

BOULDER CANYON DEBATE - SECTION 4(A)
December 11, 1928

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MR. HAYDEN. My amendm^{nt} as originally offered provides for a 7-state ratification of the Colorado River Compact. The Senator from Colorado in his amendment provides for a 6-State ratification. That is another question upon which I should like to have the Senate take a vote. If the Senate will bear with me for a moment, I desire to say that it is only fair to the State of Arizona that the several substantive propositions which are contained in the amendment of the Senator from Colorado and in my amendment be voted upon, each upon its own merits by the Senate, and not grouped together in one particular amendment. If I am privileged to do so, Mr. President, I withdraw, without prejudice, the amendment I have offered.

The VICE PRESIDENT. The Senator has that right. The amendment of the Senator from Arizona to the so-called Johnson amendment is withdrawn. (70 Cong. Rec. Part 1, p. 382)

* * *

Mr. PHIPPS. Mr. President, I understand the Senator from Arizona has withdrawn his amendment. I desire again to offer my amendment as it is now before the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Colorado (Mr. Phipps).

Mr. HAYDEN. I offer the following amendment to the amendment offered by the Senator from Colorado.

Mr. SMOOT. Let the amendments be now read.

The VICE PRESIDENT. The clerk will state the amendment of the Senator from Colorado and the amendment of the Senator from Arizona to the substitute amendment.

The CHIEF CLERK. On page 4 it is proposed to strike out all of lines 22 to 25, inclusive, and on page 5 to strike out lines 1 to 14, inclusive, and to insert in lieu thereof the following:

(THE PHIPPS AMENDMENT)

Section 4 (a). This act shall not take effect and no authority shall be exercised hereunder and no work shall be begun and no moneys expended on or in connection with the work or structures provided for in this act, and no water rights shall be claimed or initiated hereunder, and no steps shall be taken by the United States or by others to initiate or perfect any claims to the use of water pertinent to such works or structures unless and until (1) the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have ratified the Colorado River compact, mentioned in section 12 hereof, and the President, by public proclamation, shall have so declared, or (2) if said States fail to ratify the said compact within one year from the date of the passage of this act then, until six of said States, including the State of California, shall ratify said compact and shall consent to waive the provisions of the first paragraph of Article XI of said compact, which makes the same binding and obligatory only when approved by each of the seven States signatory thereto, and shall have approved said compact without conditions save that of such 6-State approval, and the President by public proclamation shall have so declared, and, further, until the State of California, by act of its legislature, shall agree with the United States and for the benefit of the States of Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming, as an express covenant and in consideration of the passage of this act, that the aggregate annual consumptive use (diversions less returns to the river) of water of and from the Colorado River for use in the State of California, including all uses under contracts made under the provisions of this act and all water necessary for the supply of any rights which may now exist, shall not exceed 4,600,000 acre-feet of the waters apportioned to the lower basin States by the Colorado River compact, plus not more than one-half of any excess or surplus waters unapportioned by said compact, such uses always to be subject to the terms of said compact.

On page 6, strike out line 25, and on page 7, lines 1 to 8, inclusive, and insert in lieu thereof the following: "permanent service and shall conform to paragraph (a) of section 14 of this Act. No person shall,"

On page 12, after line 14, add the following paragraph to section 6:

"The Federal Power Commission is hereby directed not to issue or approve any permits or licenses under said Federal water power act upon or affecting the Colorado River or any of its tributaries in the States of Colorado, Wyoming, Utah, New Mexico, Nevada, Arizona, and California until this act shall become effective, as provided in section 4 herein."

Mr. HAYDEN. I have offered an amendment to amendment proposed by the Senator from Colorado, which I ask the clerk to read.

The VICE PRESIDENT. The Chief Clerk will state the amendment to the amendment.

The CHIEF CLERK. The amendment of Mr. Hayden to the amendment offered by Mr. Phipps is, on page 3, line 2, to strike the words "four million six" and insert "four million two".

(70 Cong. Rec. Part 1, pp 382-383).

Mr. HAYDEN. Mr. President, I shall now explain the reasons why my amendment to the amendment should be adopted. When I shall have made that explanation the Senate may vote upon the questions, so far as I am concerned.

The amendment I have offered is predicated upon a finding made by four governors--the Governors of Colorado, New Mexico, Wyoming, and Utah--at a conference held in the city of Denver during the summer of 1927. At that conference, which was called in the kindest spirit by the governors of the States of the Upper Basin in a sincere effort to bring about an amicable adjustment of the dispute which has existed between the States of Arizona and California in the lower basin with respect to water and other issues, the governors requested each


State to put down on paper how much water it desired to receive from the Colorado River.

The State of Nevada advised the governors that out of the 7,500,000 acre-feet allocated to the lower basin by the Colorado River Compact that state desired only 300,000 acre-feet.

The State of Arizona then said that she was perfectly willing that Nevada should have 300,000 acre-feet and that she would divide equally with the State of California the remainder of the water. A division of that character would give to California 3,600,000 acre-feet and to Arizona 3,600,000 acre-feet.

The State of California advised the Governors that its necessities were such that it must have 4,600,000 acre-feet of water, and, based upon the plea of necessity--and that was all the argument presented--they asked for that quantity of water.

The four governors took the three proposals under advisement, and, after careful and mature consideration, proposed that the quantity of water requested by the State of Arizona be reduced from 3,600,000 acre-feet to 3,000,000 acre-feet. They made that decision after a careful study of the total quantity of water now in use in each of the States of Arizona and California. They found that vested rights had to be respected, and came to the conclusion that California was now using 600,000 acre-feet more water than Arizona. Therefore, they recommended that Arizona's demand be reduced by 600,000 acre-feet and that California be allotted an additional 600,000 acre-feet. So the finding of the Governor's was--and there is no dispute about it--that the State of California is only entitled to 4,200,000 acre-feet of water out of the Colorado River; that that is the quantity she should receive. All other questions relative to tributaries and all other issues raised have no relation whatever to that one finding of fact by the four governors, who, after weeks of study and after careful consideration of all of the evidence, arrived at that conclusion.



BE it remembered by all Senators that the State of Arizona accepted that finding and agree to take only 3,000,000 acre-feet of water out of the Colorado River instead of 3,600,000 which was its original demand, whereas the State of California refused to accept that finding and still insists upon 4,600,000 acre-feet of water. (70 Cong. Rec. Part 1, p. 383)

* * *

The VICE PRESIDENT. The question is on the amendment of the Senator of Arizona (Mr. Hayden) to the amendment of the Senator from Colorado (Mr. Phipps).

* * *

The yeas and nays were ordered * * *

The result was announced--yeas 29, nays 48, as follows:

* * *

So Mr. Hayden's amendment to Mr. Phipp's amendment was rejected. (70 Cong. Rec. Pt. 1, p. 384).

* * *

Mr. BRATTON. Mr. President, I offer an amendment in the nature of a substitute to the amendment offered by the Senator from Colorado, and ask that it be read.

The VICE PRESIDENT. The clerk will read.

The LEGISLATIVE CLERK. On line 2, page 3, of the amendment offered by the Senator from Colorado (Mr. Phipps) as modified, strike out the word "six" and insert in lieu thereof the word "four", so as to read:

* * *

Mr. BRATTON. Mr. President, I propose to amend the amendment of the Senator from Colorado by striking out the word "six" in line 2, on page 3, and inserting in lieu thereof the word "four", so that the language will read "shall not exceed 4,400,000 acre-feet."

Mr. President, it is perfectly obvious to all of us that we have an immense project here, respecting which the two States, California and Arizona, can not agree. The dispute has narrowed itself primarily to 400,000 acre-feet of water, California saying that 4,600,000 is the irreducible minimum, and Arizona insisting that California shall be limited to 4,200,000 acre-feet.

If this legislation shall be effectuated, the dam constructed, and the river controlled, and the benefits designed to be accomplished by the measure given full fruition, these States must ratify the compact. In my judgment that will never be accomplished if we give to one all that she asks and deny to the other everything she seeks.

It seems to me, therefore, Mr. President, that in justice to the two States, they having been unable to agree, we should tender our offices by dividing the difference and requiring California to limit herself in her act of ratification, irrevocably and unconditionally, to a maximum consumptive use of 4,400,000 acre-feet. That divides the difference and is the amount fixed in the amendment I have proposed. It differs from the proposal from Colorado by reducing California's claim by 200,000 acre-feet. It differs from the amendment of the Senator from Arizona by increasing California's consumptive use by 200,000 acre-feet.

I believe this is an equitable solution of the problem. It may not be entirely satisfactory to either State, but in my judgment it is the best compromise that is available at this time. (70 Cong. Rec., Pt. 1, p. 385)

* * *

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Mexico (Mr. Bratton) to the amendment of the Senator from Colorado (Mr. Phipps).

* * *

The yeas and nays were ordered, * * *

The result was announced--yeas 48, nays 29, as follows:

* * *

So Mr. Bratton's amendment to Mr. Phipp's amendment was agreed to. (70 Cong. Rec. Pt. 1, p. 387)

* * *

Mr. HAYDEN. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

the VICE PRESIDENT. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 2, lines 7 to 17, it is proposed to strike out the words:

if said States fail to ratify the said compact within one year from the date of the passage of this act, ~~the,~~ until six of said States, including California, shall ratify said compact and shall consent to waive the provisions of the first paragraph of Article XI of said Compact, which makes the same binding and obligatory only when approved by each of the seven States signatory thereto, and shall have approved said compact without conditions save that of such 6-State approval, and the President by public proclamation shall have so declared, and, further--

Mr. HAYDEN. Mr. President, the amendment I have offered to the amendment offered by the Senator from Colorado strikes out that part of his amendment which states that the Colorado River Compact may be ratified by six instead of by seven States.

The Colorado River Compact, as originally written, contemplated that the seven States of the Colorado River basin would enter into an agreement apportioning 7,500,000 acre-feet of the waters of that basin to the upper basin, 7,500,000 acre-feet to the lower basin, and reserving to the lower basin the right to increase its beneficial consumptive use of water by an additional 1,000,000 acre-feet. The compact was not to go into effect until ratified by all of the seven States and until it was subsequently approved by the Congress.

The compact was ratified without qualification by the States of Wyoming, Utah, Colorado, New Mexico, Nevada, and California.

Subsequently the State of California withdrew its unqualified ratification of this interstate agreement and ratified it upon the condition that there should be constructed upon the Colorado River, at or near Boulder Canyon, a dam which would impound at least 20,000,000 acre-feet of water. The enactment of this legislation would comply with the California reservation.

The State of Arizona has never approved the Colorado River Compact--would not ratify it, as I have previously explained to the Senate--primarily because it provided merely for a division

of water between the two basins and did not provide specifically the quantity of water which each State in the respective basins might receive. When the time came to make the compact, although the acts of all the State legislatures and the act of Congress contemplated that there would be a division and apportionment of water to each one of the seven States, specifically providing just how much water they should receive, Mr. Hoover and the seven State commissioners found it impossible to carry out that intention. They therefore divided the water between the upper and the lower basins of the Colorado River. (70 Cong. Rec. Pt. 1, p. 388)

* * *

Mr. HAYDEN. Mr. President, the State of Arizona feels that a gross injustice would be done to that State by the passage of an act of Congress which would provide that six states may divide the waters of a stream which belong to seven States without the consent of the seventh. No such bill should be introduced in Congress unless it were upon the assumption that Congress had the right and the power to divide the waters of the stream. * * * (70 Cong. Rec., Pt. 1, p. 390)

* * *

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arizona (Mr. Hayden) to the amendment of the Senator from Colorado (Mr. Phipps) .

Mr. ASHURST. I demand the yeas and nays.

The yeas and nays were ordered.

* * *

The result was announced--yeas 17, nays 53, as follows:

* * *

So Mr. Hayden's amendment o Mr. Phipp's amendment was rejected. (70 Cong. Rec. Pt. 1, p. 394)

* * *

Mr. ASHURST. I now propose an amendment to the amendment proposed by the Senator from Colorado.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 3, line 17, after the word "tributaries" it is proposed to insert the words "except the Gila River."

Mr. AHSURST. I shall read the paragraph of the amendment with I now propose to amend. It is the paragraph commencing in line 14 of the amendment proposed by the Senator from Colorado and reads as follows:

The Federal Power Commission is hereby directed not to issue or approve any permits or licenses under said Federal water power act upon or affecting the Colorado River or any of its tributaries in the States of Colorado, Wyoming, Utah, New Mexico, Nevada, Arizona, and California until this act shall become effective, as provided in section 4 herein.

The adoption of my amendment will be notice to the Federal Power Commission that it may, in its discretion, issue permits or licenses under the water power act upon the Gila River and the Gila tributaries. (70 Cong. Rec. Pt. 1, p. 394)

* * *

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arizona (Mr. Ashurst) to the amendment proposed by the Senator from Colorado (Mr. Phipps), * * *

The yeas and nays were ordered.

* * *

The result was announced--yeas 33, nays 28, as follows:

* * *

So Mr. Ashurst's amendment to Mr. Phipp's amendment was agreed to. (70 Cong. Rec., Pt. 1, p. 399)

* * *

The PRESIDING OFFICER (Mr. Oddie in the Chair). * * *
The junior Senator from Arizona is entitled to the floor.

* * *

Mr. HAYDEN. Mr. President, I ask the clerk to read the amendment which I offered.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read as follows:

Amendment proposed by Mr. Hayden to the amendment offered by Mr. Phipps to the bill (H.R. 5773) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, viz: On page 3, after line 7, insert a new paragraph, as follows:

"The said ratifying act shall further provide that if by tri-State agreement hereafter entered into by the States of California, Nevada, and Arizona the foregoing limitations are accepted and approved as fixing the apportionment of water to California, then California shall and will therein agree (1) that of the 7,500,000 acre-feet annually apportioned to the lower basin by paragraph (a) of Article III of the Colorado River compact, there shall be apportioned to the State of Nevada 300,000 acre-feet and to the State of Arizona 2,800,000 acre-feet for exclusive beneficial consumptive use in perpetuity, and (2) that the State of Arizona may annually use one-half of the excess or surplus waters unapportioned by the Colorado River compact, and (3) that the State of Arizona shall have the exclusive beneficial consumptive use of the Gila River and its tributaries within the boundaries of said State, and (4) that the waters of the Gila River and its tributaries, except return flow after the same enters the Colorado River, shall never be subject to any diminution whatever by any allowance of water which may be made by treaty or otherwise to the United States of Mexico, but if, as provided in paragraph (c) of Article III of the Colorado River compact, it shall become necessary to supply water to the United States of Mexico from waters over and above the quantities which are surplus as defined by said compact, then the State of California shall and will mutually agree with the State of Arizona to supply, out of the main stream of the Colorado River, one-half of any deficiency which must be supplied to Mexico by the lower basin, and (5) that the State of California shall and will further mutually agree with the States of Arizona and Nevada that none of said three States shall withhold water and none shall require the delivery of water, which can not reasonably be applied to domestic and agricultural uses, and (6) that all of the provisions of said tri-State agreement shall be subject in all particulars to the provisions of the Colorado River compact.

Mr. HAYDEN. Mr. President, an examination of the amendment offered by the Senator from Colorado (Mr. Phipps) will disclose that it proposes that the State of California shall agree with the United States, for the benefit of the States of Arizona and Nevada, that the aggregate annual consumptive use of water from the Colorado River by the State of California shall not exceed 4,400,000 acre-feet. Further, that the State of California may have one-half of any excess of surplus waters unapportioned by the Colorado River compact.

The first part of my amendment is a mere corollary to the amendment offered by the Senator from Colorado. It provides that of the remainder of the seven and one-half million acre-feet there shall be apportioned to the State of Nevada 300,000 acre-feet, and to the State of Arizona 2,800,000 acre-feet, which, combined, with 4,400,000 acre-feet which the State of California will use, completely exhausts the seven and one-half million acresfeet apportioned in perpetuity to the lower basin.

The second proposal in my amendment is that the State of Arizona may annually use one-half of the surplus or unapportioned water, which is likewise a corollary to the proposal made by the Senator from Colorado, which likewise disposes of the total quantity of surplus or unapportioned waters in the lower basin.

Mr. KING. And that is provided in the compact, is it not?

Mr. HAYDEN. Yes; and the compact has been so interpreted. * * * (70 Cong. Rec., Pt. 1, pp. 460-461)

* * *

Mr. HAYDEN. * * *

Now I direct the attention of the Senate--and Senators will find on their desks a copy of my amendment--to the fifth and sixth items of it. The fifth item, beginning in line 22 reads:

That the State of California shall and will further mutually agree with the States of Arizona and Nevada that

none of said three States shall withhold water and none shall require the delivery of water, which can not reasonably be applied to domestic and agricultural uses.

That is a mere repetition of language which appears in the Colorado River compact. * * *

* * *

I will state frankly that I placed that provision in my amendment after conferences with the gentlemen representing the State of California, who thought it proper that there should be the same pledge as between the three states in the lower basin as is contained in the original compact with respect to the upper and the lower basins. * * *

The sixth provision in my amendment is:

That all of the provisions of said tri-state agreement shall be subject in all particulars to the provisions of the Colorado River compact.

That provision conforms to a similar provision in the Phipps amendment, which states that such uses, that is, by the State of California, shall always be subject to the terms of said compact. So that as to five of the substantive propositions that are contained in my amendment, as numbered in it, there can be no controversy. I have mentioned these matters first so that we may get down to the gist of my amendment.

Proposal No. 3 in my amendment is --

That the State of Arizona shall have the exclusive beneficial consumptive use of the Gila River and its tributaries within the boundaries of said State.

The fourth provision is --

th that the waters of the Gila River and its tributaries, except return flow after the same enters the Colorado River, shall never be subject to any diminution whatever by any allowance of water which may be made by treaty or otherwise to the United States or Mexico but if, as provided in paragraph (c) of Article III of the Colorado River compact, it shall become necessary to supply water to the United States or Mexico from waters over and above the quantities which are surplus as defined by said compact, then the State of California shall and

will mutually agree with the State of Arizona to supply, out of the main stream of the Colorado River, one-half of any deficiency.

Let me read the portion of the compact to which reference is made in my amendment. It is paragraph (c) of Article III:

If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of any water of the Colorado River system, such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantities specified in paragraphs (a) and (b).

That is, over and above the seven and a half million acre-feet apportioned in perpetuity to each basin, a total of 15,000,000 acre-feet, and over and above the 1,000,000 acre-feet additional which the lower basin is given the right to use. From that surplus of unapportioned water Mexico must first be satisfied.

Continuing the reading of paragraph (c) of Article III of the compact:

And if such surplus shall prove insufficient for this purpose, then the burden of such deficiency shall be equally borne by the upper basin and the lower basin, and whenever necessary the States of the upper basin division shall deliver at Lees Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

In paragraph (d) the upper basin is required to deliver 75,000,000 acre-feet during the course of any 10-year period, but, in addition to that, the upper basin assumes the duty of supplying one-half of any water that may be demanded by Mexico under any treaty, in the event that the surplus waters are not sufficient to meet the Mexican demand.

My proposal is that as far as the lower basin is concerned the State of Nevada shall be exempt from furnishing any water to Mexico under any conditions. The State of Nevada has been

so modest in its demands, asking for only 300,000 acre-feet of water, which quantity of water is so small that we have felt in Arizona that there should never be any question but that the State of Nevada should have all of it.

* * * (70 Cong. Rec., Pt. 1., p. 459-460)

Mr. SHORTRIDGE. Does the Senator construe the compact and the proposed amendment to make it necessary for either California or Arizona to discontinue the use of waters which it may have put to beneficial use in order to meet the demands of Mexico.

Mr. HAYDEN. Certainly. A treaty would be the supreme law of the land.

Mr. SHORTRIDGE. Certainly.

Mr. HAYDEN. And if the treaty provided that a certain quantity of water should be delivered to Mexico, the compact contemplates that then and in the event, out of the waters appropriated and used in both States, if there were a shortage, the upper basin would be compelled to let down half of the quantity necessary to supply Mexico. Under my amendment California would furnish one-quarter and Arizona the other quarter until the total quantity was furnished to Mexico, and it would then of necessity deprive land of irrigation water.

Mr. SHORTRIDGE. Does not that excite some fear in the mind of the Senator as applied to his own State?

Mr. HAYDEN. That is exactly what it does; and it was fear which prevented the Legislature of the State of Arizona from ratifying the Colorado River Compact when first presented to it. The Legislature of the State of Arizona viewed the matter in this light. It was said that by the inclusion of the Gila River and its tributaries in the Colorado River system and then placing upon that system in its entirety the burden of furnishing water to Mexico under any treaty, if Arizona ratifies and approve the compact, she takes on an obligation which may in time to come interfere with the proper irrigation

of land now under existing irrigation projects on the Gila River and its tributaries. If anyone does not approve the compact the only place that water can be obtained from Mexico is out of the main stream of the Colorado River, because, as I have said a number of times in the Senate, this demand would be made during a time of drought, during a time when the tributaries were diminished by reason of a long dry season; and anyone who is acquainted with the Gila River knows that during such a period it is absolutely dry.

* * * (70 Cong. Rec., Pt. 1, pp 461-462)

Mr. JOHNSON. The Senator from Arizona is asking, in effect, sir, that the Colorado River compact be amended. I stand by that statement because it is entirely accurate. That would be the effect of the Senator's amendment if adopted, that the Colorado River compact shall be amended. No one here ought to wish that to be done, and when the definition is made by the compact itself as to what the Colorado River system means, we ought not to be required here to take as a condition precedent to legislation by the Congress of the United States another definition entirely. That in reality and in effect is what is sought by the amendment that is submitted by the Senator from Arizona.

* * * (70 Cong. Rec. Pt. 1, p, 466)

Mr. HAYDEN. I want to say to the Senate that I have offered this amendment in the hope that the State of California would be willing to do as the two basins did--equally divide this burden. The State of California is unwilling to do that. The State of California insists that the ratio shall not be half and half, but shall be on the basis of 6,300,000 to 4,400,000--60-40 instead of 50-50. That is all the difference that there is between us on this issue. (70 Cong. Rec., Pt. 1, p 468)

Mr. PITMAN. * * *

I wish

Mr. PITTMAN. * * *

I would not ask of California to bear any additional burden over what Arizona bears. I can not see that it does. I can not see that there is any danger. But there is one thing in this amendment--and I want the attention of the Senator from Arizona--which I do not like. I do not like the form of it. I do not like the method of getting at it. It provides:

The said ratifying act shall further provide that if by tri-state agreement hereafter entered into by the States of California, Nevada, and Arizona the foregoing limitations are accepted and approved as fixing the apportionment of water to California, then California shall and will therein agree.

That does not seem to be the regular form of entering into an agreement, to have California first proceed to limit herself as to what she will do as a consideration for the passage of this measure. I think it should be a mutual agreement between the three states. I do not think we should bind up this tri-state agreement with ratification. * * *

* * *

Mr. PITTMAN. * * *

This is what I suggest, that we provide for an agreement between the three States, and let them enter into it if they want to, but if they do not want to, let them stay out of it. That is not coercing a State.

This is what I propose, to strike out all of the Hayden amendment down to and including the word "agree," on page 1, in line 6, and in lieu thereof insert the following:

The States of Arizona, California, and Nevada are authorized to enter into an agreement which shall provide The go ahead and put down the provisions of the Hayden amendment, and at the end of the Hayden amendment put in a seventh paragraph, which shall read:

Said agreement to take effect upon the ratification of the Colorado River Compact by Arizona, California, and Nevada.

The Constitution requires that before States may enter into an agreement they shall be authorized by Congress to enter into the agreement. I start out by having Congress, by this act, authorize an agreement. I make the agreement specific by reason of the fact that otherwise it might be held that they would have to come back to Congress for approval of the agreement they entered into. They approve a specific agreement in advance and authorize it. The terms are set out. It does not take effect unless all three States ratify the Colorado River Compact.

Mr. HAYDEN. It should not.

* * *

Mr. HAYDEN. Mr. President, I am not at all insistent that my amendment be adopted in the exact language in which it is offered. The suggestion made by the Senator from Nevada is entirely satisfactory to me.

Mr. PITTMAN. Then I offer it.

The PRESIDING OFFICER. The amendment would be in the third degree, and it would not be in order.

Mr. HAYDEN. Have I the privilege of perfecting my amendment so as to carry out the suggestion of the Senator from Nevada?

The PRESIDING OFFICER. The Senator may do that.

Mr. HAYDEN. Then I am pleased to do it.

* * * (70 Cong. Rec., Pt. 1, p. 469)

Mr. JOHNSON. That is all right; but what I want to make clear is that this amendment shall not be construed hereafter by any of the parties to it or any of the States as being the expression of the will or the demand or the request of the Congress of the United States.

Mr. PITTMAN. Exactly not.

Mr. JOHNSON. Very well then, request of the Congress.

Mr. PITTMAN. It is not the request of the Congress.

Mr. JOHNSON. I accept the amendment then.

* * *

Mr. PHIPPS. Mr. President, as I understand, this amendment is to the one offered by myself and which now the pending amendment. I desire to say that I am willing to accept the

amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Arizona, as modified, to the amendment of the Senator from Colorado.

The amendment as modified to the amendment was agreed to.

Mr. KENDRICK. Mr. President, I desire to present a request for a unanimous-consent agreement and ask for its immediate consideration.

Mr. ASHURST. Let it be read.

* * *

The VICE PRESIDENT. Without objection, the unanimous-consent agreement is so modified.

The agreement, as finally entered into, is as follows:

Ordered, by unanimous consent, That after the hour of 3 o'clock on the calendar day of Thursday, December 13, 1928, no Senator shall speak more than once nor longer than fifteen minutes upon the bill H. R. 5773, the so-called Boulder Dam bill, or upon amendment proposed thereto. (70 Cong. Rec. Pt. 1, p. 472-473)

* * *

Mr. PHIPPS. Mr. President, as I understand, the pending amendment has not been completed by alterations and additions. Therefore I hope we may have a vote on it without any delay. I think it is thoroughly understood by all interested.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado, as amended, to the substitute bill.

The amendment as amended was agreed to.

(70 Cong. Rec. Pt. 1, p. 473)