

UNITED STATES



U.S. Congress.
OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 89th CONGRESS
SECOND SESSION

VOLUME 112—PART 19

OCTOBER 5, 1966, TO OCTOBER 12, 1966

(PAGES 25175 TO 26444)

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE HIGHER EDUCATION FACILITIES ACT OF 1963

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the pending legislation is concluded, the Senate proceed to the consideration of Calendar No. 1645, H.R. 14644.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

PUBLIC WORKS APPROPRIATIONS, 1967

The Senate resumed the consideration of the bill (H.R. 17787) making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes.

The PRESIDING OFFICER. The question before the Senate is, Is the amendment offered by the Senator from Illinois germane to the House-passed provisions of title V of the bill, H.R. 17787?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from North Carolina [Mr. JORDAN], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Montana [Mr. METCALF], the Senator from Rhode Island [Mr. PELL], the Senator from West Virginia [Mr. RANDOLPH], the Senator from South Carolina [Mr. RUSSELL], the Senator from Alabama [Mr. SPARKMAN] and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

I also announce that the Senator from Idaho [Mr. CHURCH], the Senator from Indiana [Mr. HARTKE], the Senator from Minnesota [Mr. MCCARTHY] and the Senator from New Mexico [Mr. MONTOYA] are absent on official business.

I also announce that the Senator from West Virginia [Mr. BYRD] is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Mississippi [Mr. EASTLAND], the Senator from Alaska [Mr. GRUENING] and the Senator from West Virginia [Mr. RANDOLPH] would each vote "nay."

Mr. KUCHEL. I announce that the Senators from Vermont [Mr. AIKEN and Mr. PROUTY], the Senators from Kansas [Mr. CARLSON and Mr. PEARSON], the Senators from Kentucky [Mr. COOPER and Mr. MORTON], the Senator from New Hampshire [Mr. CORTON], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from Colorado [Mr. DOMINICK], the Senator from Michigan [Mr. GRIFFIN], the Senator from Iowa [Mr. MILLER], the Senator from California [Mr. MURPHY], and the Senator from Texas [Mr. TOWER] are necessarily absent.

If present and voting, the Senator from Kansas [Mr. PEARSON], the Senator from Colorado [Mr. DOMINICK], the Senator from Iowa [Mr. MILLER], the Senator from California [Mr. MURPHY] and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 17, nays 50, as follows:

[No. 290 Leg.]

YEAS—17

Bennett	Jordan, Idaho	Saltonstall
Boggs	Kuchel	Scott
Dirksen	Lausche	Simpson
Fannin	Long, La.	Thurmond
Fong	Mundt	Williams, Del.
Hickenlooper	Proxmire	

NAYS—50

Allott	Hill	Muskie
Bartlett	Holland	Nelson
Bass	Inouye	Neuberger
Bayh	Jackson	Pastore
Bible	Javits	Ribicoff
Brewster	Kennedy, Mass.	Robertson
Burdick	Kennedy, N.Y.	Russell, Ga.
Byrd, Va.	Long, Mo.	Smathers
Cannon	Magnuson	Smith
Case	Mansfield	Stennis
Clark	McClellan	Talmadge
Dodd	McGee	Tydings
Ellender	McGovern	Williams, N.J.
Ervin	Mondale	Yarborough
Fulbright	Monroney	Young, N. Dak.
Harris	Morse	Young, Ohio
Hart	Moss	

NOT VOTING—33

Aiken	Gore	Montoya
Anderson	Griffin	Morton
Byrd, W. Va.	Gruening	Murphy
Carlson	Hartke	Pearson
Church	Hayden	Pell
Cooper	Hruska	Prouty
Cotton	Jordan, N.C.	Randolph
Curtis	McCarthy	Russell, S.C.
Dominick	McIntyre	Sparkman
Douglas	Metcalf	Symington
Eastland	Miller	Tower

The PRESIDING OFFICER. On this vote there are 17 yeas and 50 nays. The question of germaneness having been determined in the negative, the amendment obviously being legislation, against which a point of order has been raised, the Chair rules that the amendment is not in order.

Mr. DIRKSEN. Mr. President, there were probably no more than 6 Senators in the Chamber when this subject was discussed. I am as confident as I can be that this amendment is germane, that it is in order, and that it is proper. It should have been accepted by the committee.

I suggest to Members of the Senate that they read the discussion which took place on the amendment. It took no more than 10 or 15 minutes.

I said earlier that I propose to offer this amendment to every appropriation bill that comes to the floor which has in it a legislative provision.

We shall have the Senate test out the germaneness question.

I said before, and I say now, that I do not always initiate these things. The Secretary of the Treasury was in my office three times with comparable language, in an effort to get this done. The President of the United States has called me about it several times. The Director of the Budget came before the Committee on Finance, almost with folded hands, and wondered where he could find \$3 billion in the budget.

Yet the Senate this afternoon has refused to give to the President a limited authority. It is said that he has authority; but a few guidelines are required, and they were contained in the amendment. The amendment provided for impounding, if that had been determined to be in the national interest, only up to 20 percent of the appropriations for domestic programs. The amendment did not touch the military.

Neither would the money have lapsed if it had been impounded and held until the end of the fiscal year. If, for instance, the President had impounded half of the school lunch money and kept it until the end of the fiscal year, it would have been returned to the Treasury.

I understand the interest of the House and Senate in this matter. That was the reason for including the nonlapsing provision. The money would have been available for expenditure for the very purpose for which it had been appropriated and could have gone into the fiscal year 1968.

That is all I have to say. But to the next appropriation bill to come before the Senate, this proposal will be offered.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MONDALE. Mr. President, on behalf of the Senator from North Dakota [Mr. BURDICK] and myself, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

Mr. MONDALE. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment proposed by Mr. MONDALE and Mr. BURDICK is as follows:

On page 11, after line 16, insert the following:

"FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

"For a comprehensive pilot program to develop and improve means for the prevention, removal, and control of natural or manmade pollution in community lakes, which are publicly owned and available for use by the general public, \$5,000,000 which the Secretary may expend through grants or contracts with any State, county, municipality, or intermunicipal agency. The Secretary may pay not to exceed 90 per centum of the costs of any such program out of this appropriation, but no expenditures shall be made without satisfactory assurances that reasonable action will be taken by the appropriate State and local governments in order that the lake or lakes involved in such program will be maintained at the maximum water purity levels possible after termination of payments."

Mr. MONDALE. Mr. President, this amendment to the pending appropriation

bill is the same as that embodied in the Clean Waters Act of 1966, introduced by myself, the Senator from North Dakota [Mr. BURDICK], the Senator from Wisconsin [Mr. NELSON], and the Senator from Illinois [Mr. DOUGLAS], to provide for a comprehensive pilot program and appropriate some \$5 million to try to do something about the growing problem of our fresh water community lakes, which are slowly dying from algae, from reed growth, and from the accumulation of pollution and siltation.

I have discussed this proposed amendment with the floor manager of today's appropriation bill, the distinguished senior Senator from Louisiana, and it is his view that, since this money has not been authorized through the authorization process, it should not be accepted as an amendment to the pending appropriation bill.

I agree with the chairman's view on the matter, but I felt it was still wise to propose the amendment, as a further effort to dramatize the need for long overdue measures by Congress to deal with the growing problem of pollution of our community lakes.

Mr. BURDICK. Mr. President, will the Senator yield?

Mr. MONDALE. I am delighted to yield to the Senator from North Dakota.

Mr. BURDICK. Mr. President, I am happy to join with the Senator from Minnesota in proposing this amendment.

The deterioration taking place in the fresh water lakes of this country is indeed appalling. In the North and Northwest part of the United States, we have a fine natural recreation area. That area is approximately 100 years old. The deterioration that has taken place during the past few years is proceeding at a rapid rate.

Not so long ago, we passed an outdoor recreation bill. We have passed other recreation bills, and the Nation is becoming increasingly recreation conscious. We are providing funds for swimming pools, golf courses, and other recreation facilities, but here we have a great natural asset, in the form of fresh water lakes which are now threatened with destruction.

Many areas of this country which formerly had fresh water lakes no longer have them.

So I hope that Congress will, during the next session, do something about preserving this great natural resource, our fresh water lakes. It is a resource we must have for the wholesome development of this country and its people, and I certainly hope that Congress will look favorably upon this proposed legislation in the coming session.

Mr. ELLENDER. Mr. President, the distinguished Senator from Minnesota did discuss this amendment with me, and I told him it was not in order, for the reason that the project he proposes has not been authorized. We had quite a few projects suggested before the committee which were not authorized, and, of course, under the rules we had to turn them down. I am sorry that we have to take that action now, for I am very

sympathetic with the program the Senator has outlined; and if, as, and when Congress does authorize the project, I shall be happy to cooperate with him.

Mr. MONDALE. Mr. President, I agree with the position of the floor manager of the bill. I am grateful to him for his thoughtfulness and his kind comments about the proposal.

At this time, I withdraw the amendment.

Mr. MAGNUSON. Mr. President, in reviewing the House Appropriations Committee report on this bill, I note that it contains a specific directive to officials of the Panama Canal Company-Government against payment to civilian employees in the zone of any salary differential exceeding 15 percent.

No similar prohibition appears in the bill itself or in the report of the Senate Appropriations Committee. I am pleased that the Senate Committee did not address itself to the matter.

In October 1964, the Secretary of Army issued a regulation reducing from 25 to 15 percent the differential applicable in the zone. Employees on the rolls of the Company-Government in 1964 are protected to the extent that they retain the 25 percent applicable before the regulation was changed. However, it will not be applied to future wage and salary increases.

The employees in question have challenged the decision to reduce the differential. There is pending in the U.S. Circuit Court of Appeals in New Orleans an appeal from the decision of the U.S. District Court for the District of the Canal Zone. The initial decision supported the employee's contentions opposing discontinuance of the 25-percent differential.

In view of the division of authority and responsibility among the three branches of our Government, I do not believe it would be wise for the Senate to act on this issue while it is pending before the judiciary.

I am pleased that the Senate Appropriations Committee has not dealt with this matter for another reason.

The basic authority for fixing the differential is found in section 7 of Public Law 85-550 of July 25, 1958. That legislation was considered and approved by the Senate Post Office and Civil Service Committee before it was enacted.

The Senate Committee on Commerce, of which I serve as chairman, has for many years maintained legislative jurisdiction over operation of the Panama Canal.

Mr. President, both of the aforementioned committees have a legitimate interest in the pay differential applicable to our Federal employees who serve in the Canal Zone.

Before any legislative action is taken on a matter of this kind, these committees should have an opportunity to consider all aspects of the problem to the extent they deem advisable.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question in on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 17787) was read the third time.

Mr. MORSE. Mr. President, before we come to the final vote, I desire the attention of the Senator from Louisiana to a statement that I wish to make in behalf of myself and, I am sure, all of my colleagues in the Oregon delegation and the people of my State.

Mr. PROXMIRE. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield to the Senator from Wisconsin, with the understanding that I may do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

PUBLIC WORKS APPROPRIATIONS FOR OREGON

Mr. MORSE. Mr. President, on behalf of the people of Oregon and myself, I wish to express deep appreciation to the chairman of the Public Works Subcommittee of the Senate Appropriations Committee [Mr. ELLENDER] for the fine help and cooperation he rendered in connection with our requests for Oregon public works projects under the jurisdiction of the Corps of Engineers.

In particular, I wish to pay tribute to the Senator from Louisiana for his willingness to recommend funds for two "new starts" of the highest importance to the State of Oregon—Lost Creek Reservoir in southwest Oregon and Siuslaw Harbor modification on the coast of Oregon.

The Senator from Louisiana will recall that I conferred with him at length on these projects on several occasions after I presented to the subcommittee my statement of May 4 on behalf of a number of Oregon projects. The Senator was most attentive to the merits of the cases I presented and especially the merits of the two "new starts." I was deeply pleased to receive his indication of support which is so tangibly evidenced by the Subcommittee's and full Committee's recommendations of \$500,000 each, for Lost Creek Reservoir and Siuslaw Harbor modification.

LOST CREEK RESERVOIR

In my conferences with the Senator from Louisiana, I pointed out that this dam would constitute an integral part of a multipurpose dam system of flood control for the entire Rogue River Basin area in Oregon. Lost Creek Dam would provide not only flood control but additional features such as electric power, generation, irrigation, water supply, fishery, wildlife and recreational benefits.

Great emphasis should be placed upon the flood control features of Lost Creek. The North Pacific division engineer estimated that if Lost Creek, and its companion dam, Elk Creek, had been in operation at the time of the December 1964 disastrous flood, these dams would have reduced flood damage by about \$9,400,000.

It would not take many major floods in the Rogue River Basin area to reflect