R. 14929) to promote international trade in agricultural commodities, to combat hunger and malnutrition, to further economic development, and for other purposes.

Mr. MONDALE. Mr. President, one of the major subjects of debate yesterday, in our consideration of the food for peace bill, was the extent to which countries like India would really take the hard steps which are absolutely necessary to improve their own agriculture. I feel that my colleagues, therefore, will be interested in the story which appeared this morning in the Washington Post. This story announced that, for the first time, India has adopted a 5-year plan which gives top priority to agricultural development, ahead of the industrial development which was highlighted in the previous three plans.

I ask unanimous consent that this article be printed in the RECORD at the close of my remarks.

For a more detailed description of the many-sided effort which India is carrying out in agricultural improvement, I would refer to the article entitled "All-Out Effort on the Food Front," which appeared in the May 1 issue of Indian and Foreign Review. I ask unanimous consent, therefore, that this article be reprinted in the RECORD at this point also.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

INDIA SHIFTS PRIORITIES IN 5-YEAR PLAN—AGRICULTURE PUT AHEAD OF INDUSTRY

NEW DELHI, August 29.—India's fourth five-year plan, which envisages a total capital outlay of about $32 billion, will give highest priority to the development of agriculture and increased food production.

This was the first time that the emphasis has been taken from industrial development, which was the theme of the first three plans.

The plan published today should have started in April but has been held up until

now because of uncertainty over foreign exchange resources.

A draft outline of the plan presented to Parliament listed principal tasks for the country during the next five years. They include price stabilization and increased agricultural and industrial production to promote exports and replace imports.

The plan proposes an annual growth rate of 5½ per cent in national income and a rise in per capita income of 3 per cent a year.

Per capita income in India now is about $61.60 annually. A 3 per cent annual increase for the five years would bring it up to about $70.

The plan estimated that $3400 million would be needed in external credits for the five years of which $1700 million will go toward loan repayments.

ALL-OUT EFFORT ON THE FOOD FRONT

India's food shortage has been in the news for some time—this, in spite of the fact that she increased her food production from just over 50.3 million tons in 1950–51 to 88.4 million tons in 1964–65. The increase in population might have offset the gains in food production. But the recent food shortage has had other causes too. The most important of them has been the weather which has generally been adverse for most of the Third Plan period. In 1965, the country was afflicted by one of the worst droughts in recent history resulting in substantial damage to the 1965–66 crops. The behavior of the monsoon was erratic and there was widespread failure of rains in many parts of the country. Among other causes which contributed to the present difficult situation was that the consumption of nitrogenous fertilizers did not go up to the contemplated levels. This was largely due to shortfalls in supplies caused partly by inadequate indigenous production and partly due to shortage of foreign exchange for importing the difference between the demand and domestic supply.

Apart from food imports from friendly countries, what has India done within to face the situation? On the production side, as a long-term measure, it has been decided to adopt a new approach to agricultural effort in the next few years for achieving a higher target of 125 million tons of foodgrains under the Fourth Five Year Plan. This will be attempted not only by continuing and improving programs of agricultural production all over the country but also by a concentration of efforts and resources on a few selected areas that have assured water supply, through the use of high-yielding varieties of seeds responsive to high doses of fertilizers and supported by prophylactic pest control. It is proposed to extend the cultivation of these improved varieties over an area of 32.5 million acres by the end of the Fourth Five Year Plan. Target of area to be brought under cultivation of these improved varieties during 1966–67 is 4.9 million acres for which arrangements for seed are being made. It has also been decided to introduce changes in the cropping pattern. The State Governments have been requested to review the existing cropping pattern to introduce short and medium duration varieties in place of long duration ones and to evolve revised rotation of crops.

To meet the difficult food situation resulting from the drought the State Governments also took many short-term measures in order to achieve a breakthrough on the agricultural front. They undertook an emergency food production drive comprising introduction of additional crops over and above the existing ones in selected irrigated areas, increase in cultivation of subsidiary root crops such as potatoes and tapioca, organisation of vegetable cultivation in urban and suburban areas, increased preparation of farm manure in compost pits and mobilisation of electric and diesel pumps for using flow and surface water through lift irrigation. Under this programme, about 3.9 million acres of additional area were brought under cultivation. In the last two years, a number of measures have been taken to accelerate the pace of developmental efforts with special attention focussed on measures where intensification could yield quicker results, and on programmes not seriously inhibited by the difficulties of foreign exchange. Minor irrigation and soil conservation programmes have been given special attention. An Area Development Programme is being implemented for development of land and for suitable crop patterns for the newly irrigated areas with adequate provision for demonstrations, training, supplies and other facilities. Measures have been devised to make the best use of available facilities, especially the optimum utilisation of untapped water resources. Intensive efforts are being made to extend the use of fertilisers in areas which are irrigated or have an assured rainfall. For making available to farmers fertilisers in time and at places convenient to them, fertiliser godowns are being established at important railhead centres and in rural areas. Special attention is being given for undertaking quality seed multiplication in concentrated areas making adequate certification arrangements. New large-sized seed farms, seed corporations and seed testing laboratories have been set up in various States. The intensive Agricultural District Programmes designed to demonstrate the potentialities of increase in food production through a package approach now cover 16 selected districts of the country bringing more than one million farming families into its fold and covering three million hectares. Under the Programme, appreciable improvements in crop yields have been achieved.

As regards irrigation, 18.1 million acres (7.3 million hectares) of irrigation potential has been created in Third Plan period. Besides, nearly 600,000 hectares have benefited by an emergent programme of lift irrigation. The question of extending irrigation facilities as rapidly as possible has received high priority and efforts are concentrated on speedy completion of a number of major and minor projects. Last year, the Union Government gave additional assistance to the tune of Rs 155 million to the State Governments to accelerate construction work for realising irrigation benefits quickly. To augment agricultural production and to facilitate multiple cropping and intensive use of land, measures have been taken to energise as large a number of pumping sets as possible. In fact, priority has been accorded in the rural electrification programmes to the supply of power for agricultural purposes. The number of agricultural pump sets electrified has gone up to 481,251. About 55 per cent of the villages in the population range 5,001—10,000 has been covered under the rural electrification scheme. Of these, cultivators constitute the highest chunk of electricity users. The average area brought under new crops as a result of electric pumping is 3.81 acres per household. This comes to 15.6 per cent of the cultivated area of the households reporting introduction of new crops. According to present indications, it would be possible to create an additional irrigation potential of 13 million acres during the ensuing Fourth Plan period with a proposed outlay of Rs 8,100 million.

Vigorous efforts are being made to increase production of fertilisers. The existing capacity in both the public and private sectors is 476,550 tons of nitrogen. Another 718,000 tons of fertiliser capacity is under implementation. Besides, 210,060 tons of phosphatic fertilisers are being produced. In the Fourth-Plan period it is proposed to produce 2.4 million tons nitrogen and 1 million tons of phosphatic fertilisers. In order to achieve this target and also to attract foreign participation in setting new fertiliser factories Government have come to the conclusion that greater responsibility should be given to production units and allow them freedom of action in regard to prices and distribution. Accordingly it has been decided that fertiliser projects licensed on or before March 31, 1967, will be free to fix prices of their products and organise their own distribution for a period of seven years from the commencement of commercial production. This will however be subject to the condition that they sell to Government at the latter's option up to 30 per cent of their products at a price to be mutually settled. A fertiliser plant in the public sector with foreign collaboration is to be set up in Madras as an adjunct to the Madras refinery. The project will manufacture urea and complex fertilisers and will have a designed annual capacity in nutrients of approximately 200,000 tons of nitrogen, 85,000 tons of phosphates and such quantities of potash as are deemed desirable. This project is estimated to cost Rs 285.7 million including a foreign exchange component of Rs 144.4 million.

The Fertiliser Corporation of India has now three operating units at Sindri, Nangal and Trombay. Another three projects are under implementation at Namrup, Gorakhpur and Durgapur. With the completion of these projects, the Corporation will develop in the next three years an overall production capacity of 552,00 tons of nitrogen and 45,000 tons of phosphates. Recently the Corporation signed an agreement with an Italian firm for the purchase of license and process of know-how for the manufacture of Ammonia, the basic material required for the production of nitrogenous fertilisers. Under an earlier agreement with the same firm the Corporation had also acquired the process know-how for urea production. The Planning and Development Division of the Fertiliser Corporation has developed its own know-how for many processes of fertiliser production. It now processes the entire know-how for indigenous designing and engineering of complete nitrogenous fertiliser plants. In fact two of the large fertiliser plants in India now under implementation at Durgapur and Cochin are being designed and engineered entirely by Indian engineers. This is a big step forward in attaining self-sufficiency in the field of fertiliser technology and stepping up fertiliser production.

For evolving improved tools and implements for achieving a breakthrough in traditional practices, 17 research-cum-testing and training centres have been established to undertake development and testing of implements. Six State-owned factories and 120 organised major industrial units are now manufacturing improved implements of various types. Training of village artisans is being undertaken in about 39 workshops. Agro-Industries Corporations are being promoted in selected areas in the public sector. Hire-purchase centres and service facilities are also being organised. The expenditure on special development programmes for increasing production and availability of subsidiary foods like vegetables, milk, meat, egg and fish is expected to be about Rs 90 million this year as compared to Rs 29.4 million last year.

An Agricultural Prices Commission was established last year to advise the Government in fixing remunerative and incentive prices for all agricultural commodities. Keeping in view the recommendations of the Commission, minimum prices have been fixed at all economic levels to guarantee the farmer against losses arising out of any undue fall in prices. For securing close coordination of administrative activities relating to agricultural development, agricultural production committees have been set up in States on the pattern of the Agricultural Production

Board at the Centre. The functions of different departments dealing with the various aspects of agricultural development have been largely integrated with a Plan Coordination Section to ensure coordination in the implementation of agricultural plans.

A new orientation has been given to programmes of agricultural research, education, training and extension. The Indian Council of Agricultural Research has been reorganised. All agricultural research work right up to the district levels has been centralised under the control of this body. Functions of the Central and State Research institutes are being streamlined. Agricultural Universities are undertaking combined function of research, education and extension and their activities are being strengthened. Particularly, post-graduate training facilities in all branches of agricultural science and engineering are being substantially expanded. Demonstrations in scientific agricultural practices are being organised on a large scale.

As fish is an important source of food, adequate attention is being paid to the development of fisheries in the country. Significant progress has been achieved in this field. The total fish production in 1964 amounted to over 1.3 million tonnes as against a million tonnes in 1963. The value of exports of fish and fish products reached a record level of Rs 65.3 million in 1964.

The sugar supply position in the country showed some improvement during the year 1964–65 as a result of increase in production. The prices and distribution of sugar were, however, continued to be regulated in order that supplies might be distributed equitably at reasonable prices and a buffer stock built up. The production of sugar during the 1964–65 season reached the record level of 3.2 million tonnes as against 2.5 million tonnes in 1963–64. With a carry-over of only a hundred and fifty-nine thousand tonnes from the previous season, the total availability of sugar during the year 1964–65 was 3.5 million tonnes.

On the distribution side, equally vigorous measures have been taken. For ensuring that the available food is distributed equitably, the Union and State governments have taken several steps, important among them being the introduction of rationing in urban areas and the maximisation of internal procurement. Statutory rationing has already been introduced in several cities. Preparations are in hand for introducing statutory rationing in other towns too. Meanwhile, informal rationing continues in most urban areas and in some rural areas also where distribution is being done through fair price shops whose number exceeds a hundred and ten thousand. The policy of helping the vulnerable sections of population by supplying foodgrains at reasonable prices through fair price shops is being strictly implemented. The quantities supplied through these shops have been stepped up. For mitigating the conditions created by drought, relief works have been started in the affected States by the State Governments, employing nearly two million people. Efforts are being made to provide gratuitous relief to old and infirm people and also to children who are too young to do manual work. Programmes of providing nutritional diet to the vulnerable population in the affected areas are also proposed to be started, especially in the areas where the failure of crop has been relatively greater. Supply of fodder for cattle in the affected areas is also being ensured.

Mr. KENNEDY of New York. Mr. President, the food-for-peace bill, as reported out by the Senate Agriculture Committee, has a disturbing variation from the House-passed bill with respect to resale provisions for Commodity Credit Corporation-owned wheat.

The Senate committee version provides for raising the minimum resale price for CCC-owned wheat to 120 percent of the price-support loan rate whenever carryover stocks are less than 35 percent of total requirements. The House has approved a minimum resale provision calling for a 115 percent minimum whenever the carryover is less than 25 percent of total requirements.

I believe that the House-approved provision is in the longrun best interests of farmers, consumers and the Government.

The United States has a tremendous potential for producing wheat in the years to come. This means that in future years wheat must be competitively priced both at home and abroad if we are to keep the gains of the past few years and prevent a return to wheat surpluses. We must bear in mind that much of the current increased need for wheat is directly related to the food emergency in India. As this emergency eases off, we obviously will need to seek other outlets for our production.

Under the Senate version, CCC wheat could not be sold for less than $1.55 to $1.65 per bushel whenever stocks dropped below 35 percent of requirements. Presently, 35 percent of requirements would be 560 million bushels, since our estimated current utilization is 1.6 million bushels.

This minimum price would dictate a wheat cost of approximately $3 per bushel to millers—and thus to U.S. consumers—when the marketing certificate cost is added. This would mean a continuing price at 120 percent of parity to U.S. consumers for the next 2 or 3 years.

Further, this provision would virtually eliminate any continued use of wheat for feed by completely destroying any possibility of a competitive price relationship with feed grains. This would negate one of the promising provisions of the Food and Agriculture Act of 1965, for it would delay and probably prevent any realization of the objective of that act to put wheat on the same export footing as feed grains and soybeans, with little or no export subsidy. Instead, it would continue to require substantial Government export subsidy outlays and keep the Government cost of wheat for food-for-freedom purposes at high levels.

I hope the Senate conferees will give careful consideration to accepting the House version on this matter as a desirable alternative to the provision which is before us today.

Mr. MORSE. Mr. President, I shall offer a series of amendments to the pending bill, but first I wish to make a very brief statement as to the reason for the delay that is occurring in the Senate this morning.

I had been notified by the leadership that following the pending bill, the Oregon Dunes bill will be made the pending business of the Senate, and I had asked the leadership to put over the Oregon Dunes bill until after Labor Day, so that I might meet, on the coast of Oregon, during the Labor Day recess, with opponents of the bill. It was my hope to discuss with them a series of proposed compromises to which I think consideration should be given. As a result of such meeting, I would be hopeful that we might work out some compromises in regard to the condemnation issue, which is, of course, the bone of contention in regard to the bill, and has been for many years.

In my State, I have taken the public position that in the absence of a showing on the part of the Secretary of the Interior that the law of public necessity is complied with in connection with any particular piece of property, he should not be given authority to condemn; for blanket authority to condemn, given to any agency of the government, is final, to all intents and purposes. The Supreme Court has held, and the law is indisputable, that when the power of condemnation is given to a Federal agency, it becomes final in the absence of a showing of fraud, dishonesty, or arbitrary and capricious abuse of discretion.

Mr. President, in this situation, with public property flying out of our ears in my State—52 percent of the land area of Oregon is owned by the Federal Government—I see no justification for the Secretary of the Interior insisting on blanket authority.

The Secretary of Interior has not talked to me about this measure for 2 years. The Secretary of the Interior has made no attempt to work out an accommodation with me and the property owners affected.

When I asked the leadership of the Senate this morning for the accommodation of postponing action on this bill until after Labor Day, I was refused that permission. That is the right of leadership. However, that puts upon me the duty to do what is necessary within my power to protect the rights of constituents that I think are being wronged by the pending bill.

I would like to have the leadership of the Senate name one senior Senator on the Republican side of the aisle to whom it would refuse such a request. I need say no more for, when war is declared on me, I respond to the declaration.

Mr. President, in an area that involves some 30,000 acres, one and two-tenths of an acre less than 1,400 acres remains in dispute in regard to working out an accommodation.

I had taken the position earlier, months ago, in regard to certain tree farms owned by certain private interests such as the Crown Zellerbach Co., the Sparrow Pacific Corp., and other companies, that there is no justification for condemning that property, so long as those properties were managed on a sustained yield basis with a recreational easement.

I want to say to the chairman of the subcommittee, the Senator from Nevada [Mr. BIBLE], that pursuant to such a proposal on my part, such an agreement was worked out.

I have taken the position from the beginning that the private homes—many of them built by the hands of pensioners and retirees in this coastal area to which they have retired—could not possibly affect the use of the park.

The committee worked out a proposal that is entirely unacceptable. It related to life tenancy and 25 years of tenancy for members of the family. However, that would destroy, of course, the value of fee-simple title. So, what I am doing is fighting for precious private property rights when there is a failure to show that the law of public necessity requires its condemnation.

The transcript of the hearings before the Senate show the detailed testimony I have given in regard to the law of eminent domain which I taught as a professor of real property at the University of Oregon for many years. I do not intend to walk out on my rights, nor do I intend to let the Secretary of the Interior, if I can prevent it, come into my State and through a bill such as this, condemn the private property of citizens in my State in the absence of a showing of public necessity.

The chairman of the committee expressed a willingness to preserve 17 of the private homes. There was a great number involved in the first instance. I appreciate that. It is one of the compromises that I would like to discuss on the coast of Oregon over the weekend.

I think it is a fair compromise on that part of the bill. But, Mr. President, with regard to private holdings in national parks generally, there are thousands of acres of private holdings in existing Federal parks. There are large numbers of private homes in Federal parks. Yet, we hear the representatives of the Department of the Interior talk about precedents. They are afraid of establishing a precedent. There is a list of precedents as long as one's arm, but it is on my side, not the Department's.

The Senator from Florida [Mr. HOLLAND] this morning, for example, pointed out to me in conversation on the floor of the Senate that the Everglades Park eliminated condemnation in regard to agricultural land. The St. Augustine Monument Park eliminated condemnation. As he said, and as I have pointed out so many times, time works wonders.

In my judgment, agreeing to a compromise that I would suggest to the people of my State who are opposed to this bill should be seriously considered. My State is divided on this bill. The pros and the cons are very vigorous on both sides with their regard to their views on the bill.

I would like to propose consideration of a compromise that I have offered to the leadership. It provides for the next 2 years, 1,400 acres of so-called unimproved land, much of which is very valuable land, shall not be condemned, but that there shall be a protective clause that the land cannot be used for anything but its present use. That means that the use of the land could not be changed so that people could come in and unduly enrich themselves during the 2 years by increasing the value of these lands by the building of capital improvements on the lands which the Federal Government would have to pay for—and I emphasize the word "if"—the Secretary of the Interior could show that the lands are essential for the seashore area which, in most instances, he would fall flat on his face trying to do.

Mr. President, one would be surprised at the large percentage of these lands that could be purchased by negotiation in that 2-year period. But after 2 years, the Secretary would be able to come in by special legislation and show that his need for those lands for seashore purposes meets the law of public necessity. Congress could then authorize its acquisition.

What in the world is wrong about that? What is unfair about that? Is it unfair to deny the Secretary of the Interior blanket condemnation authority when so many people in my State are satisfied that he cannot show that the law of public necessity justifies condemning the property?

Any time that the Secretary of the Interior can show a justification for the law of public necessity, the senior Senator from Oregon will vote for it.

I have never taken the position that one single piece of property in this area that is actually needed for the public interest should not be condemned. I have taken the position that much of this property is not needed for the public interest. The proponents of the bill are unwilling to meet this issue.

Mr. President, it is very interesting to note the changes that have been made in the bill over the years that it has been offered. When the bill was first offered, it contained provision for the acquisition of the best and most spectacular dunes on the coast, down in Curry County in my State, but that was dropped from the bill. Why? Because the commercial interests of that county made perfectly clear that they did not want those dunes in the bill. They talked about wanting them for water rights, and my reply to them was that they can always get a water-right easement over Federal property when they can show the justification for it. I am satisfied that they have their designs for the future for other uses of the property.

When one talks about the dunes and the Oregon seashore, most people think of the spectacular dunes in Curry County. But they have been dropped from the bill. The dunes that are left are spectacular, too, but not so spectacular.

I believe that we should have a seashore. Many people in my State are completely against it. In fact, the editor of an Oregon newspaper—a strong anti-Morse paper—called me 2 days ago and said:

> I want you to know that this week we are coming out with an editorial against the whole bill, and we think that the treatment that you are receiving, in an attempt to get a reasonable postponement and a consideration of compromises, is intolerable. Therefore, we are going to fight the bill.

I argued with him. I said:

> Do not do that.

I think that the country is entitled to a seashore area, and I think we ought to have a seashore area; but we ought to have it under reasonable safeguards that protect private property interests, where the property owned by the private owners is not essential to the public interest in becoming a part of the area.

That is all I am going to say about the matter today. I am sorry that we cannot get either a postponement of this bill until after Labor Day or an acceptance of some amendments.

For the last couple of hours, legislative counsel and my office have been trying to work out some last-minute redrafting of language that might be acceptable to the leadership. I am seeking language that at the same time will be consistent with the trust that I owe the people of my State. I have pledged to them to do what I could to protect their fee simple title.

I have no way of knowing whether such an acceptable compromise will come out of the work of counsel today. I hope that it will. I would prefer that such compromises as they may come forth with, and that I may agree to recommend, could first be presented over the weekend, in Oregon, to the opponents of the bill. I have two groups. I have those who are opposed to any seashore area at all, and I have those who are opposed to any seashore area if the condemnation provision remains in. There is room for a reconciliation of their points of view.

Interestingly enough, Mr. President, the proponents of the area are divided among themselves on the condemnation question. One group wants the park plus condemnation. A second group is perfectly willing to have the condemnation provision eliminated.

It would be my judgment that those in the State who have studied this problem would find it quite acceptable to eliminate the condemnation provision along some such compromise suggestion as I have made. But only time will tell.

The editor to whom I referred pointed out that large blocks of this property will be transferred from the Forest Service to the Department of the Interior. The land is already under the recreational control procedures of the Forest Service.

Mr. President, the Forest Service is obviously in a position where it cannot make—or, at least, is not making—public comment. Of course, it is not making public comment because the administration has supported this bill. I cannot imagine the Forest Service objecting to the transfer of the forest lands to the Department of the Interior.

But let me say that in my State I hear no criticism of the administration of these lands in this dunes area by the Forest Service. There is complete public accessibility. In fact, my State is the only State in the Union in which the State owns its coastline. Every foot of the coast between low tide and high tide is owned by the State of Oregon. That is due to the farsighted wisdom of a Democratic Governor back in 1910 by the name of Os West, who had the legislature pass a bill, which he signed, that really makes the coastline a public highway.

We have no problem of accessibility here, either. We have no problem of the need of land such as exists with respect to the Indiana dunes case, of which I am a cosponsor, which includes

condemnation; and some of the proponents of this bill have tried, but they have not succeeded in my State, once the fallacy became recognized.

They have charged me with some kind of inconsistency, in that I am for condemnation in the Indiana Dunes case but I am against condemnation in the Oregon dunes case. And that is right. But in the Indiana dunes case there is no public property. In the Indiana dunes case there can be no park unless private land is taken. That makes an entirely different case, from the standpoint of eminent domain, as the former Attorney General of the United States, now presiding over the Senate, knows. If a park is needed and only private land is available, then the law of public necessity must be complied with, if the need for the land can be shown.

No one disputes the fact that in the Indiana dunes area, so close to the great metropolitan areas of that part of the country, a public park is needed. That is why I cosponsored that legislation.

My opponents cite the Cape Cod case. In Cape Cod it was necessary to take private land in order to have an adequate park.

But in the Sleeping Bear case, in Michigan, the Senator voted against the legislation, for exactly the same reason that I am urging the elimination of condemnation in the Oregon case. There was no need to take any land in Sleeping Bear in order to have an adequate Federal park. There is no need to take any land in the Oregon Dunes area in order to have an adequate Federal seashore area, for there are thousands of acres of surrounding land, owned by the Federal Government, that is not being taken; and I have already pointed out a large part that was dropped from the bill in the first place.

I have made these remarks, Mr. President, because I want the Senate to know why we are moving at a snail's pace in the Senate today. There is needed a little time to make certain that there is full and adequate reflection on the parliamentary situation that confronts the Senate. I have been here long enough to know that sometimes the passage of a little time opens the window so that a fresh breeze of reasoning returns to the Senate.

I presented during the hearings a detailed discussion of the law of eminent domain, and the cases, including Supreme Court cases, on the subject.

When the leadership says, "Let them vote," I say: You know how they are going to vote in these closing rush days of a very difficult session of Congress. I speak respectfully, but out of experience. What is in the RECORD is not going to be read by very many in the Senate, but when the vote bell rings and Senators come to the floor of the Senate, the Senate aids will be there to advise them that it is an administration vote and the vote is "yea." I do not intend to stand by and permit the people of my State, who have me here to protect their rights, who are opposed to the bill with the condemnation provision in it, to be subjected to what I consider to be that kind of inadequate consideration of the bill.

I am still hoping that we can work out an acceptable adjustment of our differences in regard to it. I think we would have a better chance of doing it after the Labor Day recess. I can bring back from Oregon the viewpoint of opponents of the bill as to the compromises I would like to suggest to them, but having thus far been told that that accommodation will not be made available, I have no other course of action than to make the fight I intend to make to protect the interests of my State.

Mr. President, I shall await with patience the results of the work of the legal concern with respect to instructions I have given them for a series of proposed compromises. I suggest the absence of a quorum, and ask for a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 236 Leg.]

Aiken	Hart	Mundt
Allott	Hartke	Nelson
Anderson	Hickenlooper	Neuberger
Bass	Hill	Pastore
Bayh	Holland	Pell
Bible	Hruska	Prouty
Brewster	Jackson	Proxmire
Burdick	Javits	Randolph
Byrd, Va.	Jordan, N.C.	Ribicoff
Byrd, W. Va.	Kennedy, Mass.	Robertson
Cannon	Kennedy, N.Y.	Russell, Ga.
Carlson	Kuchel	Saltonstall
Clark	Long, Mo.	Smathers
Cooper	Long, La.	Smith
Cotton	Magnuson	Sparkman
Curtis	Mansfield	Stennis
Dirksen	McCarthy	Symington
Dodd	McClellan	Talmadge
Dominick	McGee	Thurmond
Eastland	McGovern	Tydings
Ellender	Miller	Williams, N.J.
Ervin	Mondale	Williams, Del.
Fannin	Monroney	Yarborough
Fulbright	Montoya	Young, N. Dak.
Griffin	Morse	Young, Ohio
Gruening	Morton	
Harris	Moss	

The PRESIDING OFFICER (Mr. Moss in the chair). A quorum is present.

CONVEYANCE OF CERTAIN LANDS IN BOULDER COUNTY, COLO., TO W. F. STOVER

Mr. ALLOTT. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, and that the Senate proceed to the consideration of S. 1231, as amended, a bill to convey certain lands in Boulder County, Colo., to W. F. Stover.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

Mr. ELLENDER. Mr. President, reserving the right to object, will the Senator tell us how long he anticipates the consideration of that matter will require?

Mr. ALLOTT. Approximately 3 minutes.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 1231) to direct the Secretary of the Interior to convey certain lands in Boulder County, Colo., to W. F. Stover, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 1, after line 7, to strike out:

Beginning at corner numbered 1 of the Climax Mill site claim (United States Mineral Survey Numbered 13874) in section 21 and 22, township 1 south, range 73 west, sixth principal meridian, Boulder County, Colorado, thence south 51 degrees 43 minutes east 190 feet to a point; thence south 48 degrees 23 minutes east 85 feet to the true point of beginning; thence south 48 degrees 23 minutes east 252.26 feet to a point; thence in a northeasterly direction 20 feet more or less to a point; thence north 51 degrees 43 minutes west 252 feet to a point; thence in a southwesterly direction to the true point of beginning.

And, in lieu thereof, to insert:

Beginning at corner numbered 5, Mineral Survey Numbered 13874, Millsite;

thence north 48 degrees 23 minutes west, along line 5-6, Mineral Survey Numbered 13874, Climax Millsite 337.26 feet distant to the true point for corner numbered 6, Mineral Survey Numbered 13874 and at the intersection with line 5-6 Mineral Survey Numbered 12354, Happy Valley Placer;

thence south 51 degrees 43 minutes east, along line 5-6, Mineral Survey Numbered 12354, Happy Valley Placer 337.83 feet distant to a point;

thence south 41 degrees 37 minutes west, 19.61 feet distant to corner numbered 5, Mineral Survey Numbered 13874, Climax Millsite and place of beginning containing 0.15 acres.

So as to make the bill read:

S. 1231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to convey to W. F. Stover, Denver, Colorado, all right, title, and interest of the United States in and to a tract of land in the Grand Island Mining District, Boulder County, Colorado, more particularly described as follows:

Beginning at corner numbered 5, Mineral Survey Numbered 13874, Millsite;

thence north 48 degrees 23 minutes west, along line 5-6, Mineral Survey Numbered 13874, Climax Millsite 337.26 feet distant to the true point for corner numbered 6, Mineral Survey Numbered 13874 and at the intersection with line 5-6, Mineral Survey Numbered 12354, Happy Valley Placer;

thence south 51 degrees 43 minutes east, along line 5-6, Mineral Survey Numbered 12354, Happy Valley Placer 337.83 feet distant to a point;

thence south 41 degrees 37 minutes west, 19.61 feet distant to corner numbered 5, Mineral Survey Numbered 13874, Climax Millsite and place of beginning containing 0.15 acres.

SEC. 2. The conveyance authorized by this Act shall be made upon payment of the fair market value of the land as of the effective date of this Act as determined by the Secretary of the Interior plus such sum as may be fixed by the Secretary to reimburse the United States for the administrative costs of the conveyance.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of H.R. 4861, as amended, which is identical to S. 1231, and that the Senate proceed immediately to its consideration.