LAND AND WATER CONSERVATION FUND

HEARING

BEFORE THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE

EIGHTY-EIGHTH CONGRESS

SECOND SESSION

ON

H.R. 3846

AN ACT TO ESTABLISH A LAND AND WATER CONSERVATION FUND TO ASSIST THE STATES AND FEDERAL AGENCIES IN MEETING PRESENT AND FUTURE OUTDOOR RECREATION DEMANDS AND NEEDS OF THE AMERICAN PEOPLE, AND FOR OTHER PURPOSES

JULY 28, 1964

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Committee on Interior and Insular Affairs

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LAND AND WATER CONSERVATION FUND

TUESDAY, JULY 28, 1964

UNITED STATES SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met, pursuant to call, at 10:10 a.m. in room 3110, New Senate Office Building, Senator Henry M. Jackson (chairman of the committee) presiding.

Present: Senators Henry M. Jackson (Washington), Alan Bible (Nevada), Frank Church (Idaho), Ernest Gruening (Alaska), Frank E. Moss (Utah), Quentin N. Burdick (North Dakota), Gaylord Nelson (Wisconsin), Herbert S. Walters (Tennessee), Thomas H. Kuchel (California), Milward L. Simpson (Wyoming), E. L. Mechem (New Mexico), and Peter H. Dominick (Colorado).

Also present: Jerry T. Verkler, staff director; Stewart French, chief counsel; Roy Whitacre, professional staff member; Ben Stong, special assistant, and Richard Andrews, minority counsel.

The CHAIRMAN. The committee will come to order.

This is a hearing scheduled to give the committee an opportunity to discuss with the Secretaries of the Interior, Agriculture, and the Army, H.R. 3846, the land and water conservation fund bill, as passed by the House last Thursday.

This committee held hearings on a companion measure, S. 859, in March of 1963, and copies of the hearings are available for the members of the committee. They will be made a part of this hearing by reference.

The House modified the bill somewhat, and therefore I wanted to have this session with the Secretaries of the departments most vitally affected at which time they could give the committee any additional views they might care to present on the bill as it is now before us.

This subject is quite familiar to every member of the committee, having first been submitted in the 87th Congress, and then revised and again transmitted by the President at the beginning of this present Congress. The purpose of the bill is clearly expressed in its title whereby we will establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people.

The chairman of this committee had the honor to serve on the Outdoor Recreation Resources Review Commission, which has strongly endorsed the principles embodied in this present legislation. It is hoped that the committee can proceed with all deliberate speed to consider and act on this bill.

There may necessarily be changes in the future that will have to be made. When you are launching a program of this magnitude, undoubtedly the need for such modifications will arise. The committee

will be glad to look into these problems as they arise, and I am sure the executive departments will cooperate in recommending any change that might be needed in the future to better administer the proposal.

I think it would be well to print the House bill, H.R. 3846, at this point in the hearing record. Also the House Report No. 900.

(The documents referred to follow:)

[H.R. 3846, 88th Cong., 2d sess.]

AN ACT To establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—LAND AND WATER CONSERVATION PROVISIONS

SHORT TITLE AND STATEMENT OF PURPOSES

SECTION 1. (a) CITATION; EFFECTIVE DATE.—This Act may be cited as the "Land and Water Conservation Fund Act of 1965" and shall become effective on January 1, 1965.

(b) PURPOSES.—The purposes of this Act are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas.

CERTAIN REVENUES PLACED IN SEPARATE FUND

SEC. 2. SEPARATE FUND.—During the period ending June 30, 1989, and during such additional period as may be required to repay any advances made pursuant to section 4(b) of this Act, there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the "fund", the following revenues and collections:

(a) ENTRANCE AND USER FEES; ESTABLISHMENT; REGULATIONS.—All proceeds from entrance, admission, and other recreation user fees or charges collected or received by the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, the Tennessee Valley Authority, and the United States section of the International Boundary and Water Commission (United States and Mexico), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury: *Provided*, That nothing in this Act shall affect any rights or authority of the States with respect to fish and wildlife, nor shall this Act repeal any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law; but the proceeds from fees or charges established by the President pursuant to this subsection for entrance or admission generally to Federal areas shall be used solely for the purposes of this Act.

The President is authorized, to the extent and within the limits hereinafter set forth, to designate or provide for the designation of land or water areas administered by or under the authority of the Federal agencies listed in the preceding paragraph at which entrance, admission, and other forms of recreation user fees shall be charged and to establish and revise or provide for the establishment and revision of such fees as follows:

(i) An annual fee of not more than $7 payable by a person entering an area so designated by private noncommercial automobile which, if paid, shall excuse the person paying the same and anyone who accompanies him

in such automobile from payment of any other fee for admission to that area and other areas administered by or under the authority of such agencies, except areas which are designated by the President as not being within the coverage of the fee, during the year for which the fee has been paid.

(ii) Fees for a single visit or a series of visits during a specified period of less than a year to an area so designated payable by persons who choose not to pay an annual fee under clause (i) of this paragraph of who enter such an area by means other than private noncommercial automobile.

(iii) Fees payable for admission to areas not within the coverage of a fee paid under clause (i) of this paragraph.

(iv) Fees for the use within an area of sites, bodies of water, facilities, equipment, or services provided by the United States.

Entrance and admission fees may be charged at land or water areas administered primarily for scenic, scientific, historical, cultural, recreational, or wilderness purposes. No entrance or admission fee shall be charged except at such areas or portions thereof administered by a Federal agency where recreation facilities or services are provided at Federal expense. No fee of any kind shall be charged under any provision of this Act for use of waters that are in fact navigated by commercial freight-carrying vessels or at any reservoir or lake constructed or authorized to be constructed without expense to the United States on account of recreation or the enhancement of fish and wildlife and pursuant to legislation providing specifically that water areas shall be open to public use generally, without charge. All fees established pursuant to this subsection shall be fair and equitable, taking into consideration direct and indirect cost to the Government, benefits to the recipient, public policy or interest served, and other pertinent factors. Nothing contained in this paragraph shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation. No such fee shall be charged for travel by private noncommercial vehicle over any national parkway or any road or highway established as a part of the national Federal-aid system, as defined in section 101, title 23, United States Code, or any road within the National Forest system or a public land area, which, though it is part of a larger area, is commonly used by the public as a means of travel between two places either or both of which are outside the area. No such fee shall be charged any person for travel by private noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area.

No fees established under clause (ii) or clause (iii) of the second paragraph of this subsection shall become effective with respect to any area which embraces lands more than half of which have heretofore been acquired by contribution from the government of the State in which the area is located until sixty days after the officer of the United States who is charged with responsibility for establishing such fees has advised the Governor of the affected State, or an agency of the State designated by the Governor for this purpose, of his intention so to do, and said officer shall, before finally establishing such fees, give consideration to any recommendation that the Governor or his designee may make with respect thereto within said sixty days and to all obligations, legal or otherwise, that the United States may owe to the State concerned and to its citizens with respect to the area in question. In the Smokey Mountains National Park unless fees are charged for entrance into said park on main highways and thoroughfares, fees shall not be charged for entrance on other routes.

There is hereby repealed the third paragraph from the end of the division entitled "National Park Service" of section 1 of the Act of March 7, 1928 (45 Stat. 238) and the second paragraph from the end of the division entitled "National Park Service" of section 1 of the Act of March 4, 1929 (45 Stat. 1602; 16 U.S.C. 14). Section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 24, 1944 (16 U.S.C. 460d), as amended by the Flood Control Act of 1962 (76 Stat. 1195) is further amended by deleting ", without charge," in the third sentence from the end thereof. All other provisions of law that prohibit the collection of entrance, admission, or other recreation user fees or charges authorized by this Act or that restrict the expenditure of funds if such fees or charges are collected are hereby also repealed: *Provided,* That no provision of any law or treaty which extends to any person or class of persons a right of free access to the shoreline of any reservoir or other body of water, or to hunting and fishing along or on such shoreline, shall be affected by this repealer.

The heads of departments and agencies are authorized to prescribe rules and regulations for the collection of any entrance, admission, and other recreation

user fees or charges established pursuant to this subsection for areas under their administration: *Provided further*, That no free passes shall be issued to any Member of Congress or other government official. Clear notice that a fee or charge has been established shall be posted at each area to which it is applicable. Any violation of any rules or regulations promulgated under this title at an area so posted shall be punishable by imprisonment of not more than six months or a fine of not more than $500 or both. Any person charged with the violation of such rules and regulations may be tried and sentenced by any United States Commissioner specially designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in title 18, United States Code, section 3401, subsections (b), (c), (d), and (e), as amended.

(b) SURPLUS PROPERTY SALES.—All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of those provisions of law set forth in section 485(b)–(e), title 40, United States Code, or the Independent Offices Appropriation Act, 1963 (76 Stat. 725) or in any later appropriation Act) hereafter received from any disposal of surplus real property and related personal property under the Federal Property and Administrative Services Act of 1949, as amended, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this Act shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

(c) MOTORBOAT FUELS TAX.—The amounts provided for in section 201 of this Act.

SEC. 3. APPROPRIATIONS.—Moneys covered into the fund shall be available for expenditure for the purposes of this Act only when appropriated therefor. Such appropriations may be made without fiscal-year limitation. Moneys covered into this fund not subsequently authorized by the Congress for exenditures within two fiscal years following the fiscal year in which such moneys had been credited to the fund, shall be transferred to miscellaneous receipts of the Treasury.

ALLOCATION OF LAND AND WATER CONSERVATION FUND FOR STATE AND FEDERAL PURPOSES: AUTHORIZATION FOR ADVANCE APPROPRIATIONS

SEC. 4. (a) ALLOCATION.—There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund. In the absence of a provision to the contrary in the Act making an appropriation from the fund, (i) the appropriation therein made shall be available in the ratio of 60 per centum for State purposes and 40 per centum for Federal purposes, but (ii) the President may, during the first five years in which appropriations are made from the fund, vary said percentages by not more than 15 points either way to meet, as nearly as may be, the current relative needs of the States and the Federal Government.

(b) ADVANCE APPROPRIATIONS; REPAYMENT.—Beginning with the third full fiscal year in which the fund is in operation, and for a total of eight years, advance appropriations are hereby authorized to be made to the fund from any moneys in the Treasury not otherwise appropriated in such amounts as to average not more than $60,000,000 for each fiscal year. Such advance appropriations shall be available for Federal and State purposes in the same manner and proportions as other moneys appropriated from the fund. Such advance appropriations shall be repaid without interest, beginning at the end of the next fiscal year after the first ten full fiscal years in which the fund has been in operation, by transferring, annually until fully repaid, to the general fund of the Treasury 50 per centum of the revenues received by the land and water conservation fund each year under section 2 of this Act prior to July 1, 1989, and 100 per centum of any revenues thereafter received by the fund. Revenues received from the sources specified in section 2 of this Act after July 1, 1989, or after payment has been completed as provided by this subsection, whichever occurs later, shall be credited to miscellaneous receipts of the Treasury. The moneys in the fund that are not required for repayment purposes may continue to be appropriated and allocated in accordance with the procedures prescribed by this Act.

FINANCIAL ASSISTANCE TO STATES

SEC. 5. GENERAL AUTHORITY; PURPOSES.—(a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide financial assistance to the States from moneys available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such

terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this Act, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interests in land or waters, or (3) development.

(b) APPORTIONMENT AMONG STATES; NOTIFICATION.—Sums appropriated and available for State purposes for each fiscal year shall be apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

(1) two-fifths shall be apportioned equally among the several States; and

(2) three-fifths shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States and of the use of outdoor recreation resources of individual States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States.

The total allocation to an individual State under paragraphs (1) and (2) of this subsection shall not exceed 7 per centum of the total amount allocated to the several States in any one year.

The Secretary shall notify each State of its apportionments; and the amounts thereof shall be available thereafter for payment to such State for planning, acquisition, or development projects as hereafter prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) of this subsection.

The District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa shall be treated as States for the purposes of this title, except for the purpose of paragraph (1) of this subsection. Their population also shall be included as a part of the total population in computing the apportionment under paragraph (2) of this subsection.

(c) MATCHING REQUIREMENTS.—Payments to any State shall cover not more than 50 per centum of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. No payment may be made to any State for or on account of any cost or obligation incurred or any service rendered prior to the date of approval of this Act.

(d) COMPREHENSIVE STATE PLAN REQUIRED; PLANNING PROJECTS.—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this Act. The plan shall contain—

(1) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this Act;

(2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

(3) a program for the implementation of the plan; and

(4) other necessary information, as may be determined by the Secretary.

The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Housing and Home Finance Agency, any statewide outdoor recreation plan prepared for purposes of this Act shall be based upon the same population, growth, and other pertinent factors as are used in formulating the Housing and Home Finance Agency financed plans.

The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when such plan is not otherwise available or for the maintenance of such plan.

(e) PROJECTS FOR LAND AND WATER ACQUISITION; DEVELOPMENT.—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of projects or combinations thereof if they are in accordance with the State comprehensive plan:

(1) ACQUISITION OF LAND AND WATERS.—For the acquisition of land, waters, or interests in land or waters (other than land, waters, or interests in land or waters acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

(2) DEVELOPMENT.—For development, including but not limited to site planning and the development of Federal lands under lease to States for terms of twenty-five years or more.

(f) REQUIREMENTS FOR PROJECT APPROVAL; CONDITION.—Payments may be made to States by the Secretary only for those planning, acquisition, or development projects that are approved by him. No payment may be made by the Secretary for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any project with respect to which such assistance has been given or promised under this Act. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of individual projects: *Provided*, That the approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of the particular project, and to operate and maintain by acceptable standards, at State expense, the particular properties or facilities acquired or developed for public outdoor recreation use.

Payments for all projects shall be made by the Secretary to the Governor of the State or to a State official or agency designated by the Governor or by State law having authority and responsibility to accept and to administer funds paid hereunder for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

No payment shall be made to any State until the State has agreed to (1) provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this Act, and (2) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State under this Act.

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

The Secretary of the Interior, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

(g) COORDINATION WITH FEDERAL AGENCIES.—In order to assure consistency in policies and actions under this Act, with other related Federal programs and activities (including those conducted pursuant to title VII of the Housing Act of 1961 and section 701 of the Housing Act of 1954) and to assure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations.

ALLOCATION OF MONEYS FOR FEDERAL PURPOSES

SEC. 6. (a) Moneys appropriated from the fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President to the following purposes and subpurposes in substantially the same proportion as the number of visitor-days in areas and projects hereinafter described for which admission fees are charged under section 2 of this Act:

(1) For the acquisition of land, waters, or interests in land or waters as follows:

NATIONAL PARK SYSTEM; RECREATION AREAS.—Within the exterior bound-

aries of areas of the national park system now or hereafter authorized or established and of areas now or hereafter authorized to be administered by the Secretary of the Interior for outdoor recreation purposes.

NATIONAL FOREST SYSTEM.—Within wilderness, wild, and canoe areas of the national forest system and within other areas of that system which are primarily of value for outdoor recreation purposes.

THREATENED SPECIES.—For any national area which may be authorized for the preservation of species of fish or wildlife that are threatened with extinction.

RECREATION AT REFUGES.—For the incidental recreation purposes of section 2 of the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460 k–1); and

(2) For payment into miscellaneous receipts of the Treasury as a partial offset for those capital costs, if any, of Federal water development projects hereafter authorized to be constructed by or pursuant to an Act of Congress which are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

(b) ACQUISITION RESTRICTION.—Appropriations from the fund pursuant to this section shall not be used for acquisition unless such acquisition is otherwise authorized by law.

FUNDS NOT TO BE USED FOR PUBLICITY

SEC. 7. Moneys derived from the sources listed in section 2 of this Act shall not be available for publicity purposes.

TITLE II—MOTORBOAT FUEL TAX PROVISIONS

TRANSFERS TO AND FROM LAND AND WATER CONSERVATION FUND

SEC. 201. (a) There shall be set aside in the land and water conservation fund in the Treasury of the United States provided for in title I of this Act the amounts specified in section 209(f)(5) of the Highway Revenue Act of 1956 (relating to special motor fuels and gasoline used in motorboats).

(b) There shall be paid from time to time from the land and water conservation fund into the general fund of the Treasury amounts estimated by the Secretary of the Treasury as equivalent to—

(1) the amounts paid before July 1, 1973, under section 6421 of the Internal Revenue Code of 1954 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes or by local transit systems) with respect to gasoline used after December 31, 1964, in motorboats, on the basis of claims filed for periods ending before October 1, 1972; and

(2) 80 percent of the floor stocks refunds made before July 1, 1973, under section 6412(a)(2) of such Code with respect to gasoline to be used in motorboats.

AMENDMENTS TO HIGHWAY REVENUE ACT OF 1956

SEC. 202. (a) Section 209(f) of the Highway Revenue Act of 1956 (relating to expenditures from highway trust fund) is amended by adding at the end thereof the following new paragraph:

"(5) TRANSFERS FROM THE TRUST FUND FOR SPECIAL MOTOR FUELS AND GASOLINE USED IN MOTORBOATS.—The Secretary of the Treasury shall pay from time to time from the trust fund into the land and water conservation fund provided for in title I of the Land and Water Conservation Fund Act of 1965 amounts as determined by him in consultation with the Secretary of Commerce equivalent to the taxes received, on or after January 1, 1965, under section 4041(b) of the Internal Revenue Code of 1954 with respect to special motor fuels used as fuel for the propulsion of motorboats and under section 4081 of such Code with respect to gasoline used as fuel in motorboats."

(b) Section 209(f) of such Act is further amended—

(1) by adding at the end of paragraph (3) the following new sentence: "This paragraph shall not apply to amounts estimated by the Secretary of the Treasury as paid under section 6421 of such Code with respect to gasoline used after December 31, 1964, in motorboats."; and

(2) by inserting after "such Code" in paragraph (4)(C) the following: "(other than gasoline to be used in motorboats, as estimated by the Secretary of the Treasury)".

Passed the House of Representatives July 23, 1964.

Attest:

RALPH R. ROBERTS, *Clerk.*

88TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 900

LAND AND WATER CONSERVATION FUND ACT

NOVEMBER 14, 1963.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ASPINALL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 3846]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 3846) to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following language:

TITLE I—LAND AND WATER CONSERVATION PROVISIONS

SHORT TITLE AND STATEMENT OF PURPOSES

SECTION 1. (a) CITATION.—This Act may be cited as the "Land and Water Conservation Fund Act of 1963."

(b) PURPOSES.—The purposes of this Act are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas.

CERTAIN REVENUES PLACED IN SEPARATE FUND

SEC. 2. SEPARATE FUND.—During the period ending June 30, 1989, and during such additional period as may be required to repay any advances made pursuant to section 4(b) of this Act, there shall be covered into the land and water conserva-

tion fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the "fund", the following revenues and collections:

(a) ENTRANCE AND USER FEES; ESTABLISHMENT; REGULATIONS.—All proceeds from entrance, admission, and other recreation user fees or charges collected or received by the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, the Tennessee Valley Authority, and the United States section of the International Boundary and Water Commission (United States and Mexico), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury: *Provided*, That nothing in this Act shall affect any rights or authority of the States with respect to fish and wildlife, nor shall this Act repeal any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law; but the proceeds from fees or charges established by the President pursuant to this subsection for entrance or admission generally to Federal areas shall be used solely for the purposes of this Act.

The President is authorized, to the extent and within the limits hereinafter set forth, to designate or provide for the designation of land or water areas administered by or under the authority of the Federal agencies listed in the preceding paragraph at which entrance, admission, and other forms of recreation user fees shall be charged and to establish and revise or provide for the establishment and revision of such fees as follows:

(i) An annual fee of not more than $7 payable by a person entering an area so designated by private noncommercial automobile which, if paid, shall excuse the person paying the same and anyone who accompanies him in such automobile from payment of any other fee for admission to that area and other areas administered by or under the authority of such agencies, except areas which are designated by the President as not being within the coverage of the fee, during the year for which the fee has been paid.

(ii) Fees for a single visit or a series of visits during a specified period of less than a year to an area so designated payable by persons who choose not to pay an annual fee under clause (i) of this paragraph or who enter such an area by means other than private noncommercial automobile.

(iii) Fees payable for admission to areas not within the coverage of a fee paid under clause (i) of this paragraph.

(iv) Fees for the use within an area of sites, bodies of water, facilities, equipment, or services provided by the United States.

Entrance and admission fees may be charged at land or water areas administered primarily for scenic, scientific, historical, cultural, recreational, or wilderness purposes. No entrance or admission fee shall be charged except at such areas or portions thereof administered by a Federal agency where recreation facilities or services are provided at Federal expense. No fee of any kind shall be charged under any provision of this Act for nonrecreational use of the waters of reservoirs, canals, or waterways that are units in a Federal navigation system. All fees established pursuant to this subsection shall be fair and equitable, taking into consideration direct and indirect cost to the Government, benefits to the recipient, public policy or interest served, and other pertinent factors. Nothing contained in this paragraph shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation. No such fee shall be charged for travel by private noncommercial vehicle over any national parkway or any road or highway established as a part of the national Federal-aid system, as defined in section 101, title 23, United States Code, which, though it is part of a larger area, is commonly used by the public as a means of travel between two places either or both of which are outside the area. No such fee shall be charged any person for travel by private noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area.

No fees established under clause (ii) or clause (iii) of the second paragraph of this subsection shall become effective with respect to any area which embraces lands more than half of which have heretofore been acquired by contribution from the government of the State in which the area is located until sixty days after the officer of the United States who is charged with responsibility for establishing such fees has advised the Governor of the affected State, or an agency of the State designated by the Governor for this purpose, of his intention so to do, and said officer shall, before finally establishing such fees, give consideration to

any recommendation that the Governor or his designee may make with respect thereto within said sixty days and to all obligations, legal or otherwise, that the United States may owe to the State concerned and to its citizens with respect to the area in question.

There is hereby repealed the third paragraph from the end of the division entitled "National Park Service" of section 1 of the Act of March 7, 1928 (45 Stat. 238) and the second paragraph from the end of the division entitled "National Park Service" of section 1 of the Act of March 4, 1929 (45 Stat. 1602; 16 U.S.C. 14). Section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control and for other purposes", approved December 24, 1944 (16 U.S.C. 460d), as amended by the Flood Control Act of 1962 (76 Stat. 1195) is further amended by deleting ", without charge," in the third sentence from the end thereof. All other provisions of law that prohibit the collection of entrance, admission, or other recreation user fees or charges or that restrict the expenditure of funds if such fees or charges are collected are hereby also repealed: *Provided*, That no provision of any law or treaty which extends to any person or class of persons a right of free access to the shoreline of any reservoir or other body of water, or to hunting and fishing along or on such shoreline, shall be affected by this repealer.

The heads of departments and agencies are authorized to prescribe rules and regulations for the collection of any entrance, admission, and other recreation user fees or charges established pursuant to this subsection for areas under their administration. Clear notice that a fee or charge has been established shall be posted at each area to which it is applicable. Any violation of any rules or regulations promulgated under this title at an area so posted shall be punishable by imprisonment of not more than six months or a fine of not more than $500 or both. Any violation of such rules and regulations shall be under the jurisdiction of the United States district court for each district in which the violation occurs, and may be considered by a United States Commissioner appointed by said court.

(b) SURPLUS PROPERTY SALES.—All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of those provisions of law set forth in section 485(b)–(e), title 40, United States Code, or the Independent Offices Appropriation Act, 1963 (76 Stat. 725), or in any later appropriation Act) hereafter received from any disposal of surplus real property and related personal property under the Federal Property and Administrative Services Act of 1949, as amended, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this Act shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

(c) MOTORBOAT FUELS TAX.—The amounts provided for in section 201 of this Act.

SEC. 3. APPROPRIATIONS.—Moneys covered into the fund shall be available for expenditure the purposes of this Act only when appropriated therefor. Such appropriations may be made without fiscal-year limitation.

ALLOCATION OF LAND AND WATER CONSERVATION FUND FOR STATE AND FEDERAL PURPOSES: AUTHORIZATION FOR ADVANCE APPROPRIATIONS

SEC. 4. (a) ALLOCATION.—There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund. In the absence of a provision to the contrary in the Act making an appropriation from the fund, (i) the appropriation therein made shall be available in the ratio of 60 per centum for State purposes and 40 per centum for Federal purposes, but (ii) the President may, during the first five years in which appropriations are made from the fund, vary said percentages by not more than 15 points either way to meet, as nearly as may be, the current relative needs of the States and the Federal Government.

(b) ADVANCE APPROPRIATIONS; REPAYMENT.—Beginning with the third full fiscal year in which the fund is in operation, and for a total of eight years, advance appropriations are hereby authorized to be made to the fund from any moneys in the Treasury not otherwise appropriated in such amounts as to average not more than $60,000,000 for each fiscal year. Such advance appropriations shall be available for Federal and State purposes in the same manner and proportions as other moneys appropriated from the fund. Such advance appropriations shall be repaid without interest, beginning at the end of the next fiscal year after the first ten full fiscal years in which the fund has been in operation, by transferring, annually until fully repaid, to the general fund of the Treasury 50 per centum of

the revenues received by the land and water conservation fund each year under section 2 of this Act prior to July 1, 1989, and 100 per centum of any revenues thereafter received by the fund. Revenues received from the sources specified in section 2 of this Act after July 1, 1989, or after payment has been completed as provided by this subsection, whichever occurs later, shall be credited to miscellaneous receipts of the Treasury. The moneys in the fund that are not required for repayment purposes may continue to be appropriated and allocated in accordance with the procedures prescribed by this Act.

FINANCIAL ASSISTANCE TO STATES

SEC. 5. GENERAL AUTHORITY; PURPOSES.—(a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide financial assistance to the States from moneys available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this Act, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interests in land or waters, or (3) development.

(b) APPORTIONMENT AMONG STATES; NOTIFICATION.—Sums appropriated and available for State purposes for each fiscal year shall be apportioned among the several States by the Secretary, whose determinations shall be final, in accordance with the following formula:

(1) two-fifths shall be apportioned equally among the several States; and

(2) three-fifths shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States and of the use of outdoor recreation resources of individual States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States.

The total allocation to an individual State under paragraphs (1) and (2) of this subsection shall not exceed 7 per centum of the total amount allocated to the several States in any one year.

The Secretary shall notify each State of its apportionments; and the amounts thereof shall be available thereafter for payment to such State for planning, acquisition, or development projects as hereafter prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) of this subsection.

The District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa shall be treated as States for the purposes of this title, except for the purpose of paragraph (1) of this subsection. Their population also shall be included as a part of the total population in computing the apportionment under paragraph (2) of this subsection.

(c) MATCHING REQUIREMENTS.—Payments to any State shall cover not more than 50 per centum of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. No payment may be made to any State for or on account of any cost or obligation incurred or any service rendered prior to the date of approval of this Act.

(d) COMPREHENSIVE STATE PLAN REQUIRED; PLANNING PROJECTS.—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this Act. The plan shall contain—

(1) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this Act;

(2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

(3) a program for the implementation of the plan; and

(4) other necessary information, as may be determined by the Secretary.

The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans.

Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Housing and Home Finance Agency, any statewide outdoor recreation plan prepared for purposes of this Act shall be based upon the same population, growth, and other pertinent factors as are used in formulating the Housing and Home Finance Agency-financed plans.

The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when such plan is not otherwise available or for the maintenance of such plan.

(e) PROJECTS FOR LAND AND WATER ACQUISITION; DEVELOPMENT.—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of projects or combinations thereof if they are in accordance with the State comprehensive plan:

(1) ACQUISITION OF LAND AND WATERS.—For the acquisition of land, waters, or interests in land or waters (other than land, waters, or interests in land or waters acquired from the United States for less than fair market value) but not including incidental costs relating to acquisition.

(2) DEVELOPMENT.—For development, including but not limited to site planning and the development of Federal lands under lease to States for terms of twenty-five years or more.

(f) REQUIREMENTS FOR PROJECT APPROVAL; CONDITION.—Payments may be made to States by the Secretary only for those planning, acquisition, or development projects that are approved by him. No payment may be made by the Secretary for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any project with respect to which such assistance has been given or promised under this Act. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of individual projects: *Provided*, That the approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of the particular project, and to operate and maintain by acceptable standards, at State expense, the particular properties or facilities acquired or developed for public outdoor recreation use.

Payments for all projects shall be made by the Secretary to the Governor of the State or to a State official or agency designated by the Governor or by State law having authority and responsibility to accept and to administer funds paid hereunder for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive state-wide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

No payment shall be made to any State until the State has agreed to (1) provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this Act, and (2) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State under this Act.

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

The Secretary of the Interior, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

(g) COORDINATION WITH FEDERAL AGENCIES.—In order to assure consistency in policies and actions under this Act, with other related Federal programs and activities (including those conducted pursuant to title VII of the Housing Act of

1961 and section 701 of the Housing Act of 1954) and to assure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations.

ALLOCATION OF MONEYS FOR FEDERAL PURPOSES

SEC. 6. (a) Moneys appropriated from the fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President to the following purposes and subpurposes in substantially the same proportion as the number of visitor-days in areas and projects hereinafter described for which admission fees are charged under section 2 of this Act:

(1) For the acquisition of land, waters, or interests in land or waters as follows:

NATIONAL PARK SYSTEM; RECREATION AREAS.—Within the exterior boundaries of areas of the national park system now or hereafter authorized or established and of areas now or hereafter authorized to be administered by the Secretary of the Interior for outdoor recreation purposes.

NATIONAL FOREST SYSTEM.—Within wilderness, wild, and canoe areas of the national forest system and within other areas of that system which are primarily of value for outdoor recreation purposes.

THREATENED SPECIES.—For any national area which may be authorized for the preservation of species of fish or wildlife that are threatened with extinction.

RECREATION AT REFUGES.—For the incidental recreation purposes of section 2 of the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460 k–1); and

(2) For payment into miscellaneous receipts of the Treasury as a partial offset for those capital costs, if any, of Federal water development projects hereafter authorized to be constructed by or pursuant to an Act of Congress which are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

(b) ACQUISITION RESTRICTION.—Appropriations from the fund pursuant to this section shall not be used for acquisition unless such acquisition is otherwise authorized by law.

FUNDS NOT TO BE USED FOR PUBLICITY

SEC. 7. Moneys derived from the sources listed in section 2 of this Act shall not be available for publicity purposes.

TITLE II—MOTORBOAT FUEL TAX PROVISIONS

TRANSFERS TO AND FROM LAND AND WATER CONSERVATION FUND

SEC. 201. (a) There shall be set aside in the land and water conservation fund in the Treasury of the United States provided for in title I of this Act the amounts specified in section 209(f)(5) of the Highway Revenue Act of 1956 (relating to special motor fuels and gasoline used in motorboats).

(b) There shall be paid from time to time from the land and water conservation fund into the general fund of the Treasury amounts estimated by the Secretary of the Treasury as equivalent to—

(1) the amounts paid before July 1, 1973, under section 6421 of the Internal Revenue Code of 1954 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes or by local transit systems) with respect to gasoline used after December 31, 1963, in motorboats, on the basis of claims filed for periods ending before October 1, 1972; and

(2) 80 percent of the floor stocks refunds made before July 1, 1973, under section 6412(a)(2) of such Code with respect to gasoline to be used in motorboats.

AMENDMENTS TO HIGHWAY REVENUE ACT OF 1956

SEC. 202. (a) Section 209(f) of the Highway Revenue Act of 1956 (relating to expenditures from highway trust fund) is amended by adding at the end thereof the following new paragraph:

"(5) TRANSFERS FROM THE TRUST FUND FOR SPECIAL MOTOR FUELS AND GASOLINE USED IN MOTORBOATS.—The Secretary of the Treasury shall pay from time to time from the trust fund into the land and water conservation

fund provided for in title I of the Land and Water Conservation Fund Act of 1963 amounts as determined by him in consultation with the Secretary of Commerce equivalent to the taxes received, on or after January 1, 1964, under section 4041(b) of the Internal Revenue Code of 1954 with respect to special motor fuels used as fuel for the propulsion of motorboats and under section 4081 of such Code with respect to gasoline used as fuel in motorboats."

(b) Section 209(f) of such Act is further amended—

(1) by adding at the end of paragraph (3) the following new sentence: "This paragraph shall not apply to amounts estimated by the Secretary of the Treasury as paid under section 6421 of such Code with respect to gasoline used after December 31, 1963, in motorboats."; and

(2) by inserting after "such Code" in paragraph (4)(C) the following: "(other than gasoline to be used in motorboats, as estimated by the Secretary of the Treasury)".

H.R. 3846 was introduced by Chairman Aspinall following receipt of an executive communication requesting that this be done. Other measures that were before the committee at the same time that H.R. 3846 was considered and that cover its subject matter in whole or in part were H.R. 60 (Kyl), H.R. 294 (Bennett of Florida), H.R. 3864 (Johnson of California), H.R. 3871 (Morris), H.R. 3882 (St Germain), H.R. 3883 (Saylor), H.R. 4035 (Jennings), H.R. 4047 (Matthews), H.R. 4248 (Kyl), H.R. 4267 (Sikes), H.R. 4402 (Rivers of Alaska), and H.R. 4440 (Fulton of Pennsylvania).

Hearings on these bills—hearings which were, in effect, a continuation of hearings during the 87th Congress on a series of predecessor bills—were held on May 27 and 28, 1963, and markup sessions of the Subcommittee on National Parks were held on June 27 and 28, July 18, 19, 24, and 31, and August 5 and 6, 1963. The full committee spent another 8 days (August 21, 22, 27, and 28, September 24 and 25, and October 9 and 10) considering the bill and the subcommittee amendments to it. In reporting the bill, the committee ordered that the numerous amendments which it and its subcommittee had adopted be consolidated into one and that everything after the enacting clause of the bill be stricken and an amendment in the nature of a substitute be offered for the consideration of the House.

INTRODUCTION

All data point to a very rapid increase in the use by the American people of available Federal and State recreation areas. That this growth since the end of World War II has far outstripped the growth in population is made clear by a comparison of the latter with the attendance records for areas administered by the National Park Service, the Forest Service, and the various State park agencies:

	National Park Service areas	National Forest Service areas	State park systems	Population
1946	21,752,000	18,241,000	92,507,000	141,936,000
1951	37,106,000	29,950,000	120,722,000	154,878,000
1956	61,602,000	52,556,000	200,705,000	168,903,000
1957	68,016,000	60,957,000	216,780,000	171,984,000
1958	65,461,000	68,450,000	237,329,000	174,882,000
1959	68,900,000	81,521,000	255,310,000	177,830,000
1960	72,854,000	92,595,000	259,001,000	180,676,000

As these figures indicate, a 27-percent increase in population has been accompanied by a 221-percent increase in the use of these three classes of facilities—a 232-percent increase in attendance at units of the national park system, a 416-percent increase at units of the national forest system, and a 180-percent increase at State parks. In 1946, there was less than one visit per year per individual member of the population to these areas. By 1960, the average was 2.3 visits per year.

There has been a far from comparable growth in the acreage devoted to outdoor recreation. Between 1946 and 1960 for instance, there was less than a 15-percent increase in the acreage within the national park system, and between 1951 and 1960, the acreage within the State park systems increased by the same percentage. It is evident that the space which may once, correctly or mistakenly, have been thought abundant is becoming scarce.

It was in the light of data similar to these that the Congress, in 1958, authorized the creation of a commission—the Outdoor Recreation Resources Review Commission—

> to inventory and evaluate the outdoor recreation resources and opportunities of the Nation, to determine the types and location of such resources and opportunities which will be required by present and future generations, and * * * to make comprehensive information and recommendations * * * available to the President, the Congress, and the individual States * * *.

The Commission was composed of two majority and two minority Members of the House, a like number from the Senate, and seven public members appointed by the President. A the time it made its final report, its members were Representatives Saylor, Pfost, Rivers of Alaska, and Kyl; Senators Anderson, Dworshak, Jackson, and Miller; and Messrs. Laurance S. Rockefeller (chairman), and Samuel T. Dana, dean emeritus of the University of Michigan School of Natural Resources; Mrs. Marian S. Dryfoos, of the New York Times; and Messrs. Bernard L. Orell, of the Weyerhaeuser Co.; Joseph W. Penfold, of the Izaak Walton League of America; M. Frederik Smith, of the Prudential Insurance Co. of America; and Chester S. Wilson, former commissioner of conservation of the State of Minnesota.

THE STATE AID PROGRAM

The final report of the Commission was dated January 1962. H.R. 3846 stems in large part from certain findings of the Commission. Particularly is this so with respect to the program of grants-in-aid to the States which it proposes instituting. On this point the Commission said:

> The provision of outdoor recreation is a national concern. The interest of the Federal Government can no longer be limited to preserving sites of national significance and exercising stewardship over its own lands. It is generally recognized that our Nation is stronger if its citizens are properly nourished, housed, and educated. The Nation benefits also if its citizens have the opportunity to use their

> nonwork hours in constructive and healthful pursuits, among which outdoor recreation ranks high.
>
> All levels of government share an interest in and responsibility for meeting the outdoor recreation needs of the Nation * * *. However, the State governments have dominant public responsibility and should play the pivotal role. Accordingly, it is extremely important to stimulate State activity.
>
> * * * State performance in outdoor recreation has been uneven. Some States are expanding their outdoor recreation programs, but progress has been slow in many areas. The proposed grant program would encourage action on both State and local problems. In the field of fish and wildlife management, forest fire control, timber management, water pollution control, and hospital construction, Federal aid programs have proved successful stimulants to State and local action. The recommended grants-in-aid program for outdoor recreation would have a similar effect.

The committee concurs in the view of the Commission that the role of the States in the outdoor recreation field is pivotal. The statistical data already given are evidence of the important part they play in the total picture, of the extent to which their land acquisitions are lagging behind the growth in attendance at their parks, and of the importance of an upward spurt in this field.

Federal assistance to the States, the committee believes, is justified by three considerations. The first is that pointed out by the Commission; namely, the health and welfare of U.S. citizens all over the country. A second is the relief that such assistance will afford the Federal Government from increasing pressure to acquire and develop, on its own, areas of less than national significance. The third is the fact that we are becoming a more and more mobile people and that, regardless of our State of origin, we expect to take advantage of State and local park systems wherever they may be, just as we expect people from other States to do the same in our home territory.

What is probably the most significant series of provisions in the bill—that for a program of grants-in-aid to the States—has been built with this predominant role of the States in mind. Section 4(a) provides that, with certain permissible variations which are subject to congressional control, 60 percent of all the approriations made to carry out the act shall be available for State purposes. These appropriations will be available to match the States expenditures for outdoor recreation planning, land acquisition, and development projects on a 50–50 basis.

During the first years of the program, emphasis will necessarily be on planning and land acquisition activities. The importance of insisting on sound comprehensive statewide planning is self-evident and the bill makes it a prerequisite to any land acquisition or development projects for which Federal assistance is requested or given. In the absence of detailed and reliable statewide estimates of such factors as population and leisure-time growth, the types of recreation which people now enjoy and toward which they are moving, the land and water resources that are and will be available for this purpose, and the cost of acquiring and developing these resources, acquisition programs

and actual development will be spotty and inadequate, parks and other recreation facilities are likely to be placed where the people are not, suitable and available sites may be overlooked or not used to advantage, and the extent to which people will need and make use of facilities of the sort it is proposed to provide will not be accurately foreseen. In short, planning is essential to avoid unwise use of both State and Federal funds.

After the planning has been accomplished and approved by the Secretary of the Interior, the next need will be for the acquisition of new sites and of land for the expansion of existing installations in accordance with the master plans. It is important that acquisition be undertaken before the land becomes unavailable either because of skyrocketing prices or because it has been preempted for other uses. During this period it is unlikely that any very substantial part of the moneys made available to the States under the bill will be devoted to development projects, although authority is contained in it for grants for this purpose under proper circumstances.

The bill, as introduced, provided that not more than 50 percent of the cost of planning projects and not more than 30 percent of the cost of acquisition and development projects should be borne by the United States. It also limited the total grants to all of the States for development projects, during the first 10 years of the program, to 10 percent of the moneys appropriated for State purposes. As reported, the latter limitation has been stricken and a maximum 50-percent contribution rate has been provided for all types of projects—planning, acquisition, and development.

The committee recognizes that in many States acquisition and development projects will be undertaken locally rather than through a State agency. The bill allows a State to transfer funds allocated to it for these purposes to its political subdivisions subject, however, to the requirement that it furnish assurance to the Secretary of the Interior that the non-Federal share of the acquisition and development costs and all of the operating costs will be financed or underwritten by it.

Provisions have also been written into the bill to assure nonduplication of payments by various Federal agencies. Thus section 5(f) provides that payments shall not be made under the present bill for projects which receive financial assistance from any other Federal program and that financial assistance shall not be given under other programs for projects which are being assisted under this one. (It may be noted, in this connection, that planning projects, acquisition projects, and development projects are different from each other within the meaning of the bill.) Likewise, the bill provides in section 5(e) that assistance shall not be available to finance the acquisition of land which is received by a State from the Federal Government at less than fair market value. This means, for instance, that a State cannot both take advantage of the reduced price at which Federal land is frequently sold under such enactments as the Recreation and Public Purposes Act (43 U.S.C. 869) and pay half of this price with contributions made under H.R. 3846.

The bill, as reported, includes provisions to assure a fair and proper distribution among the several States of the moneys appropriated for all the States. It provides that two-fifths of these moneys shall be available for equal distribution among the States, that the other

three-fifths shall be available on the basis of need (primary attention being paid to population and to the extent to which State facilities are used by visitors from outside the State), and that the most that any one State may obtain is 7 percent of the total. If, by way of a hypothetical illustration, a total of $150 million were appropriated under the bill, 60 percent of this ($90 million) would be available for State use and, of this amount, 40 percent ($36 million) would be distributed equally among the 50 States ($720,000 apiece) or so many of them as participate in the program, and the remainder ($5 million) would be available for distribution on the basis of need. In no event, however, could any State claim more than the amount which it is willing to match with its own funds and the very maximum which it could receive—a maximum which is not likely to be reached by any State for some time to come—is 7 percent of the total appropriated for all the States. That the availability of funds in this order of magnitude will provide a great stimulus to the States is beyond question. In addition, both the States dollars and the Federal dollars will stretch further than would otherwise be the case. The committee emphasizes, however, that no State will be obligated to accept a Federal grant or to participate in the program in any way. Control of the rapidity with which State recreational facilities are developed will, in other words, rest primarily with the States and their legislatures.

The committee realizes that need—the basis for distribution of part of the funds that will be available for the States—is a flexible term and that this provision of the bill will require careful administration. It considered various alternatives for the distribution of the whole or part of the moneys which will be available under this heading but could find none that was satisfactory. Area alone, for instance, is a factor which would lead to gross discrimination against the Eastern States. Population, although it is a factor to be given great weight, cannot be taken as a sole criterion, for it ignores several such important considerations as area, the extent and availability of Federal recreation areas in the same State, and the fact that some States which lack population are attractive to those who live in nearby States which are overcrowded. Per capita income is also a factor that was considered by the committee as a test but it, too, was found to be unsatisfactory. In sum, the committee found it impossible to state the test in anything other than the general terms which it has used.

THE FEDERAL AGENCIES PROGRAM

While the bill thus recognizes the pivotal role of the States, it does not ignore the part many of the Federal agencies also play in the outdoor recreation field. The importance to the American people of the recreation functions of these agencies is indicated when we consider that in 1962 the national forest system attracted over 112 million visitors for recreation; that there were nearly 107,500,000 visitor-days' use of the areas administered by the National Park Service; that a partial estimate for the Corps of Engineers reservoirs shows a total of over 126,500,000 visitors; that Bureau of Reclamation reservoir areas (exclusive of those handled by the National Park Service, the Forest Service, and the Fish and Wildlife Service) totaled 15 million visitor-days, a figure that is almost doubled if the ones submitted by these

other agencies are added in; and that the national wildlife refuges had nearly 11 million visitor-days' use. Every State of the Union except Rhode Island had at least one installation of this sort, and the people of every State of the Union made use of them for outdoor recreation. The visitor count by States ranged from the 25,000 recorded for Federal installations in Delaware to the 35,250,000 recorded in California.

The problem of the Federal agencies which the committee found to exist is threefold:

(1) There are within many of the Federal areas extensive inholdings of private land which ought to be acquired for either their recreational value or in order to improve administration. As of January 1, 1963, for instance, there were about 462,000 acres of land within the outer boundaries of areas administered by the National Park Service which are not in Federal ownership. A substantial part of the Federal share of the appropriations which enactment of H.R. 3846 will authorize will be used for this purpose.

(2) There is increasing demand, reflected in the introduction of numerous bills dealing with specific cases, for the creation of recreation areas of national significance within easy distance of the large centers of population. Examples of this type of area are the Great Smokies National Park in North Carolina and Tennessee, the Shenandoah National Park in Virginia and the newly authorized Cape Cod and Point Reyes National Seashores, the first close to Boston and its environs, the second to San Francisco. Great Smokies and Shenandoah, which are fully operative, are among the most popular units of the national park system. In 1961, Great Smokies attracted 4,750,000 visitors and Shenandoah 1,900,000 visitors. As long as the national park system and the national forest system were largely confined to the public-land States, land acquisition costs were of little importance. Now, however, that the extension of the same sort of Federal recreational facilities into the East and Midwest has become a matter of public importance, the question of the means of financing it is urgent. The bill will provide a partial basis for this financing. This is not to say, however, that large-scale extension will automatically come with its enactment. In fact, section 6(b) of the bill specifically provides that appropriations made under its terms shall not be used for land acquisition unless such acquisition is authorized by other law. This means that the agencies will not be able to acquire land without first having gone through the regular authorization route.

(3) The third problem which the committee found to exist is that of offsetting, at least in part, the so-called nonreimbursable allocations of costs which are being incurred in connection with reservoirs constructed by such water resources development agencies as the Corps of Engineers and the Bureau of Reclamation. Such allocations for recreation are of comparatively recent origin but are already sizable in amount and will undoubtedly become larger and larger as the recreation potentials of these installations are put to use. The question before the committee and the Congress in this bill is not whether allocations of cost to this purpose are justified. There is no question but that recreation ranks, in many cases, as a beneficial use of a reservoir. The question, rather, is whether these costs can justifiably be written off in their entirety or whether, on the contrary, there is a means of financing part of them. The bill proposes a method of handling this problem.

The bill is written to furnish an answer to these three problems and thus to furnish a basis on which both the Congress itself and the administrative agencies can proceed in the future. It provides that, subject to adjustments from time to time in the annual appropriations acts or, during the first 5 years of the program, by the President, 40 percent of all the appropriations made under the act shall be available for distribution among the Federal agencies for land acquisitions which are otherwise authorized by law and as a partial offset for reservoir construction costs which are allocated to recreation. This 40 percent will, unless otherwise allotted in the appropriation acts, be distributed on the basis of the number of visitor-days spent at National Park Service and Federal recreation areas, national forest system areas, national wildlife and threatened species areas, and Federal reservoir areas for admission to which fees are charged. They will be available, in all except the last of these types of areas, for land acquisition as authorized by law and, in the case of the last—

> as a partial offset for those capital costs, if any, of Federal water development projects hereafter authorized to be constructed by or pursuant to any act of Congress which are allocated to public recreation and the enhancement of fish and wildlife values * * *.

The committee notes that these provisions of the bill attracted little or no adverse comment from anyone. Only two questions of some consequence developed in connection with them. The first is whether the funds appropriated for and allotted to the Federal agencies should be available not only for land acquisition but also for development. The other has to do with the extent to which appropriations derived from the land and water conservation fund should be available for forest land acquisition.

The first of these questions was decided, for the time being, in the negative. It may be that, some time in the future, it will be well to enlarge section 6(a)(1) to include development as well as land acquisition. For the present, however, and particularly until experience has fully demonstrated how much money will actually be available to the Federal agencies under the provisions of the bill and until such problems as those of inholdings are cleared up, it will be well to concentrate on land acquisition and to depend on the established procedure of appropriations from the general fund of the Treasury to meet development needs.

The second question, that of land acquisition within the national forests, was met in another way. As introduced, the bill would have authorized use of appropriations from the land and water conservation fund for the acquisition of any and all lands "within existing or authorized areas of the national forest system," regardless of their importance or lack of importance to outdoor recreation. As amended, the bill follows the suggestions of the American Forestry Association and restricts the acquisition to lands "within wilderness, wild, and canoe areas of the national forest system and within other areas of that system which are primarily of value for oudoor recreation purposes." The scope of the authority given is thus very much restricted from that originally proposed. The committee does not believe that, as some have suggested, it could or should be further limited by omitting the "other areas" clause. To do so would have

serious adverse effects. It would have a tendency to encourage the creation of more and larger wilderness and wild areas than would otherwise be justified. It would also exclude from the coverage of the bill other areas such as those which the Forest Service designates as "scenic" which are of great value for public enjoyment and recreation. The committee recognizes that there is no hard and fast line between those forest areas which are "primarily" of value for recreation and those whose "primary" value is the production of timber or watershed protection. The multiple-use concept is of great importance in national forest administration. It is the intent of the committee that appropriations from the fund will be available for the acquisition of lands within the national forest system which have outdoor recreation as a key value even though they may also have other key values. The legislative history and the language of the amendment alike make it clear that such appropriations will not be available for acquisition of land which has little or no relation to outdoor recreation.

FINANCING THE PROGRAM

There was no disagreement within the committee with the proposition that the States be given Federal assistance in financing their outdoor recreation programs and there was little, except as just noted, with the portions of the bill having to do with putting a solid footing under the programs authorized by the Congress for the Federal agencies. The chief problems with which the committee was faced concerned the financing of these two desirable goals.

The bill proposes that this financing come from three primary sources and, temporarily, from one supplementary source. The three primary sources are these: (1) a system of admission and user fees for persons who utilize outdoor recreation areas provided by the Federal Government; (2) proceeds from the sale of Federal real property under the surplus property act; (3) proceeds from that portion of the Federal motor fuels tax which is derived from fuels used in motorboats. The supplementary source, which may or may not be utilized, is advance appropriations which, under the terms of the bill, will be returnable from the primary sources beginning on a date certain.

The best available projections indicate that the resources derived from the motorboat fuels tax will average about $30 million a year over the first 10 years of the program and that the proceeds from the sale of surplus property will average about $50 million during the same period. Collections from admission and user fees, a source of revenue which is admittedly subject to greater uncertainty at present than the other two, may be expected to average about $65 million a year over this period. The advance appropriations, if they are made in full, will average $60 million a year for 8 years.

The moneys derived from these sources will be covered into a single land and water conservation fund and will thereupon be available for appropriation for the purposes already indicated. The existence of such a single fund, the committee believes, is necessary for the program to move forward in an orderly manner. It will furnish reasonable assurance both to the States and to the Federal agencies, even though it will not be available for expenditure until appropriations are made from it, that their approved programs will not depend on a

stop-and-go system. It will furnish the Congress a means by which it can keep track of progress and can evaluate the uses to which the financial resources which will be available for the program are being put.

In marking up the bill, the committee retained the basic concept of a land and water conservation fund but it also made several significant changes in the manner in which it will operate. First, it placed a limit on its life in order to avoid the possibility that it might outlast its usefulness. This limit is June 30, 1989, or such later date as may be necessary to repay whatever advance appropriations are made under authority of the bill. Second, it deleted provisions of the bill which would have authorized the President to make an advance division of revenues from the primary sources described above between the fund and miscellaneous receipts of the Treasury, the latter being used as an offset for reservoir construction costs allocated to recreation. Third, it provided for an annual submission, as part of the Federal budget, of a comprehensive statement of requirements for appropriations from the fund. Fourth, without destroying the necessary element of flexibility in the apportionment of moneys derived from the fund, it established ground rules under which these moneys will be allocated between the States and the Federal agencies, among the States, and among the Federal agencies.

THE MOTOR FUELS TAX

Sections 2(c) and 7 of the bill, as introduced, were submitted to the Ways and Means Committee for review. That committee, after hearings, recommended a substantial rewriting of these portions of the bill. The new language it recommended is incorporated in the amended bill. In explanation thereof the Interior and Insular Affairs Committee offers the following summary suggested by the Ways and Means Committee:

> *Summary.*—As recommended by the Committee on Ways and Means, the tax provisions of the Land and Water Conservation Act of 1963 are contained in title II of the bill. In substance, they provide that all of the Federal excise taxes paid on special motor fuel and gasoline used in motorboats, rather than going into the highway trust fund, are to be placed in a new special account established by title I of this bill. These funds then are to be available for land and water conservation purposes, as provided by title I of the bill, except that they will also be reduced for any claims which may be made as provided by law for refunds of such taxes.
>
> Based upon material presented by the Treasury Department, it appears that the tax revenues made available for land and water conservation purposes by the action described above will approximate $3 million for the fiscal year 1964, $25 million for fiscal year 1965, and $271 to $279 million over the life of the trust fund.[1]
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> The administration has indicated that it supports the action taken by the Committee on Ways and Means.

[1] These estimates are derived from estimates presented by the Treasury which assumed a 4-cent-a-gallon tax with no refunds. However, it was indicated that the difference between a 4-cent-a-gallon tax and the present 2-cent-a-gallon tax might be from $500,000 to $1,500,000 on a full year basis, because few persons use the refund provision of present law. The estimates presented above adjust downward to the 2-cent level on the basis of the $500,000 to $1,500,000 reduction.

Fuel taxes imposed under present law.—Under present law, there is a general tax of 4 cents per gallon on diesel fuel, special motor fuel (such as propane and butane), and gasoline.

The diesel fuel tax, however, does not apply to that used in boats since it is limited to fuel used in a diesel-powered highway vehicle. In the case of both the tax on special motor fuels and that on gasoline, an effective rate of 2 cents a gallon (as contrasted to the general rate of 4 cents a gallon) is maintained when such fuels are used otherwise than for the propulsion of a registered highway vehicle.[2] In the case of special motor fuels, only the 2-cent-per-gallon tax is imposed on the sale when the fuel is sold for use otherwise than for the propulsion of a registered highway vehicle.[3] Gasoline is subject to the 4-cent-per-gallon tax when it is sold by the producer or wholesaler (as contrasted to the tax on special motor fuels, which is taxed at the retail level), with the ultimate purchaser having the right to obtain a refund of 2 cents per gallon where the gasoline is used "otherwise than as a fuel in a registered highway vehicle."

Present earmarking of fuel taxes.—Under present law, the revenues from the taxes on special motor fuels and gasoline in effect are paid into the highway trust fund. Amounts repaid to purchasers for use of gasoline, in other than registered highway vehicles, are deducted from this trust fund.[4]

Changes made by title II.—Under the recommendations of the Committee on Ways and Means, the present tax and refund provisions with respect to special motor fuels and gasoline used in motorboats are not changed; that is, the net tax will continue to be 2 cents a gallon for motorboat users who purchase special motor fuels for use in motorboats or claim refunds on gasoline used in motorboats. The gross revenues from these taxes, however, arising from use of the fuels in motorboats will be withdrawn from the highway trust fund beginning January 1, 1964, and continuing through the life of the trust fund up to October 1, 1972, and transferred to the separate account for the new land and water conservation fund from which any refunds of these taxes in effect will also be made.

The result described above is achieved as follows: The Secretary of the Treasury (after consultation with the Secretary of Commerce) is, from time to time, to pay from the highway trust fund into a special account in the Treasury established by title I of the bill for land and water conservation purposes, amounts equal to the taxes received from special motor fuels and gasoline used in motorboats after December 31, 1963, and before October 1, 1972. It is also provided that the Secretary of the Treasury is to pay from the special account in the Treasury into the general fund of the Treasury the amount he estimates is equal to the refunds

[2] A complete exemption from these taxes is available in the case of fuel used in commercial fishing boats.

[3] When such fuel is purchased upon payment of the 4-cents-a-gallon tax and subsequently not used for the propulsion of a registered highway vehicle, provision is made for refund of 2 cents of the 4 cents tax.

[4] No provision is made for deduction from the highway trust fund of refunds on special motor fuels since the amounts accruing to the trust fund from this tax are the practical equivalent of the amounts remaining after refunds.

made with respect to gasoline used in motorboats after December 31, 1963, and before July 1, 1973 (on the basis of claims filed for periods before October 1, 1972). In addition, the highway trust fund provisions of present law are conformed by providing that amounts equal to the refunds for gasoline used by motorboats are no longer to be paid from the highway trust fund to the general fund for gasoline so used after December 31, 1962.

Reasons for title II.—The President's message to Congress on February 14, 1963, emphasized the need for special financing provisions for a program of expansion of outdoor recreation facilities in view of the growing demand for such facilities and the inadequacies of resources now available. The President pointed out that he considered it reasonable, and in the public interest, that such expansion be financed in large part from the users of outdoor facilities. The Secretary of the Interior, in his appearance before the Committee on Ways and Means, pointed out that operators of pleasure motorboats would benefit from future park programs through the acquisition of water areas, the addition of shore facilities for boaters at such areas, and provision for access to water facilities.

The Committee on Ways and Means agrees that the fuel tax revenues derived under present law from users of motorboats should make a contribution to the new and expanded park programs. According to the Secretary of the Interior, such revenues will constitute about 20 percent of the total contemplated revenues of the special account over the next few years. Therefore, the Committee on Ways and Means recommends the transfer of these motorboat fuel revenues from the highway trust fund to the new special account contemplated by this bill.

SURPLUS PROPERTY SALES

Another proposed source of revenue to carry out the program contemplated by H.R. 3846 is the net proceeds derived from the sale of Federal surplus real property. Such property, land and installations thereon, is an asset of the United States which is no longer needed for the purpose for which it was acquired and which is not needed for any other purpose of the Government. The proposal of the bill, stated simply, is that when such an asset is turned into cash the cash shall be earmarked principally for the acquisition of other property to carry out the outdoor recreation program which H.R. 3846 contemplates. Thus, to take two simple examples: When the Defense Department declared the area near Jones Point, Alexandria, Va., surplus to its needs a year or so ago it was taken over for recreational development by the National Park Service. Similarly, when the Atomic Energy Commission several years ago found that it no longer had need for 6,000 acres of land adjacent to Bandelier National Monument, N. Mex., this land was added to the monument and its boundaries were revised accordingly. If these two areas had not been so taken over and if they had not been needed by any other Government agency they would have been sold and, under the

terms of the bill, the net proceeds would have been covered into the land and water conservation fund for eventual reconversion, after appropriation by the Congress, into outdoor recreation facilities elsewhere. The bill, in effect, thus provides for an indirect land-for-land exchange—a conversion of one capital asset which is no longer needed by the Government into another which is needed and may otherwise be lost or, to put it otherwise, a permanent resource for the Nation that will steadily appreciate in value with the passage of time.

In order that there may be no misconception about this provision, the committee emphasizes these points: (1) It does not include surplus personal property except so far as such property is directly related to surplus real property. (2) It does not in any manner change the method by which surplus property is sold or otherwise disposed of; this remains in the hands of the General Services Administration and sales will continue to be carried on in accordance with existing law. (3) It does not affect the right of any Federal agency to acquire from another Federal agency the use of property which is surplus to the needs of the latter. (4) It does not affect the rights of certain preferred classes of purchasers, hospitals, for instance, to acquire surplus Federal property at reduced prices. (5) It is only the net proceeds from the sale of such surplus real property as is sold that will be covered into the land and water conservation fund, not the gross proceeds; costs of disposal will be taken out first. (6) Those proceeds which are covered into the fund will become available for expenditure only after they have been appropriated in the regular manner; "back-door spending" is not an issue in this bill in any way, shape, or form.

ADMISSION AND USER FEES

The third source from which revenues will be raised for the land and water conservation fund will be admission and user fees collected by the National Park Service, the Bureau of Sport Fisheries and Wildlife, the Forest Service, the Bureau of Land Management, and the Federal water-resource development agencies (the Bureau of Reclamation, the Tennessee Valley Authority, the Corps of Engineers, and the U.S. section, International Boundary and Water Commission) in connection with areas which they administer "primarily for scenic, scientific, historical, cultural, recreational, or wilderness purposes" and at which or at parts of which "recreation facilities or services are provided at Federal expense."

The fees for which the bill makes provision are of two general types: those payable by persons entering an area covered by the bill which has been designated as suitable for imposition of such a fee and those payable for the use of special facilities provided by the Government within areas so designated. The former, commonly, though not altogether accurately, referred to as an admission fee, will include the use of certain types of facilities (roads and trails, for instance) which are generally available to the visiting public and also, in some areas, certain other types of facilities (simple campsites, perhaps) for which, in other circumstances, a special user charge may be imposed.

As amended, the bill permits the issuance to owners and renters of private noncommercial automobiles of an annual sticker for not more

than $7 a year which will admit the driver and those who accompany him in his car to any area covered by the bill except those that are specifically excluded from its coverage. (The exception was found necessary by the committee since there are certain types of areas, the Lee Mansion, for instance, or Theodore Roosevelt's Birthplace, which are within the coverage of the bill but are not suited to automobile-sticker treatment). No one, however, is required to purchase a sticker. He may, if he prefers, pay individual-visit or short-term admission fees at the areas which he enters. This is the system currently employed at many National Park Service installations—the yearly automobile permit at Yellowstone National Park, for instance, is $6, but 15-day permits are also available for $3. Similar individual-visit or short-term permits will also be available for persons who do not travel by private motor vehicle and for areas not within the coverage of the annual sticker.

The committee recognizes that the worth of Federal outdoor recreation facilities cannot and ought not to be measured by the revenues that they generate. It is not its intent to suggest, for instance, that the value of a Yellowstone National Park, a Cape Cod National Seashore, a Jefferson National Forest, or a Lake Mead National Recreation Area depends on the dollar income derived from it. It is its belief, however, that those who directly benefit from such Federal recreation installations as these can reasonably be expected to pay a fraction of what it costs to provide them, particularly when the revenues in question will be devoted, as the bill proposes, to the furtherance of other such areas under State or Federal auspices.

The proposal that admission and user fees be charged for such areas is nothing new. A number of the States, Wisconsin, Minnesota, and Michigan, for instance, make such charges at areas under their jurisdiction. The National Park Service has been charging such fees for many years without any complaint known to the committee. Its current schedules (36 CFR 6.2, 6.9) list 24 national parks and monuments and 30 other areas for which an admission fee is charged. (In the case of the national parks and monuments, the price of an annual automobile permit ranges from 50 cents at the Scotts Bluff National Monument to $6 at Yosemite National Park, and fees for single admissions to other areas vary from 10 cents to 50 cents.) The Forest Service, though it appears to be a latecomer to the field likewise makes charges at a few hundred of its 6,500 recreation and campsite areas.

One of the difficulties at present, however, is a complete lack of uniformity in the practices of the various Federal agencies and, indeed, of the Congress itself in this regard. An incidental purpose of the legislation, therefore, is to provide a statutory foundation for uniform treatment of this problem by the executive agencies. It does this by authorizing the President "to designate or provide for the designation of land or water areas" administered by the Federal agencies named in the bill "at which entrance, admission, and other forms of recreation user fees shall be charged and to establish and revise or provide for the establishment and revision of such fees."

Suggestions have been heard that the Congress should itself establish the schedule of fees to be charged, but it is obviously impossible for it or any of its committees to saddle itself with the task of formulating and keeping up-to-date scales of charges which will be applicable

to the thousands of recreation areas which the various Federal agencies administer. The committee points out, however, that the maximum of $7 which it has fixed for an annual automobile sticker which will, with minor exceptions, admit to all areas covered by the bill, the $7 figure having been chosen as being just a little more than the $6 fee which is already in force for Yosemite Park and Yellowstone Park by themselves, will set an effective limit to the charges made for individual visits and individual services. It also points out that there are certain criteria which will necessarily be borne in mind by those who are charged with the responsibility of designating the areas at which fees will be required and of fixing those fees. The first is, of course, the practicability of collecting fees at the area in question. The second is the cost of doing so in comparison with expected receipts therefrom. A third is the effect of charging a fee on the public use and enjoyment of the area for the purposes for which it was created. A fourth is the cost to the United States of establishing and maintaining the area. A fifth is the contribution, if any, which the State within which the area lies makes to its maintenance. A sixth is the type and variety of types of recreation to which the area is suited. A seventh is the amount charged for admission to or the use of comparable Federal, State, local, and private areas. And an eighth is the expenditure which visitors to the area otherwise incur and are willing to incur in visiting it.

While marking up the bill, the committee adopted a number of amendments to the fee section. Among the most important of them were these:

(1) The section was rewritten to make clear that the annual automobile sticker is optional with the user; he is not and cannot be required to purchase such a sticker.

(2) It was amended to limit the collection of entrance and admission fees to areas or portions of areas which are federally administered and at which recreational facilities or services are provided at Federal expense. This means that the bill will not be applicable to areas where recreation is purely incidental to another major purpose of the area, to areas where neither Federal personnel nor Federal facilities are provided for the recreationist, or to areas which are turned over by a Federal agency to a local authority for administration. In connection with this last point, however, the committee points out that the spirit of the legislation makes it incumbent on any agency which turns over an area to a local body to exercise whatever authority the agency may have outside of this bill (for example, 5 U.S.C. 140) to secure a net return to the Government commensurate with that which it would receive if the area were not turned over.

(3) A provision was adopted to the effect that fees shall not be charged under authority of this legislation for private noncommercial vehicles using national parkways or Federal-aid highways traversing an area which are "commonly used by the public as a means of travel between two places either or both of which are outside the area" even though the area is otherwise subject to the fee provisions. This is intended to cover such cases as the Mount Vernon Parkway and the Blue Ridge Parkway. It will not, of course, inhibit the imposition of charges for use by commercial vehicles where such charges are otherwise lawful and proper. As used in the bill, the term "private noncommercial automobile" becomes a term of Federal law and will

not vary from State to State. The committee makes note of this because it is its understanding that station wagons and chuck wagons, for instance, are classified by some States as commercial vehicles, by others as noncommercial vehicles. The intent of the bill is that they shall be treated as noncommercial except in those instances in which they are being used for commercial purposes.

(4) Another provision was adopted that will assure that, before any admission fee is imposed for any area 50 percent or more of which has been donated to the United States by the State in which it is located—the Great Smoky Mountains National Park or Everglades National Park, for instance—the Governor shall be notified and consideration shall be given to his recommendations. This is not to say that no fee shall ever be charged at such areas—the cost to the United States of maintaining and administering the area is one of many other factors that will have to be weighed against the donation to determine the equities of the case—but it is a recognition of the donor's interest in the matter. This amendment also requires that effect be given "to all obligations, legal or otherwise, that the United States may owe to the State concerned and to its citizens * * *."

(5) The provision with respect to penalties for violation of rules and regulations respecting the collection of entrance and user fees was modified to provide that they shall not be imposed except at areas which are clearly posted. This was done in order to avoid any possibility that people may unwittingly find themselves in violation of such rules and regulations. The committee points out that the maximum penalty which may be imposed—and there is no reason to think that any court will impose the maximum except in exceptionally flagrant cases or cases of repeated violations—is that which the United States Criminal Code defines as a petty offense (18 U.S.C. sec. 1) and is the same or less than is currently prescribed for violation of other rules and regulations of the Secretary of the Interior any the Secretary of Agriculture with respect to the national parks, the national forests, and fish and wildlife preserves (16 U.S.C. 3, 471; 18 U.S.C. 41, 1862).

(6) A provision to assure that particular acts of Congress—for example, section 10 of the act of September 2, 1958 (72 Stat. 1764) and section 10 of the act of October 3, 1962 (76 Stat. 701)—which guarantee free access to reservoir shorelines to special classes of persons (in these cases, members of certain Indian tribes) are not impaired by enactment of the bill was added to it.

(7) Amendments were also adopted to assure that none of the entrance and user fee provisions will be applicable to nonrecreational uses of the waters of units of the Federal navigation system or to travel over roads and highways by noncommercial vehicle to land within an area to which the fee system is applicable in which land the traveler has a property right.

ADVANCE APPROPRIATIONS

Section 4(b) of the bill authorizes the advance appropriation, beginning in the third year after the land and water conservation fund has been established, of an average of not more than $60 million a year for 8 years. This provision is modeled on the act of October 4, 1961 (75 Stat. 813, 16 U.S.C. 715k–3), commonly known as the

Wetlands Act. Like that act, the present bill provides for the return without interest of such sums as are appropriated under this provision. This return will be made beginning at the end of the 10th year the land and water conservation fund has been in existence. Under the terms of the bill 50 percent of all revenues received after this time and prior to July 1, 1989, and, if necessary, 100 percent of the revenues received thereafter, are earmarked for this repayment purpose.

It will be noted that the authorization for advance appropriations begins 3 years after the fund has been created. This timelag will give both the administration and the Appropriations Committees an opportunity to assess the need for such appropriations in the light of actual growth of the outdoor recreation program and the prospects for repayment in the light of past and prospective receipts to the fund.

FISCAL RESPONSIBILITY

The committee has kept in mind throughout its consideration of H.R. 3846 not only the desirability of its main purpose of providing a base for the improvement and extension of outdoor recreation opportunities for a healthy America but also the necessity of sound fiscal controls over the development of the program. In marking up the bill, it has taken care to preserve for the Congress all of its usual appropriating authority. It has done so by eliminating provisions authorizing the President to divide the amounts received from the three principal sources named in the bill between miscellaneous receipts of the Treasury and the land and water conservation fund; by limiting the life of the fund to 25 years; by providing that moneys in the fund shall not be available for expenditure until they are appropriated therefrom; by requiring the annual presentation with the budget of "a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund"; by authorizing departures from the normal 60-to-40 ratio between State and Federal purposes if need for such departure arises but only by proper provision in the appropriation acts or, during the first 5 years (and then only if there is not contrary provision in the appropriation acts), by the President; and by setting out a formula on the basis of which allotments among the Federal agencies will normally be made and, at the same time, making it clear that these allotments may be varied in the appropriations acts as necessity therefor arises. Provisions have also been written into the bill to assure that proper accounting procedures are followed by States which avail themselves of the advantages which the bill holds out to them and that their books are open to inspection by the General Accounting Office; that moneys appropriated from the fund are not used for publicity purposes; and that such appropriations are not available to duplicate payments to the States from other Federal sources.

SECTION-BY-SECTION ANALYSIS

Section 1.—Subsection (a) states the short title of the bill and subsection (b) states its overall purposes. These purposes are to preserve, develop, and assure accessibility of outdoor recreation resources and thus to strengthen the health and vitality of the American people and, to this end, to provide a source of funds for assistance to the

States for the planning, acquisition, and development of outdoor recreation areas and for Federal agencies for their authorized land acquisition and development programs.

Section 2.—The introductory paragraph of this section creates a land and water conservation fund and limits its life to 25 years plus such additional time, if any, as may be required to repay the advance appropriations for which provision is made later on in the bill.

Subsection (a) provides that all admission and user fees collected by the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, the Tennessee Valley Authority, and the U.S. section of the International Boundary and Water Commission (United States and Mexico) shall be covered into the land and water conservation fund. It authorizes the President to designate or provide for the designation of areas administered by these agencies at which such fees shall be charged and to establish or provide for the establishment of such fees. The fees will be an annual automobile-sticker type of fee (optional with the user of the automobile and at a price of not more than $7 a year), fees for single visits or a series of visits payable by those who do not wish to purchase a sticker, who visit areas otherwise than by automobile, or who visit areas not within the sticker coverage, and fees for the use within an area of special facilities provided by the United States. Fees will not be charged except at areas or portions thereof which are federally administered and at which recreation facilities or services (for example, roads, campgrounds, launching ramps, lifeguard, or guide services, etc.) are provided at Federal expense. They will not be the equivalent of hunting and fishing licenses; will not be charged for activities not related to recreation; will not apply to noncommercial automobiles traveling over parkways or primary, secondary, or interstate Federal-aid highways which are within areas otherwise covered by the bill if those parkways and highways are commonly used by the public as a means of getting from one place to another; will not be charged persons who have a property interest in land within an area otherwise covered by the provisions of the bill and who use a road or highway within the area to travel to and from such land; and will not be chargeable "for nonrecreational use of the waters of reservoirs, canals, or waterways that are units in a Federal navigation system."

If more than 50 percent of the land within an area for which it is proposed to establish an entrance fee has been donated to the United States by the State within which it is located, the Governor of the State in question will be notified of the proposed action and given 60 days in which to comment on it; his suggestions will have to be taken into account before the system is instituted. Full account will also be taken of any obligation, "legal or otherwise," that the United States owes the State concerned and its citizens with respect to any area in question. Certain acts of Congress which limit or prohibit the collection of fees are repealed or amended, but the bill makes clear that this does not repeal any treaty or statutory provisions which assure certain classes of persons, particularly Indians, of free access to shorelines of reservoirs and to hunting and fishing rights. It also makes clear both that it does not repeal or modify existing provisions of law (for example, 16 U.S.C. 500) under which States and counties share in certain revenues derived from Federal lands and further that these

provisions are not applicable to revenues derived from the sale of automobile stickers or similar devices which are good for admission to areas generally. The heads of departments and agencies are authorized to prescribe rules and regulations for the collection of fees, and violation of such rules and regulations in posted areas is made a petty offense against the United States triable by a U.S. district court or a U.S. commissioner.

Subsection (b) of section 2 provides for covering into the land and water conservation fund net proceeds derived from the sale of Federal surplus real property and related personal property. The terms of this subsection are fully explained in the main body of this report. A committee amendment makes crystal clear that this subsection does not affect "existing laws and regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions."

Subsection (c) of section 2 covers into the land and water conservation fund moneys received as taxes on motorboat fuels. Its significance is set out in the explanation offered by the Ways and Means Committee quoted above.

Section 3.—This section makes the moneys covered into the land and water conservation fund available for expenditure only after appropriation. Such appropriations may be made without fiscal year limitation.

Section 4.—Subsection (a) requires that there be submitted annually, as part of the budget of the United States, "a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund." It also provides that, absent any provision to the contrary in an appropriation act, 60 percent of such appropriations shall be available for State assistance and 40 percent for Federal purposes and that, again in the absence of any such contrary provision, these percentages may be varied by the President during the first 5 years of the program no more than 15 percent either way to meet the current relative needs of the States and the Federal agencies.

Subsection (b) of section 4 deals with advance appropriations to the land and water conservation fund. As noted above, this provision is modeled on the Wetlands Act of 1961. The maximum authorized to be appropriated is an average of $60 million a year for 8 years beginning in the third full fiscal year after the fund has been put into operation. Advance appropriations are repayable, beginning in the 11th full year of operations, from the fund's other sources of revenue.

Section 5.—Subsection (a) provides general authority to the Secretary of the Interior to make payments to the States for the planning of outdoor recreation facilities, for the acquisition of land and water areas for this purpose, and for the development of such facilities.

Subsection (b) deals with the apportionment of the moneys for State assistance among the States. Two-fifths of the moneys will be available equally to the 50 States and three-fifths will be apportioned on the basis of need. In determining the relative needs of the States, the Secretary will consider, among other things, their population, the use which nonresidents make of their facilities, and the extent of the Federal programs in the various States. Seven percent of the available appropriated funds is fixed as the maximum which any State may receive, regardless of other considerations. Moneys apportion-

able under the two-fifths clause which are not utilized within 3 years will be subject to reallocation under the three-fifths clause. The District of Columbia, Puerto Rico, Guam, the Virgin Islands, and American Samoa are authorized to receive assistance under the three-fifths provision but not under the two-fifths clause.

Subsection (c) of section 5 forbids payment to any State of more than 50 percent of the costs incurred by it for planning, acquisition, or development projects. It also forbids the making of payments for or on account of any costs or obligations incurred or services rendered prior to the date the bill is enacted.

Subsection (d) requires the preparation of a comprehensive statewide outdoor recreation plan as a condition precedent to eligibility for payment for any acquisition or development project. The Secretary is authorized to contribute toward the preparation and maintenance of such a plan. All plans must be approved by him and must take into account other relevant Federal, State, regional, and local plans. If a plan has already been prepared or is in preparation with the assistance of the Housing and Home Finance Agency, the plan required by the present bill is to be based on the same population, growth, and related factors used in the HHFA-sponsored plan.

Subsection (e) of section 5 provides for assistance from moneys appropriated from the fund for State acquisition and development projects. It provides, however, that such assistance shall not be given for the acquisition of lands from the United States at less than fair market value or for costs incidental to land acquisition. Development assistance may be given in the case of lands leased from the United States for a term of 25 years or more.

Subsection (f) forbids payments for projects not approved by the Secretary of the Interior and those with respect to which he does not have written assurance from the State that it has both the ability and the intention to finance its share of the costs and to operate and maintain the project for public use at acceptable standards. It also forbids payments for projects with respect to which financial assistance has been given or promised under any other Federal program, and vice versa. Progress payments are permissible. Payments may be transferred to political subdivisions or public agencies for carrying out approved projects. Conversion of property acquired or developed with assistance under the bill is forbidden unless approved by the Secretary and then only if other property, equivalent in value and usefulness, is substituted. Reports to the Secretary of operations involving funds provided by the United States are required, as is the keeping of records which will enable the Secretary and the Comptroller General to audit and check on the propriety of expenditures.

Subsection (g) of section 5 authorizes the President to issue regulations which will assure consistency between policies and actions under this bill and those under other Federal programs, particularly the open-space program of the Housing and Home Finance Agency. It does not authorize transfer of functions between agencies.

Section 6.—Subsection (a) sets out the formula by which allotments of the portion of appropriations under the land and water conservation fund which is available for Federal purposes will be made among the participating Federal agencies. Unless otherwise provided in the appropriation act, the allotment from each year's appropriation will be proportional to the number of visitor days reported by these

agencies for areas at which admission fees are charged. The allotments will be available for land acquisition in authorized units of the national park system, in authorized national recreation areas, in the wilderness, wild and canoe areas of units of the national forest system, within other areas of that system where a primary value of the land to be acquired is for outdoor recreation, in areas set up for the preservation of threatened species of fish and wildlife, and for recreational purposes in connection with units of the national wildlife refuge system. A portion of the appropriated funds will also be available, the allotment being on the same basis as that just stated, as a partial offset against such capital costs of Federal water development projects hereafter authorized as are allocated to public recreation and the improvement of fish and wildlife conditions. These allotments will be paid into miscellaneous receipts of the Treasury.

Subsection (b) specifically provides that appropriations derived from the land and water conservation fund shall not be available for land acquisition unless this has been or is hereafter authorized by law. In other words, H.R. 3846 does not itself provide authority for land acquisition.

Section 7.—The use for publicity purposes of moneys derived from admission and user fees, motorboat fuel taxes, and sales of surplus real property is forbidden.

Sections 201, 202.—These sections provide for covering into the land and water conservation fund of certain receipts under the Highway Revenue Act of 1956 now handled otherwise. They are fully explained by the quotation from the Ways and Means Committee set out above.

SUMMARY AND CONCLUSION

The overall purpose of H.R. 3846, as amended, is to provide a means whereby the States and various of the Federal agencies will be able to meet the needs of the American people now and in coming years for outdoor recreation.

The bill is founded on seven principal propositions, all of which the committee believes to be fully tenable:

First, that opportunities for outdoor recreation are becoming increasingly important as our population becomes more and more urbanized.

Second, that our usable outdoor recreation resources are lagging behind the growth in the population of the Nation and in that population's leisure time.

Third, that it is important that presently available lands which are suitable for outdoor recreation purposes be preserved or acquired for public use within the very near future before they become either completely unavailable or prohibitively costly.

Fourth, that (without prejudice to the good work that many Federal agencies are now doing and will continue to do) a major portion of the work to be done in preserving and acquiring such resources and making them available for public use lies with the States.

Fifth, that it is proper to create a special continuing fund from which appropriations can be made to assist the States in this work and to supplement appropriations presently available to the Federal agencies for this type of activity.

Sixth, that it is proper that a portion of the cost of providing such resources should be borne directly by their users and that it is equally

proper that other portions be borne from specified sources; viz., Federal taxes on motorboat fuels and proceeds from the sale of surplus Federal real property.

Seventh, that no hard and fast apportionment of the fund among the various uses to which it can be put is possible at this time, that a measure of flexibility in making such apportionments is necessary, and that the best way of assuring such flexibility is for the Congress to exercise its appropriating authority year by year on the basis of an informed discretion supported by Budget submissions and in the light of certain guidelines furnished by the legislation.

H.R. 3846 has been marked up with these principles in mind. The committee recommends enactment of the amended bill.

EXECUTIVE RECOMMENDATIONS

THE WHITE HOUSE,
Washington, November 4, 1963.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: I regard the land and water conservation fund bill submitted to Congress last February as most significant legislation which will make it possible to establish a plan and procedures for the states and the Federal Government to insure adequate outdoor recreational opportunities for future generations of Americans.

I have reviewed the bill reported out by your committee earlier this month and believe the committee has done an exceedingly good job in refining many of its provisions. The strong bipartisan support for the bill by the members of your committee is encouraging and provides persuasive evidence of its essential soundness.

This farsighted legislation merits the support of all interested in the conservation of outdoor America and I am hopeful it will be enacted into law this session.

Sincerely,

JOHN F. KENNEDY.

DEPARTMENT OF THE ARMY,
Washington, D.C., October 31, 1961.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that a question has arisen with respect to the position of the Department of Defense on H.R. 3846, as ordered reported to the House of Representatives by your committee on October 11, 1963.

In a letter dated January 30, 1963, to the Director of the Bureau of the Budget on S. 859, I advised the Bureau of the Budget as follows:

"The Department of the Army on behalf of the Department of Defense has no objection to the principle of user charges for Federal services provided and supports its enactment."

In a later letter dated September 26, 1963, on S. 1709, a bill with somewhat similar objectives, I reported to the chairman of the Senate Committee on Interior and Insular Affairs as follows:

"The Department of the Army on behalf of the Department of Defense reported to the Bureau of the Budget on the draft bill which was subsequently introduced as S. 859 and referred to your committee. In our report we stated that we had no objection to the principle of user charges for Federal services provided and that we supported enactment of the proposed legislation."

In line with these previous expressions of view, the Department of the Army on behalf of the Department of Defense supports enactment of H.R. 3846, as recently ordered reported by your Committee on Interior and Insular Affairs, including the system of financing reflected therein.

The Bureau of the Budget has advised that there is no objection to the presentation of this report and that enactment of H.R. 3846 would be in accord with the program of the President.

Sincerely yours,

(Signed) CYRUS R. VANCE,
Secretary of the Army.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., November 6, 1963.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: This Department has already, through the testimony of its representatives at the hearings, expressed its support for H.R. 3846, a bill to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes.

I want to indicate now the strong support of this Department for the bill as ordered reported by your committee. The bill as ordered reported contains a number of amendments. Among those of particular interest to this Department are the changes in section 2(a) and section 6(a)(1).

The amended language in section 2(a) is more specific than the original language and will serve to clarify in particular the areas at which entrance, admission, and other recreation user fees may be charged. This is desirable and is in accord with our views on such charges.

The original language in section 6(a)(1) would have made the Federal portion of the fund available, when appropriated, for the acquisition of lands within areas of the national forest system without limitation. The amended language would make the Federal portion of the fund available, when appropriated, for the acquisition of lands within wilderness, wild, and canoe areas of the national forest system and within other areas of that system which are primarily of value for outdoor recreation purposes.

In connection with the development and consideration of this legislation we developed a plan for a 10-year program of land purchase within the national forest system under the bill. This aggregated almost 4 million acres. In formulating the program we aimed at furthering two major conclusions reached by the Outdoor Recreation Resources Review Commission: (1) The simple outdoor pleasures;

such as hiking, swimming, hunting, fishing, picnicking, and sightseeing, are ones Americans seek most, and (2) expanded opportunities for these pursuits are most urgently needed within and near metropolitan areas. In the guidelines used in developing the proposed program, lands needed essentially for recreation were separated from lands of more general purpose character such as those most valuable for timber, water, or forage production. Thus the lands included in the proposed program are in areas which have outdoor recreation as a key value.

Thus the proposed program includes lands which are needed to accommodate anticipated outdoor recreation needs in areas where population pressures will be heaviest and public lands for recreation are inadequate. The proposed program is strongly oriented to the eastern part of the United States where 84 percent of the lands proposed for purchase in the national forest system are located. Their location is such that they will involve only to a minor degree highly productive commercial timberland. The almost 4 million acres represent less than 10 percent of the total inholdings now within the system. We believe that these are the kind of lands within the national forest system that the committee intends the fund to be available for.

As stated by President Kennedy in his letter of February 14, 1963, transmitting the draft bill to the Speaker, "The need for an aggressive program to provide for our outdoor recreation needs is both real and immediate, as demonstrated by the significant findings and recommendations of the Outdoor Recreation Resources Review Commission."

We strongly believe that the enactment of H.R. 3846 as ordered reported by your committee would be a conservation milestone of which we could all be proud.

The Bureau of the Budget advises that enactment of this legislation would be in accord with the President's program.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

THE WHITE HOUSE,
Washington, D.C., February 14, 1963.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: In my conservation message last year I pointed out that adequate outdoor recreation facilities are among the basic requirements of a sound conservation program. The need for an aggressive program to provide for our outdoor recreation needs is both real and immediate, as demonstrated by the significant findings and recommendations of the Outdoor Recreation Resources Review Commission. Accordingly, I am transmitting with this letter draft legislation which would help provide for these needs through the establishment of a land and water conservation fund.

The Outdoor Recreation Resources Review Commission, a bipartisan group including eight Members of the Congress, found that the demand for outdoor recreation is growing dramatically. Amer-

icans are seeking the out-of-doors as never before—about 90 percent participate annually in some form of outdoor recreation. Today's resources are inadequate to today's needs and the public demand for outdoor recreation opportunities is expected to triple by the turn of the century.

Last year in my conservation message I noted that our magnificent nationl parks, monuments, forests, and wildlife refuges were in most cases either donated by States or private citizens or carved out of the public domain, and that these sources can no longer be relied upon. The Nation needs a land acquisition program to preserve both prime Federal and State areas for outdoor recreation purposes. The growth of our cities, the development of our industry, the expansion of our transportation systems—all manifestations of our vigorous and expanding society—preempt irreplaceable lands of natural beauty and unique recreation value. In addition to the enhancement of spiritual, cultural, and physical values resulting from the preservation of these resources, the expenditures for their preservation are a sound financial investment. Public acquisition costs can become multiplied and even prohibitive with the passage of time.

The land and water conservation fund measure I am proposing will enable the States to play a greater role in our national effort to improve outdoor recreation opportunities. This proposal grows out of and is generally consistent with the recommendations of the Outdoor Recreation Resources Review Commission.

The Recreation Advisory Council, made up of the heads of the departments and the agency principally concerned with recreation, is now functioning and provides a forum for considering national recreation policy and for facilitating joint efforts among the various agencies. A Bureau of Outdoor Recreation has also been established in the Department of the Interior to serve as a focal point for correlation within the Federal Government for Federal activities and to provide assistance to the States.

The Outdoor Recreation Resources Review Commission recommended that the States play the pivotal role in providing for present and future outdoor recreation needs. They face major problems, however, in financing needed outdoor recreation facilities. Accordingly, I am proposing in the land and water conservation fund a program of grants-in-aid to the States to assist them in their outdoor recreation planning, acquisition, and development. The proposed grants-in-aid would be matched by the States and thus serve to stimulate and encourage broad State action.

The Federal portion of the fund—estimated at 40 percent—would be authorized for acquisition of land and waters in connection with the national park system, the national forest system, or for preservation of fish and wildlife threatened with extinction. No new acquisition authorities are contemplated in the proposal. The fund would provide a source of funding for existing acquisition authorities or for those subsequently enacted.

It is reasonable and in the public interest that needed improvements and expansion of outdoor recreation opportunities be financed largely on a pay-as-you-go basis from a system of fees collected from the direct benificiaries—the users of Federal recreations lands and waters. The proposed land and water conservation fund would therefore be financed in part from Federal entrance, admission, or

other recreation user fees. In addition, the fund would be financed from the sale of Federal surplus real property and from the proceeds of the existing 4-cent tax on marine gasoline and special motor fuels used in pleasure boats.

The enclosed letter from the Secretary of the Interior discusses additional features of the proposal.

Actions deferred are all too often opportunities lost, particularly in safeguarding our natural resources. I urge the enactment of this proposal at the earliest possible date so that a further significant step may be taken to assure the availability and accessibility of land and water-based recreation opportunities for all Americans.

Sincerely,

JOHN F. KENNEDY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 28, 1963.

THE PRESIDENT,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: I am enclosing a draft of a bill to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes.

This legislation is an outgrowth of the significant findings and recommendations of the Outdoor Recreation Resources Review Commission. It will advance the program outlined in your conservation message of last year and complement the steps already taken in establishing the Bureau of Outdoor Recreation and the Recreation Advisory Council.

Tremendous public demand has developed in recent years for outdoor recreation areas, facilities, and opportunities. Approximately 90 percent of our people participate in some form of outdoor recreation, and some $20 billion is spent annually for this purpose. Although the available resources are inadequate to meet even today's needs, the demands are expected to triple by the turn of the century. The outdoor experience is a part of our heritage and vital to the American way of life. We would be most unwise if we did not provide intelligently and responsibly for our present and future outdoor recreation needs.

The draft legislation is similar to the land conservation fund bill which you submitted last year. The most significant change is the addition of a new authorization for 50-percent matching grants to the States for planning, and 30-percent grants for acquisition and development, of needed outdoor recreation resources. This program will aid the States in meeting their primary responsibility, as recognized by the Outdoor Recreation Resources Review Commission, to provide adequate and varied outdoor recreation opportunities for their growing populations. Moneys made available for State programs through appropriations from the land and water conservation fund will be apportioned among the States as follows: one-fifth divided equally, three-fifths apportioned on the basis of population, and one-fifth allocated according to need. Each State's share will remain available

to it for obligation through the third fiscal year after notification of its apportionment.

To qualify for financial assistance, the proposed acquisition or development projects must conform to a suitable comprehensive statewide outdoor recreation plan, and the States may receive assistance in the preparation of such a plan and in training needed personnel. The State plan must take into consideration Federal resources and programs and relevant State, regional, and local plans. Because the most urgent requirement today is to set aside valuable outdoor recreation resources in public ownership, before escalating land prices and rapid diversion to other purposes put them out of reach, the bill limits expenditures for State development work for the next 10 years to 10 percent of the moneys available for State assistance. In the administration of the program, it is our intention to consult closely with the responsible State agencies, including the formation of advisory bodies where desirable, and to operate under terms of mutual coordination with other Federal agencies.

The land and water conservation fund also will be available to finance such Federal acquisition of land and water as may be otherwise authorized for (1) areas of the national park system and areas administered by the Secretary of the Interior for outdoor recreation purposes; (2) the national forest system; (3) purposes of national areas for the preservation of species of fish or wildlife threatened with extinction; and (4) incidental recreation purposes in connection with national fish and wildlife conservation areas as authorized by Public Law 87–714 (H.R. 1171, 87th Cong.).

As with the measure submitted last year, revenues from certain sources would be set aside for the purposes of this legislation. These sources are: (1) Proceeds from entrance, admission, and other recreation user fees or charges at Federal land and water areas, and the bill authorizes the President to establish such fees, including a conservation automobile sticker; (2) proceeds from the sale of Federal surplus real property; and (3) the proceeds of the 4-cent-per-gallon tax on gasoline and special motor fuels used in motorboats. A portion of these revenues will be credited to the miscellaneous receipts of the Treasury to help offset the costs of acquiring additional lands for recreation and fish and wildlife enhancement at Federal and federally assisted water development projects. The major portion of the revenues, however, would be transferred to the land and water conservation fund to finance the State and Federal programs.

To assure adequate financing of this urgently needed program when the States are prepared to participate fully, advance appropriations averaging $60 million a year for 8 years would be authorized beginning with the third year, with provision for repayment thereafter from 50 percent of the revenues available to the fund. The fund will be used in the proportion of 60 percent for State purposes and 40 percent for Federal purposes, and the proportion may be varied up to 15 percent either way depending on need.

The bill proposes a fiscally responsible means of financing the urgently needed State and Federal programs. I recommend that this legislation be submitted to the Congress for appropriate action.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior

A BILL To establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(a) CITATION.—This Act may be cited as the Land and Water Conservation Fund Act of 1963.

(b) PURPOSES.—The purposes of this Act are to strengthen the health and vitality of the Nation by assuring the availability and accessibility of land and water based outdoor recreation opportunities of such quality and quantity as are necessary and desirable for the benefit and enjoyment of the people by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for Federal acquisition of certain land and water areas.

CERTAIN REVENUES PLACED IN SEPARATE ACCOUNT

SEC. 2. SEPARATE ACCOUNT.—There shall be set aside in a separate account in the Treasury of the United States, for subsequent division as prescribed in section 3 of this Act, the following revenues and collections:

(a) ENTRANCE AND USER FEES; ESTABLISHMENT; REGULATIONS.—All proceeds from entrance, admission, and other recreation user fees or charges collected or received by the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, and the U.S. section of the International Boundary and Water Commission (United States and Mexico), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury: *Provided,* That nothing in this Act shall affect any rights or authority of the States with respect to fish and wildlife, nor shall this Act repeal any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law; but the proceeds from fees or charges established by the President pursuant to this subsection for entrance or admission generally to Federal areas shall be used solely for the purposes of this Act.

The President is authorized to provide for the establishment, revision, or amendment of entrance, admission, and other recreation user fees and charges at any land or water area administered by or under the authority of the Federal agencies listed in the preceding paragraph: *Provided,* That this subsection shall not authorize Federal hunting or fishing licenses, nor shall it authorize fees or charges for commercial or other activities not related to recreation. Any fees established shall be fair and equitable taking into consideration direct and indirect cost to the Government, benefits to the recipient, public policy or interest served, and other pertinent factors.

There is hereby repealed the third paragraph from the end of the division entitled "National Park Service" of section 1 of the Act of March 7, 1928 (45 Stat. 238) and the second paragraph from the end of the division entitled "National Park Service" of section 1 of the

Act of March 4, 1929 (45 Stat. 1602; 16 U.S.C. 14). Section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 24, 1944 (16 U.S.C. 460d), as amended by the Flood Control Act of 1962 (76 Stat. 1195) is further amended by deleting ", without charge," in the third sentence from the end thereof. All other provisions of law that prohibit the collection of entrance, admission or other recreation user fees or charges or that restrict the expenditure of funds if such fees or charges are collected are hereby also repealed.

The heads of departments and agencies are authorized to prescribe rules and regulations for the collection of any entrance, admission, and other recreation user fees or charges established pursuant to this subsection for areas under their administration. Any violation of any rules or regulations promulgated under this Act shall be punishable by imprisonment of not more than six months or a fine of not more than $500 or both. Any violation of such rules and regulations shall be under the jurisdiction of the U.S. district court for each district in which the violation occurs, and may be considered by a U.S. commissioner appointed by said court.

(b) SURPLUS PROPERTY SALES.—All proceeds (except so much thereof as may be otherwise obligated, credited or paid under authority of those provisions of law set forth in 40 U.S.C. 485(b)–(e) or the Independent Offices Appropriation Act, 1963 (76 Stat. 725) or in any later appropriation Act) hereafter received from any disposal of surplus real property and related personal property under the Federal Property and Administrative Services Act of 1949, as amended, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury.

(c) MOTORBOAT FUELS TAX.—The amounts specified in section 209(f)(5) of the Highway Revenue Act of 1956 (relating to special motor fuels and gasoline used in motorboats).

SEPARATE ACCOUNT DIVIDED BETWEEN LAND AND WATER CONSERVATION FUND AND MISCELLANEOUS RECEIPTS

SEC. 3. The President shall determine from time to time a division of the total amount in the separate account between those amounts to be transferred to a land and water conservation fund and those amounts to be credited to the miscellaneous receipts of the Treasury, and the necessary transfers and credits shall be made periodically, as follows:

(a) LAND AND WATER CONSERVATION FUND.—There shall be transferred to a land and water conservation fund (hereinafter referred to as the "fund"), which is hereby established, such moneys in the separate account as the President deems appropriate to assist the States and Federal agencies as hereafter prescribed. Moneys placed in the fund shall be available for expenditure for purposes of this Act only when appropriated; and such appropriations may be made without fiscal year limitation. The Secretary of the Interior shall keep such accounts as are necessary for these purposes.

(b) MISCELLANEOUS RECEIPTS.—There shall be credited to miscellaneous receipts in the Treasury such moneys in the separate account as the President deems appropriate to help offset the cost of additional

lands, at Federal and federally assisted water development projects, for public recreation and fish and wildlife enhancement financed through project appropriations to water-resource agencies.

ALLOCATION OF LAND AND WATER CONSERVATION FUND FOR STATE AND FEDERAL PURPOSES: AUTHORIZATION FOR ADVANCE APPROPRIATIONS

SEC. 4. ALLOCATION. (a) Appropriations from the land and water conservation fund shall be available for both State and Federal purposes as provided in this Act in percentage of 60 per centum for State purposes and 40 per centum for Federal purposes, except that the President, on the basis of the respective State and Federal needs, may increase from time to time the proportional amount for either State or Federal purposes by no more than 15 per centum of the total.

(b) ADVANCE APPROPRIATIONS; REPAYMENT.—Beginning with the third full fiscal year in which the fund is in operation, and for a total of eight years, advance appropriations are hereby authorized to be made to the fund from any moneys in the Treasury not otherwise appropriated in such amounts as to average not more than $60,000,000 for each fiscal year. Such advance appropriations shall be available for Federal and State purposes in the same manner and proportions as other moneys appropriated from the fund. Such advance appropriations shall be repaid without interest, beginning at the end of the next fiscal year after the first ten full fiscal years in which the fund has been in operation, by transferring, annually until fully repaid, to the general fund of the Treasury 50 per centum of the revenues received by the land and water conservation fund each year under section 3 of this Act. The moneys in the fund that are not required for repayment purposes may continue to be appropriated and allocated in accordance with the procedures prescribed by this Act.

FINANCIAL ASSISTANCE TO STATES

SEC. 5. GENERAL AUTHORITY; PURPOSES.—(a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide financial assistance to the States from moneys available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this Act, for outdoor recreation—(1) planning, (2) acquisition of land, waters, or interests in land or waters, or (3) development.

(b) APPORTIONMENT AMONG STATES; NOTIFICATION.—Sums appropriated and available for State purposes for each fiscal year shall be apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

(1) One-fifth shall be apportioned equally among the several States;

(2) Three-fifths shall be apportioned in the proportion which the population of each State bears to the total population of the United States; and

(3) One-fifth shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination

of need shall include among other things a consideration of the use of outdoor recreation resources of individual States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States.

The Secretary shall notify each State of its apportionments; and the amounts thereof shall be available thereafter for payment to such State for planning, acquisition, or development projects as hereafter prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (3) of this subsection.

The District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa shall be treated as States for the purposes of this Act, except for the purpose of paragraph (1) of this subsection. Their population also shall be included as a part of the total population in computing the apportionment under paragraph (2) of this subsection.

(c) MATCHING REQUIREMENTS.—Payments to any State shall cover not more than 50 per centum of the cost of planning projects, and not more than 30 per centum of the cost of acquisition or development projects, that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary.

(d) COMPREHENSIVE STATE PLAN REQUIRED; PLANNING PROJECTS.—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this Act. The plan shall contain: (1) The name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this Act, (2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State, (3) a program for the implementation of the plan, and (4) other necessary information, as may be determined by the Secretary. The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Housing and Home Finance Agency, any statewide outdoor recreation plan prepared for purposes of this Act shall be based upon the same population, growth, and other pertinent factors as are used in formulating the HHFA financed plans.

The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when such plan is not otherwise available, for the maintenance of such plan, or for the training of personnel for outdoor recreation planning and related administrative responsibilities.

(e) PROJECTS FOR LAND AND WATER ACQUISITION; DEVELOPMENT.—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of

projects or combinations thereof if they are in accordance with the State comprehensive plan:

(1) ACQUISITION OF LAND AND WATERS.—For the acquisition of land, waters, or interests in land or waters, but not including incidental costs relating to acquisition.

(2) DEVELOPMENT.—For development, including but not limited to site planning and the development of Federal lands under lease to States for terms of twenty-five years or more: *Provided*, That the total grants to States for development projects shall not, during the first ten full fiscal years in which the fund has been in operation, exceed 10 per centum of amounts appropriated for each of the said ten years for State purposes pursuant to section 5.

(f) REQUIREMENTS FOR PROJECT APPROVAL; CONDITION.—Payments may be made to States by the Secretary only for those planning, acquisition, or development projects that are approved by him. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of individual projects: *Provided*, That the approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State, political subdivision, or other appropriate public agency has the ability and intention to finance its share of the cost of the particular project, and to operate and maintain by acceptable standards, at State or local expense, the particular properties or facilities acquired or developed for public outdoor recreation use.

Payments for all projects shall be made by the Secretary to the Governor of the State or to a State official or agency designated by the Governor or by State law having authority and responsibility to accept and to administer funds paid hereunder for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

No payment shall be made to any State until the State has agreed to (1) provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this Act, and (2) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State under this Act.

(g) COORDINATION WITH FEDERAL AGENCIES.—In order to assure consistency in policies and actions under this Act, with other related Federal programs and activities (including those conducted pursuant to title VII of the Housing Act of 1961 and sec. 701 of the Housing Act of 1954) and to assure coordination of the planning, acquisition,

and development assistance to States under this section with other related Federal programs and activities, the President may, prior to the exercise of any authority under this section, issue such regulations with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations. The President is authorized to transfer to the Housing and Home Finance Administrator such functions relating to planning assistance of the Secretary under this section as the President may deem desirable, together with any funds available therefor. The President may, at any time, extend, revoke, or otherwise change any regulation, or transfer of authority as he deems consistent with the purposes of this section.

ALLOCATION OF MONEYS FOR FEDERAL PURPOSES

SEC. 6. (a) Moneys appropriated from the fund for Federal purposes shall be allocated by the President, on the basis of a determination of relative needs, for the adquisition of land, waters, or interests in land or waters, as follows:

(1) NATIONAL PARK SYSTEM; RECREATIONAL AREAS.—Within the exterior boundaries of areas of the national park system now or heareafter authorized or established and of areas now or hereafter authorized to be administered by the Secretary of the Interior for outdoor recreation purposes.

(2) NATIONAL FOREST SYSTEM.—Within existing or authorized areas of the national forest system, including areas now or hereafter authorized to be administered by the Secretary of Agriculture for outdoor recreation purposes.

(3) THREATENED SPECIES.—For the purposes of any national area that may be authorized for the preservation of species of fish or wildlife that are threatened with extinction.

(4) RECREATION AT REFUGES.—For the incidental recreation purposes of section 2 of the Act of September 28, 1962 (76 Stat. 653).

(b) WATER PROJECTS LIMITATION.—No moneys shall be appropriated from the fund for the acquisition of additional lands, at Federal or federally assisted water development projects, for public recreation and fish and wildlife enhancement financed through project appropriations to water resource agencies.

(c) ACQUISITION RESTRICTION.—Appropriations from the fund pursuant to this section shall not be used for acquisition unless such acquisition is otherwise authorized by law.

SPECIAL MOTOR FUELS OR GASOLINE USED IN MOTORBOATS

SEC. 7. (a) SPECIAL MOTOR FUEL USED IN MOTORBOATS.—The second and third sentences of section 4041(b) of the Internal Revenue Code of 1954 (relating to special motor fuels) are amended to read as follows: "In the case of a liquid taxable under this subsection sold for use or used otherwise than as a fuel for the propulsion of (A) a motorboat, or (B) a highway vehicle (i) which (at the time of such sale or use) is registered, or is required to be registered, for highway use under the laws of any State or foreign country, or (ii) which, in the case of a highway vehicle owned by the United States, is used on the highway, the tax imposed by paragraph (1) or by paragraph (2) shall

be 2 cents a gallon. If a liquid on which tax was imposed by paragraph (1) at the rate of 2 cents a gallon by reason of the preceding sentence is used as a fuel for the propulsion of (A) a motorboat, or (B) a highway vehicle (i) which (at the time of such use) is registered, or is required to be registered, for highway use under the laws of any State or foreign country, or (ii) which, in the case of a highway vehicle owned by the United States, is used on the highway, a tax of 2 cents a gallon shall be imposed under paragraph (2)."

(b) CREDITS AND REFUNDS IN RESPECT OF SPECIAL MOTOR FUELS.—Subparagraph (J) of section 6416(b)(2) of such code (relating to credits and refunds on certain specified uses and resales) is amended to read as follows:

"(J) in the case of a liquid in respect of which tax was paid under section 4041(b)(1) at the rate of 3 cents or 4 cents a gallon, used or resold for use otherwise than as a fuel for the propulsion of (i) a motorboat, or (ii) a highway vehicle (a) which (at the time of such use or resale) is registered, or required to be registered, for highway use under the laws of any State or foreign country, or (b) which, in the case of a highway vehicle owned by the United States, is used on the highway; except that the amount of any overpayment by reason of this subparagraph shall not exceed an amount computed at the rate of 1 cent a gallon where tax was paid at the 3-cent rate or at the rate of 2 cents a gallon where tax was paid at the 4-cent rate;".

(c) GASOLINE USED IN MOTORBOATS.—Subsection (a) of section 6421 of such code (relating to gasoline used for certain nonhighway purposes or by local transit systems) is amended to read as follows:

"(a) CERTAIN NONHIGHWAY USES.—If gasoline is used otherwise than as a fuel in (1) a motorboat, or (2) a highway vehicle (A) which (at the time of such use) is registered, or is required to be registered, for highway use under the laws of any State or foreign country, or (B) which, in the case of a highway vehicle owned by the United States, is used on the highway, the Secretary or his delegate shall pay (without interest) to the ultimate purchaser of such gasoline an amount equal to 1 cent for each gallon of gasoline so used on which tax was paid at the rate of 3 cents a gallon and 2 cents for each gallon of gasoline so used on which tax was paid at the rate of 4 cents a gallon."

(d) HIGHWAY TRUST FUND.—Section 209(f) of the Highway Revenue Act of 1956 (relating to expenditures from highway trust fund) is amended by adding at the end thereof the following new paragraph:

"(5) TRANSFERS FROM THE TRUST FUND FOR SPECIAL MOTOR FUELS AND GASOLINE USED IN MOTORBOATS.—The Secretary of the Treasury shall pay from time to time from the trust fund into the separate account from which funds are transferred to the land and water conservation fund amounts as determined by him in consultation with the Secretary of Commerce equivalent to the taxes received, on or after January 1, 1964, under section 4041(b) of the Internal Revenue Code of 1954 with respect to special motor fuels used as fuel for the propulsion of motorboats and under section 4081 of such code with respect to gasoline used as fuel in motorboats."

(e) EFFECTIVE DATES.

(1) The amendment made by subsection (a) shall apply with respect to liquid sold for use or used on or after the effective date of this section.

(2) The amendment made by subsection (b) shall apply with respect to liquid used or resold for use on or after the effective date of this section.

(3) The amendment made by subsection (c) shall apply with respect to gasoline used on or after the effective date of this section.

(4) For purposes of this subsection, the effective date of this section is January 1, 1964.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., April 23, 1963.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: Your letter of March 14, 1963, acknowledged March 18, requests our report on H.R. 3846, H.R. 4248, and H.R. 4267. Each of these bills is entitled "A bill to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes." The bills, except for one or two provisions, are identical.

We have no special information to offer concerning the desirability of the proposed legislation, but comment herein on certain fiscal aspects of the bills.

For the purposes of the proposed legislation section 2 of each of the bills would require proceeds derived from (1) entrance, admission, and other recreation user fees and charges, (2) surplus property disposed of under the Federal Property and Administrative Act of 1949, and (3) motorboat fuels taxes specified in section 209(f)(5) of the Highway Revenue Act of 1956, to be set aside in a separate account in the Treasury of the United States.

The financing of Federal programs through the process of earmarking revenue into a special fund account in the Treasury is not desirable since it makes such funds unavailable for other purposes irrespective of the needs of the program so financed. Moreover, the continuing feature of this method of financing—since the bills limit neither the ultimate amount authorized to be set aside nor the duration of the fund—tends to perpetuate the program and establish a floor for program expenditures equivalent to at least the total amount of the annual receipts involved. Because there is less compulsion for careful consideration by successive Congresses, this may become the determining factor in creating a precedent to approximate the annual deposits into the fund which, in some cases, will amount to more than would otherwise be made available through general fund appropriation processes. We believe that the financial needs of the programed activities proposed by the bills can best be achieved through regular budgetary and appropriation procedure. The Department of the Interior has informed us that it estimates that about $146 million

annually would be set aside in the land and water resources fund from the following sources:

	Millions
Entrance fees ($5 auto sticker)	$57
User fees	10
Sale of surplus land (after deducting costs related thereto)	50
Motorboat fuel tax (4 cents per gallon)	29
Total	146

Section 4(b) of the bills (except H.R. 4267) would provide for advance appropriations to be made to the fund for 8 years beginning with its third year of operation at the average rate of $60 million per year. This section also provides that these advantages to the fund shall be repaid without interest, commencing at the end of the 11th year of the fund operation by transferring to the general fund of the Treasury 50 percent of the annual revenues received by the fund. The amount of repayment is thus dependent entirely upon the amount of receipts deposited in the fund under section 3 of the bill which in turn makes the duration of the repayment period equally indefinite. The aggregate interest foregone on the appropriation advances to the fund would amount to about $69.5 million based on annual advances of $60 million at 3 percent to the date the first annual repayment is required to be made. No attempt has been made to compute interest lost on unpaid balances after this date. Consistent with the concept of making the general fund whole for advance appropriations made therefrom, it is suggested that consideration be given to amending the bills, H.R. 3846 and H.R. 4248, to require repayments to the general fund with interest computed at a rate determined by the Secretary of the Treasury taking into consideration the current yields on outstanding marketable obligations of the United States having maturities comparable to the duration of the appropriation advances.

As a protection against waste or improper use of Federal funds, we suggest that a section be added to the bills requiring recipients of assistance to keep records which will enable audits to be made by the Secretary of the Interior and the General Accounting Office. The following language to accomplish this is suggested for your consideration:

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

"(b) The Secretary of the Interior, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act."

Since it appears that the prospective need for recreational assistance will decrease substantially upon completion of the programs currently contemplated under the bills, the Congress may wish to subsequently review the desirability of continuing the land and water conservation

fund if once established. For that purpose it is suggested that the bills provide for the termination of the fund or the material reduction of the sources of revenue therefor at a specified date.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

DEPARTMENT OF THE INTERIOR,
BUREAU OF OUTDOOR RECREATION,
Washington, D.C., October 22, 1963.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. ASPINALL: In accordance with your request, we have reviewed the estimates of revenues expected to accumulate in the land and water conservation fund in light of the revisions to H.R. 3846 contained in Committee Print No. 8.

We feel that the revisions do not affect the revenue estimates previously made on the basis of Committee Print No. 5.

The table submitted August 26, 1963, reflected reductions that had been made as a result of amended language contained in Committee Print No. 5. In estimating the reductions for sticker and entrance fees, we figured that such fees would be collected only at designated areas where Federal money had been expended for development and services. This is in line with the subsequent revisions to H.R. 3846.

The original estimate for revenue from auto sticker sales was based on the number of automobile owners who could reasonably be expected to purchase them, rather than on actual visitor use of the facilities in areas considered. We believe this method continues to be valid under the provisions of Committee Print No. 8. This method avoids the problem of repeat visits and the number of occupants of the automobile entering such areas.

Although subsequent amendments to the bill authorized a sticker fee of not more than $7, we have continued to base our estimates on a $5 sticker fee.

For these reasons, the figures in the enclosed table are the same as those submitted on August 26. Additional footnotes, however, have been added for purposes of clarification. It is our recommendation, therefore, that if such a table is to be included in the committee report the one enclosed should be used rather than the one dated August 26.

Sincerely yours,

EDWARD C. CRAFTS, *Director.*

ESTIMATED ANNUAL REVENUES TO THE LAND AND WATER CONSERVATION FUND

[In thousands]

	1964 [1]	1965	1966	1967	1968	1969	1970	1971	1972	1973	Total
$5 auto sticker [2]	$2,000	$25,000	$34,000	$39,000	$40,000	$42,000	$44,000	$46,000	$49,000	$50,000	$371,000
Other entry fees [3]	3,000	8,000	9,000	10,000	11,000	12,000	12,000	12,000	10,000	10,000	97,000
User fees [4]	7,000	8,000	9,000	10,000	11,000	12,000	14,000	17,000	20,000	24,000	132,000
4 cents motorboat fuel tax [5]	3,000	24,000	25,000	27,000	28,000	30,000	31,000	33,000	34,000	37,000	272,000
Sale of surplus property [6]	30,000	60,000	60,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	500,000
Total revenues	45,000	125,000	137,000	136,000	140,000	146,000	151,000	158,000	163,000	171,000	1,372,000
Advance appropriation			60,000	60,000	60,000	60,000	60,000	60,000	60,000	60,000	480,000
Land and water conservation fund	45,000	125,000	197,000	196,000	200,000	206,000	211,000	218,000	223,000	231,000	1,852,000

ESTIMATED ANNUAL FEDERAL OBLIGATIONS AGAINST THE LAND AND WATER CONSERVATION FUND [7]

Total obligations:											
For grants to States (60 percent)	$10,000	$75,000	$120,200	$122,500	$125,000	$128,500	$126,000	$131,000	$134,000	$138,600	$1,110,800
For Federal purposes (40 percent)	15,000	50,000	79,800	79,500	81,000	82,500	85,000	87,000	89,000	92,400	741,200
For both State and Federal purposes	25,000	125,000	200,000	202,000	206,000	211,000	211,000	218,000	223,000	231,000	1,852,000

[1] It is assumed the land and water conservation fund bill will become law by Jan. 1, 1964. One-half of the proceeds from the sale of surplus real property would be available, their crediting being merely bookkeeping. It is assumed that only about 12 percent of normal revenues from the motorboat fuel tax would be collected during the remainder of fiscal year 1964 and that only about 25 percent of the estimated annual return from the auto sticker would be collected during this same period. This is not the period of heavy use, and the program is new. User fees are partially in effect now. It is assumed they can be standardized and put into effect for the whole year. The estimated 1st year revenue has been reduced by 15 percent to take care of administrative collection problems.

[2] These estimates were made on the probable percentage of automobile owners throughout the United States who might be expected to purchase such a sticker in anticipation of visiting Federal recreation areas. Estimates are not based on present numbers of recreation visits to such areas.

[3] The figures shown are based on existing entrance fees (primarily at areas in the national park system) and those entrance fees which may reasonably be expected to be added during the next 10 years.

[4] These estimates are based on data from Federal land management agencies, concerning existing and projected developed campsites and day-use areas.

[5] Estimated unclaimed portion of the Federal excise tax of 4 cents per gallon for fuels used in motorboats.

[6] The figures shown reflect reductions from gross receipts for: (1) GSA administrative costs, and (2) the increased sales to public agencies at a reduced rate.

[7] These figures represent estimates of annual needs. However, as the Budget of the United States is developed each year, adjustments may be required.

MINORITY VIEWS—H.R. 3846

The undersigned members oppose enactment of H.R. 3846 in its present form. Reasons for opposition are stated in the separate dissenting views which follow, and all of us subscribe in whole or in part to these objections.

ED EDMONDSON.
WALTER ROGERS.
RAY ROBERTS.
COMPTON I. WHITE, Jr.
JOE SKUBITZ.
HOMER E. ABELE.
WALTER S. BARING.
JACK WESTLAND.

The separate dissenting views which summarize the objectionable features of H.R. 3846 are stated in the pages which follow:

SEPARATE DISSENTING VIEWS OF CONGRESSMEN COMPTON I. WHITE, JR., JACK WESTLAND, WALTER S. BARING, RAY ROBERTS, H. E. ABELE, AND ED EDMONDSON ON PROVISION FOR ENTRANCE, ADMISSION, AND USER FEES

Contrary to tradition, public law since 1787 and equity, H.R. 3846 would authorize the President, or those he designates, to set fees for access to and use of Federal lands. Since the Northwest Ordinance of 1787, our land laws have historically recognized the principle that the American people own the public domain and should enjoy it without taxation. If this bill is enacted, the owners of Federal lands will be charged fees just to enter or traverse it. Millions of acres which were contributed to the United States for reservoirs and water projects, forests and parks will be subject to admission fees, despite the provisions in our law that entry should be without charge.

The broad grant of authority to the President for setting these fees is such that it is practically impossible to satisfactorily limit this power. Several amendments adopted by the committee greatly improved this bill. In particular, the language on page 22, line 22, of Committee Print No. 8, indicates the legislative intent to have admission and user fees apply only to those areas in which Federal expenditures have been made specifically for recreational improvements. Almost all members of the committee agree that it is proper to set charges for use of facilities constructed at Federal expense specifically for recreation. The language on page 22 is not designed to prohibit these fees, but is aimed at restricting the area for application of both entrance and user fees to those specifically built facilities and the immediate area surrounding them.

There is a danger that the intent of the committee, and the Congress if the bill is enacted, may be misconstrued by the administrators of the fee provisions of this bill. The language immediately preceding the qualifications beginning on line 22 of page 22 appears somewhat inconsistent, in that it reemphasizes the general authorization to set entrance and admission fees on all areas managed by the eight Government agencies named in the legislation.

Misinterpretation of the qualifications on the power to set entrance or user fees is not an unlikely prospect. There is a growing tendency within the administrative agencies to assume a proprietary attitude toward the public lands, rather than a custodial one. Such an attitude may lead to an expanded interpretation and abuse of the power the Congress intends to give in section 2 of H.R. 3846. Ambitious administrators may regard the authorization to set these fees as a further justification to control all access to Federal property. It is quite possible that such an administrator may designate a whole river system as subject to entrance fees because one of the tributaries was stocked for sport fishing.

Two difficulties related to the system of fees have not been adequately defined in the bill. The amount of fees, other than the conservation sticker for automobiles (which went up from $5 to $7 between the first and last draft of the bill) are too loosely controlled by the proposed legislation. The bill requires only that they be "just and equitable." Such a standard is not likely to fluctuate according to the affluence of our society, but probably would be higher during recessive periods, because the need for filling the coffer of the land and water conservation fund would be higher during such times. Second, the difficulty of collecting admission and entrance fees is almost inconceivable. It would require ticket-takers throughout the land. Depending upon the ambition of the administrator, the number could vary from hundreds of thousands.

Finally, the land and water conservation fund bill comes prematurely. The Interior Committee is now studying legislation providing for a revision of our public land law. Part of this study will be to more clearly define the concept of public ownership, which as mentioned above, now has been corrupted by some agencies as one of proprietorship. The grant of power to charge admission fees would lend weight to this false interpretation. Historically public land laws were established for the distribution to and use by all American citizens. Enactment of H.R. 3846 would set an inconsistent trend before the Congress has the opportunity to refine the concepts of public land ownership through such legislation. Congress should have the opportunity to do this before hastily enacting the land and water conservation fund bill.

WALTER S. BARING.
JACK WESTLAND.
RAY ROBERTS.
H. E. ABELE.
COMPTON I. WHITE, Jr.
ED EDMONDSON.

SEPARATE DISSENTING VIEWS OF CONGRESSMEN ED EDMONDSON, RAY ROBERTS, H. E. ABELE, AND JACK WESTLAND ON BREACH OF FAITH WITH THE PUBLIC

The bill breaks faith with millions of Americans by imposing fees for entrance and use on lands and waters acquired under a specific statutory commitment providing that "Water areas of all such reservoirs shall be open to public use generally, without charge."

This specific commitment has appeared in numerous bills, most recently in the Omnibus Rivers and Harbors and Flood Control Act of 1962.

A full statement of the language generally used appears at 16 United States Code 460d:

> The water areas of all such reservoirs shall be open to public use generally, without charge, for boating, swimming, bathing, fishing, and other recreational purposes, and ready access to and exit from such water areas along the shores of such reservoirs shall be maintained for general public use * * *.

The principle of free use of public waters is as old as the Republic itself, and even older. Hundreds of thousands of acres have been donated freely for Federal reservoir purposes, or sold at Federal appraisal prices without contest, in reliance upon the assurance in the law that "the water areas of all such reservoirs shall be open to public use generally, without charge."

H.R. 3846 repeals all of these laws, in direct violation of the commitments they have stated to the public.

ED EDMONDSON.
RAY ROBERTS.
H. E. ABELE.
JACK WESTLAND.

SEPARATE DISSENTING VIEWS OF CONGRESSMEN RAY ROBERTS, ED EDMONDSON, H. E. ABELE, WALTER S. BARING, AND JACK WESTLAND ON DEPARTURE FROM STANDARD AUTHORIZATION AND APPROPRIATION PROCEDURES

The bill is a departure from standard authorization and appropriation procedures.

The bill creates a land and water conservation fund in the Treasury, estimated to aggregate $5 billion during the 25-year period of its authorization, from proceeds of the motorboat fuel tax (now going into the highway trust fund), sales of Government surplus property, and income from entrance, admission and user fees at Federal recreation areas.

After the first 5 years, 60 percent of this fund is earmarked for allocations to the States, 40 percent for acquisition of lands for Federal recreation purposes.

While section 3 provides that "Moneys covered into the fund shall be available for expenditure (for) the purposes of this act only when appropriated therefore," the same section provides that "such appropriations may be made without fiscal-year limitation" and a subsequent section (section 4) authorizes advance appropriations of "not more than $60 million for each fiscal year."

Although more than $200 million could be disbursed annually under this bill, for the next 25 years, no additional authorization is required.

Since the States are entitled by the bill's provisions to receive 60 percent of the fund in allocations after the first 5 years, these allocations would speedily assume the status of "moneys due" and meaningful congressional review would be difficult.

ED EDMONDSON.
RAY ROBERTS.
H. E. ABELE.
WALTER S. BARING.
JACK WESTLAND.

SEPARATE DISSENTING VIEWS OF CONGRESSMEN JACK WESTLAND, RAY ROBERTS, WALTER S. BARING, AND ED EDMONDSON ON FAILURE TO PROVIDE FOR DEVELOPMENT AND RESULTING INCREASED TAX BURDEN

The bill could add substantially to the Federal tax burden for recreation; while authorizing acquisition of millions of added acres for recreational use, it does not provide for development.

Although the Federal Government in 1962 was record owner of more than 770 million acres of land within the United States—nearly 34 percent of all land in this country—the bill places almost all of its emphasis upon the acquisition of additional Federal lands (7.2 million additional acres in the next 10 years, according to one estimate by Secretary Udall).

The bill does not provide for direct allocations from the fund for development of Federal recreational lands now held. This is true, although the Outdoor Recreation Resources Review Commission (whose report inspired the bill) emphasized that large sections of our national parks and national forests are under used and the agencies involved have failed to make use of what is already available.

Certainly development of recreational lands now under Federal control should share equally with land acquisition under the program—especially since users of lands now held are expected to provide a big part of the revenues for the fund. The "purposes" section of the bill appears to state such an intent, favoring development.

However, in the section dealing with "allocation of moneys for Federal purposes," direct allocations from the fund are limited to land acquisition and to repayment of capital costs for recreation, fish and wildlife expenditures in "Federal water development projects hereafter authorized to be constructed * * *."

Clearly, no development is to be financed by the fund in national parks, forests, other recreational areas, or in Federal water development projects already authorized or constructed (which will be providing a major share of revenues from entrance, admission, and user fees).

It is apparent that the bill is concerned almost entirely with land acquisition, and discriminates openly against development programs in recreation areas already on hand. The substantial burden of these programs, and of development programs for lands to be acquired, will remain a congressional responsibility—enlarged by further land acquisitions.

ED EDMONDSON.
RAY ROBERTS.
WALTER S. BARING.
JACK WESTLAND.

SEPARATE DISSENTING VIEWS OF CONGRESSMEN WALTER S. BARING, JACK WESTLAND, AND ED EDMONDSON ON VIOLATION OF HIGHWAY TRUST FUND

The Bill Authorizes Violation of the Highway Trust Fund

Approximately $30 million annually will disappear from the highway trust fund if H.R. 3848 becomes law. Unless the Congress approves additional revenues for the trust fund at the taxpayer's expense the highway program will suffer.

Not all motorboats use Federal recreational areas. If the principle of charging fees for use of these facilities is applied, it would be unfair to transfer to the land and water conservation funds the motorboat fuel tax collected from boatowners who use waters outside national parks, national forests, Corps of Engineers, Bureau of Reclamation, or other Federal areas.

Also, those owners who launch their motorboats in Federal recreational waters will face double taxation. First, they will have to pay a fee—another name for a tax—to launch their boats in Federal recreation waters. Second, they will pay the 4-percent fuel tax. Both of these taxes or fees will go into the so-called land and water conservation fund.

But, when you consider the loss to the highway trust fund, these same owners will face a third tax. This is the tax the Congress will have to impose to make up the $30 million annually lost to the highway trust fund. There is a fourth tax, too—the admission fee to be collected before the owner can even get his boat near the water.

Such taxes, whether direct or indirect, will work a hardship on boatowners and will discourage boating as a recreation.

Walter S. Baring.
Jack Westland.
Ed Edmondson.

SEPARATE DISSENTING VIEWS OF CONGRESSMEN JACK WESTLAND AND WALTER S. BARING ON REQUIREMENT FOR TREMENDOUS BUREAUCRATIC BUILDUP

The bill would call for a tremendous bureaucratic buildup under the control of the Executive, with no congressional control over expenditures for such purposes.

Although the bill purports to establish a land and water conservation fund to assist the States in meeting present and future outdoor recreation demands and the needs of the American people, it will not be the States which will have the right to determine what is needed within their borders.

Granted, the States may present plans for the acquisition of land and waters or for the development of recreational areas. But, these plans are at the mercy of the Secretary of Interior. The bill provides that "Payments may be made to the States by the Secretary only for those planning, acquisition, or development projects approved by him."

This means that the Secretary has the say over what will or will not be accomplished by the States. It means he has within his power the expenditure of funds which could be used to coerce the people of the States. A reject or postponement of a decision just prior to an election, for example, could influence the outcome of the election.

Also, the President during the first 5 years in which appropriations are made from the fund, may vary the 60–40 ratio by as much as 15 points. This in effects gives the Executive a degree of leeway outside control of the Congress. The implication exists that the political situation in a given area could be managed in the best interest of the party which happens at the time to be in power in the White House through the allocation of Federal funds.

Obviously, it is not in the interest of the people to give such authority to the executive branch.

No authoritative, complete estimate of the number of employees required to administer the provisions of the bill is available.

It cannot be questioned that hundreds of Federal recreational areas would be added by this bill to the number of those at which entrance and admission fees are now collected.

It cannot be questioned that thousands of additional Federal employees would be necessary to collect the entrance and admission fees authorized, and to police the millions of acres of land and water being subjected to user fees.

The bill would inevitably inflate the payroll of the Department of the Interior by millions of dollars.

JACK WESTLAND.
WALTER S. BARING.

SEPARATE DISSENTING VIEWS OF CONGRESSMEN JOE SKUBITZ, RAY ROBERTS, ED EDMONDSON, H. E. ABELE, WALTER S. BARING, JACK WESTLAND, JAMES A. HALEY, ROGERS C. B. MORTON, LAURENCE J. BURTON, AND J. ERNEST WHARTON ON PROVISION FOR APPROPRIATION OF ALL PROCEEDS FROM SALES OF SURPLUS PROPERTY

The Bill Appropriates All Proceeds From Sales of Surplus Property

H. R. 3846, section 2(b), amends the Federal Property and Administrative Services Act of 1949 by repealing the provision of law that proceeds from sale of surplus personal and real property shall be credited to miscellaneous receipts of the Treasury.

Under H.R. 3846, all proceeds from the sale of surplus property will be deposited in the special land and water conservation fund. Such action would be tantamount to congressional approval of "back door" spending and the abdication of congressional control of all Government surplus property or the proceeds therefrom.

The General Services Administration, in a letter dated September 27, 1963, has listed the net proceeds from disposal of surplus property as follows:

1960	$80, 314, 260
1961	64, 725, 129
1962	79, 787, 424
1963	[1] 65, 192, 068

[1] Incomplete.

This is a bold attempt by the Interior Department to avoid the appropriations process in order to purchase land and water areas for which they have not been able to secure congressional approval by using the $75 million annual proceeds of Government surplus.

The subsequent allocations provision, section 4(a), provides that 60 percent of this fund shall be made available for "State purposes." The conclusion must then follow that H.R. 3846 would provide the collective States with a 60 percent vested interest in the proceeds from all Government surplus sales with the provision that the President may vary said percentage by not more than 15 points during the first 5 years.

The only possible relationship between the proceeds from Government surplus property and H.R. 3846 is the desire of the Interior Department to acquire the multimillion dollar annual income with

little if any control by the Congress. This provision alone is sufficient to recommend a "no" vote on this legislation.

JACK WESTLAND.
JAMES A. HALEY.
ROGERS C. B. MORTON.
LAURENCE J. BURTON.
J. ERNEST WHARTON.
RAY ROBERTS.
ED EDMONDSON.
JOE SKUBITZ.
H. E. ABELE.
WALTER S. BARING.

SEPARATE MINORITY VIEWS OF E. Y. BERRY ON H.R. 3846

Supporters of the land and water conservation fund bill indicate that H.R. 3846, as ordered reported by the House Committee on Interior and Insular Affairs, would create a fund of approximately $200 million a year for 10 years—a total of about $2 billion.

Of this fund approximately 40 percent—about $800 million—would be disbursed among Federal agencies for land acquisition for national parks, national forests, "for the preservation of species of fish and wildlife that are threatened with extinction," for recreation at wildlife refuges, and to offset recreation costs of Federal water development projects.

The bill provides for use of fund money for acquisition of non-Federal lands "within wilderness, wild, and canoe areas of the national forest system and within other areas of that system which are primarily of value for outdoor recreation purposes." Under the Multiple Use Act [1] which governs national forest management, virtually all national forest areas and inholdings can be considered of value for outdoor recreation purposes.

National forest acreage need not and should not be increased for recreational purposes. Attention should be given to developing the full potential of present national forest acreage—this includes timber and grazing as well as recreational and wildlife uses.

FEDERAL OWNERSHIP AMPLE

Out of a total Federal land ownership of 772 million acres, 34 percent of our Nation's total land area, the national forest system embraces over 186 million acres in Federal ownership. This is certainly ample land area for meeting much of the outdoor recreation demand—adequate development is needed, not more land area.

There are approximately 38 million acres of non-Federal land within the exterior boundaries of the national forests. These boundaries (unlike national parks which require an act of Congress) can be and have frequently been changed by Executive order, which creates new inholdings.[2] Most of this 38 million acres of "inholdings" is highly

[1] The Multiple Use-Sustained Yield Act of June 12, 1960 (74. Stat. 215; 16 U.S.C. 528–531), starts out as follows:

"It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes * * *."

[2] The Weeks law (act of Mar. 1, 1911, 36 Stat. 961) authorizes the Secretary of Agriculture, with the approval of the National Forest Reservation Commission, to purchase lands "within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber" (16 U.S.C. 515–516). Such lands need not be within existing national forest boundaries.

The act further provides that "the Secretary of Agriculture may from time to time divide the lands acquired * * * into such specific national forests and so designate the same as he may deem best for administrative purposes" (16 U.S.C. 521). This authority permits the Secretary, for administrative purposes, to establish national forest boundaries, embracing both Federal and non-Federal lands. In this manner the acreage of private land—"inholdings"—within the exterior boundaries of national forests can be increased at the discretion of the Secretary.

National forest boundaries can be, and have been, created and extended by administrative order of the Secretary of Agriculture, by Executive order, and by Presidential proclamation.

productive forest land currently making its maximum long-term contribution to the economy of local communities and the Nation. Millions of acres of well-managed private forest land within the national forest boundaries are the mainstay of productive industries.

The Outdoor Recreation Resources Review Commission's report—on which two other major segments of the bill are based—did not support a vast program to acquire national forest inholdings.

EXISTING ACQUISITION METHODS ADEQUATE

If there are certain tracts of land which the Forest Service must have to adequately provide recreational opportunities on existing national forest lands there are several methods already sanctioned by law by which these tracts can be acquired.

Condemnation

Lack of Forest Service access routes to national forest lands presents no insurmountable barrier. The Forest Service, with right of condemnation, can acquire rights-of-way merely by instituting a condemnation suit and depositing a portion of its more than $70 million road fund at the courthouse. Actually, most access problems can be easily solved by negotiations.

Special appropriation

Special acts of Congress have been enacted for numerous national forest acquisitions which were not eligible for acquisition under the Weeks law. This year Congress appropriated $320,000 for land acquisition under seven of these special acts in addition to the $962,000 appropriated for land acquisition under the Weeks law.

Exchange

The Forest Service also has the authority to exchange national forest land for State and private lands within the boundaries of national forests. This would seem to be a far more desirable method of acquiring more Federal recreational sites than outright purchase of more private forest lands.

E. Y. Berry.

Non-Federal lands within national forest boundaries [1] [2]

[In acres]

State	Gross area within boundaries	Lands administered by Forest Service [3]	Non-Federal Lands
Alabama	1,279,285	631,052	648,233
Alaska	20,777,465	20,741,985	35,480
Arizona	12,051,289	11,350,473	700,816
Arkansas	3,649,915	2,415,072	1,234,843
California	24,031,894	19,962,750	4,069,144
Colorado	15,188,054	13,704,246	1,483,808
Florida	1,222,619	1,074,981	147,638
Georgia	1,843,822	775,980	1,067,842
Idaho	21,580,419	20,299,599	1,280,820
Illinois	683,658	212,044	471,614
Indiana	722,460	122,466	599,994
Kentucky	1,411,692	460,796	950,896
Louisiana	1,012,999	591,449	421,550
Maine	53,551	41,004	12,547
Michigan	4,713,326	2,576,911	2,136,415
Minnesota	4,210,834	2,620,613	1,590,221
Mississippi	2,310,285	1,132,789	1,177,496
Missouri	2,944,650	1,355,357	1,589,293
Montana	19,056,210	16,635,739	2,420,471
Nebraska	430,976	339,716	91,260
Nevada	5,378,883	5,061,704	317,179
New Hampshire	798,303	675,130	123,173
New Mexico	9,634,876	8,605,299	1,029,577
North Carolina	2,952,477	1,126,405	1,826,072
Ohio	1,454,975	111,262	1,343,713
Oklahoma	411,269	224,674	186,595
Oregon	17,188,793	15,359,754	1,829,039
Pennsylvania	712,977	471,388	241,589
South Carolina	1,374,442	587,216	787,226
South Dakota	1,404,890	1,121,161	283,729
Tennessee	1,204,105	594,770	609,335
Texas	1,716,967	657,997	1,058,970
Utah	8,979,240	7,860,823	1,118,417
Vermont	629,009	232,464	396,545
Virginia	3,220,649	1,452,161	1,768,488
Washington	10,742,045	9,729,922	1,012,123
West Virginia	1,824,952	905,826	919,126
Wisconsin	1,973,721	1,468,020	505,701
Wyoming	9,024,985	8,570,807	454,178
Total	219,802,961	181,861,805	37,941,156

[1] As of June 30, 1962.

[2] Does not include purchase units, national grasslands, land utilization projects, research and experimental areas, and other areas. These areas embracing 5,850,808 acres include 1,320,346 acres on non-Federal lands.

[3] Includes 158,342 acres in the process of acquisition.

Source: National Forest Areas, June 30, 1962. Forest Service, U.S. Department of Agriculture.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SEC. 1 OF THE ACT OF MARCH 7, 1928 (45 STAT. 238)

* * * * * * *

[None of the appropriations for the National Park Service shall be available for expenditure within any park or national monument wherein a charge is made or collected by the Park Service for campground privileges.]

* * * * * * *

SEC. 1 OF THE ACT OF MARCH 4, 1929 (45 STAT. 1602; 16 U.S.C. 14)

* * * * * * *

[None of the appropriations for the National Park Service, whenever made, shall be available for expenditure within any park or national monument wherein a charge is made or collected by the Park Service for campground privileges.]

* * * * * * *

ACT OF DECEMBER 24, 1944 (16 U.S.C. 460d), AS AMENDED BY THE ACT OF OCTOBER 23, 1962 (76 STAT. 1173, 1195)

SEC. 4. The Chief of Engineers, under the supervision of the Secretary of the Army, is authorized to construct, maintain, and operate public park and recreational facilities at water resource development projects under the control of the Department of the Army, to permit the construction of such facilities by local interests (particularly those to be operated and maintained by such interests), and to permit the maintenance and operation of such facilities by local interests. * * * The water areas of all such projects shall be open to public use generally [, without charge,] for boating, swimming, bathing, fishing, and other recreational purposes, and ready access to and exit from such areas along the shores of such projects shall be maintained for general public use, when such use is determined by the Secretary of the Army not to be contrary to the public interest, all under such rules and regulations as the Secretary of the Army may deem necessary. * * *.

HIGHWAY REVENUE ACT OF 1956 (70 STAT. 374, 399) AS AMENDED

SEC. 209. (f) EXPENDITURES FROM TRUST FUND.—

(1) FEDERAL-AID HIGHWAY PROGRAM.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making expenditures after June 30, 1956, and before October 1, 1972, to meet those obligations of the United States heretofore or hereafter incurred under the Federal-Aid Road Act approved July 11, 1916, as amended and supplemented, which are attributable to Federal-aid highways (including those portions of general administrative expenses of the Bureau of Public Roads payable from such appropriations).

(2) REPAYMENT OF ADVANCES FROM GENERAL FUND.—Advances made pursuant to subsection (d) shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary of the Treasury determines that moneys are available in the Trust Fund for such purposes. Such interest shall be at rates computed in the same manner as provided in subsection (e)(2) for special obligations and shall be compounded annually.

(3) TRANSFERS FROM TRUST FUND FOR GASOLINE USED ON FARMS AND FOR CERTAIN OTHER PURPOSES.—The Secretary of the Treasury shall pay from time to time from the Trust Fund into the general fund of the Treasury amounts equivalent to the amounts paid before October 1, 1973, under sections 6420 (relating to amounts paid in respect of gasoline used on farms) and 6421 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes or by local transit systems) of the Internal Revenue Code of 1954 on the basis of claims filed for periods beginning after June 30, 1956, and ending before October 1, 1972. *This paragraph shall not apply to amounts estimated by the Secretary of the Treasury as paid under section 6421 of such Code with respect to gasoline used after December 31, 1963, in motorboats.*

(4) 1972 FLOOR STOCKS REFUNDS.—The Secretary of the Treasury shall pay from time to time from the Trust Fund into the general fund of the Treasury amounts equivalent to the following percentages of the floor stocks refunds made before July 1, 1973, under section 6412(a)(2) of the Internal Revenue Code of 1954—

(A) 40 percent of the refunds in respect of articles subject to the tax imposed by section 4061(a)(1) of such Code (trucks, buses, etc.);

(B) 100 percent of the refunds in respect of articles subject to tax under section 4071(a) (1), (3), or (4) of such Code (certain tires, tubes, and tread rubber); and

(C) 80 percent of the refunds in respect of gasoline subject to tax under section 4081 of such Code (*other than gasoline to be used in motorboats, as estimated by the Secretary of the Treasury*).

(5) *TRANSFERS FROM THE TRUST FUND FOR SPECIAL MOTOR FUELS AND GASOLINE USED IN MOTORBOATS.—The Secretary of the Treasury shall pay from time to time from the trust fund into the land and water conservation fund provided for in title I of the Land*

and Water Conservation Fund Act of 1963 amounts as determined by him in consultation with the Secretary of Commerce equivalent to the taxes received, on or after January 1, 1964, under section 4041(b) of the Internal Revenue Code of 1954 with respect to special motor fuels used as fuel for the propulsion of motorboats and under section 4081 of such Code with respect to gasoline used as fuel in motorboats.

The CHAIRMAN. We have asked the Secretaries to come before the committee at the same time, and I will request that Secretary Udall of the Department of the Interior begin by making any statement that he might care to present to the committee.

Mr. Secretary, we are pleased to have your views and comments.

STATEMENT OF HON. STEWART L. UDALL, SECRETARY OF THE INTERIOR; ACCOMPANIED BY DR. EDWARD CRAFTS, DIRECTOR, BUREAU OF OUTDOOR RECREATION, DEPARTMENT OF THE INTERIOR

Secretary UDALL. Thank you very much, Mr. Chairman. I have a prepared statement, which I believe the members of the committee have. I would like it to appear in the record, and I will read part of it and summarize the rest.

(The statement referred to is as follows:)

STATEMENT OF HON. STEWART L. UDALL, SECRETARY OF THE INTERIOR

I will confine my presentation this morning to the major changes made by the House in the original bill (S. 859) presented by the administration and a discussion of the issues which relate to these changes. The main alterations by the House committee or during floor action last week are the following:

(1) *Effective date.*—The House by floor action made the effective date of the bill January 1, 1965. The purpose of this was to allow time for development of the necessary regulations and procedures, time for consultation with the States and local and Federal agencies, and with the members of the House and Senate committees, who will continue to exercise oversight jurisdiction.

(2) *Admission and user fees.*—Numerous changes were made by the House committee with respect to admission, entrance and user fees. Admission or entrance fees to Federal areas may be charged only if four conditions are met concurrently.

These are: (1) The area must be designated and posted; (2) The area must be administered by a Federal agency. (This means Federal lands under lease to State, local public, or private agencies could not be subject to a Federal admission fee); (3) Recreation facilities must be provided at Federal expense; and (4) The area must be administered primarily for scenic, scientific or recreational purposes.

It would be impossible under these conditions to charge a general entrance or admission fee to a national forest or to a major Bureau of Land Management tract because none of these large areas are administered primarily for recreation purposes. The Multiple Use Act of the Forest Service makes it clear that recreation is a concurrent purpose of national forest administration, not the primary purpose. Entrance fees could be charged for small specially developed and designated recreation areas within a national forest but not for a major unit such as an entire national forest or a large Bureau of Land Management administrative unit.

The automobile sticker in no case can be made mandatory. A sticker may be developed not to exceed $7 per year for admission to designated areas, such as units of the national park system, but individuals who do not wish to buy a sticker cannot be compelled to do so. They may choose in lieu thereof to pay daily or short-term entrance fees.

No recreation fees of any kind—entrance or user—may be charged for use of waters navigated by commercial freight-carrying vessels, or at reservoirs or lakes constructed without expense to the United States for recreation or enhancement of fish and wildlife and where legislation specifically provides that water areas shall be open to the public without charge.

This prohibition was adopted during the House debate to allay fears of commercial freight-carrying operators that the possibility of a user fee for recreational boats on navigated waters might result in a precedent leading to fees for commercial vessels.

Amendments proposed on the House floor to eliminate all entrance and admission fees, to eliminate the corps and TVA reservoirs, or to otherwise exempt the Corps of Engineers were all defeated. Special exemption for the corps and

TVA would result in a double standard—one for such reservoirs and another for reclamation reservoirs. Furthermore, the Secretary of the Army is on record in his letter of October 31, 1963, as supporting the land and water conservation fund bill, including the system of financing proposed.

The bill further provides that the act authorizes no Federal hunting or fishing license fees, no fees for commercial activities not related to recreation on Federal lands and waters, no fees for travel by private, noncommercial vehicle to private property within a designated Federal area, and no fees for travel between two places either or both of which are outside the Federal area over a national parkway or any road or highway that is a part of the Federal aid system or on any road within the national forest system or public land area.

(3) *Motorboat fuels tax.*—The bill provides that that portion of the existing motorboat fuels tax of 4 cents a gallon which is nonrefundable or unclaimed and which now goes into the highway trust fund shall henceforth go into the conservation fund. This issue came under the jurisdiction of the House Ways and Means Committee and was adopted unanimously. This will amount to about $30 million a year and testimony before the House Ways and Means Committee by the Assistant Secretary of the Treasury and the Administrator of the Bureau of Public Roads, as well as a subsequent letter from Treasury, indicate that this transfer from the highway trust fund will have no delaying effect whatsoever in completing the highway program. Other revenues are exceeding expectations and even with the proposed transfer, the highway trust fund will conclude in 1973 with a surplus of over $300 million.

(4) *Surplus real property.*—There has been much misunderstanding about the proposal in the bill to include in the fund proceeds from the sale of Federal surplus real property. This is estimated as averaging about $50 million a year. The House bill and committee report as well as the history built on the House floor make clear that the bill does not include surplus personal property except as it is directly related to real property. It does not change in any way how real property is to be disposed of and it in no way affects the rights of certain preferred classes of purchasers—such as schools, hospitals, States and their political subdivisions—to purchase surplus property at a reduced price. The proposal includes only the net proceeds from sales of surplus real property, not the gross proceeds.

The House adopted on the floor an amendment to require that moneys covered into the fund but not appropriated by the Congress within 2 fiscal years shall be transferred to miscellaneous receipts of the Treasury. This is to prevent the buildup of a large sum of money in the conservation fund and was adopted to allay the fears of some that proceeds from the sale of surplus Federal real property might help to cause such a buildup.

I have a letter from the Commissioner of the General Services Administration showing that the average proceeds that would have been available during the past 10 years under the terms of the bill would have been about $55 million per year.

(5) *State apportionment.*—The question of how the State portion of the fund should be allocated between the several States is a most difficult one. In the bill sent up by the administration, one-fifth was to be allocated equally to all States, three-fifths on the basis of population, and one-fifth at the discretion of the Secretary with a directive that consideration should be given to the use of recreation resources by out-of-State inhabitants as well as Federal resources and programs within the State.

The House committee changed the formula to require that two-fifths be apportioned equally among the several States and three-fifths be allocated by secretarial discretion with instructions to consider population, out-of-State visitor use, and Federal programs within the State.

This has caused some feeling among the more populous States that they were being discriminated against. The assumption also has been made erroneously that equal weight would be given by the executive branch to the three named factors in the allocation of the three-fifths. The House committee report pointed out that it considered various alternatives for distribution of the State portion of the moneys and could find none that was wholly satisfactory. Area alone was considered. Population alone would be an improper criterion; per capita income was felt to be unsatisfactory.

The Department recognizes the importance of all three of the indicated criteria, particularly population and out-of-State visitor use. With respect to the exercise of such discretion as may be granted the executive branch in the allocation of funds to the States, it would be our intention to consult with the several States, initially and periodically thereafter, to attempt to work out the formula that is

most equitable. Here again, we would also consult with committees of the Congress.

(6) *Forest Service acquisition.*—This is a matter which undoubtedly can be more adequately discussed by the Department of Agriculture.

I wish simply to point out that an amendment was offered, advocated by the timber interests which would have precluded the Department of Agriculture from utilizing the authority of the Weeks Act of 1911 in purchasing lands primarily valuable for recreation with moneys made available to it by the Appropriation Committees and the Congress from the conservation fund.

Lands purchased under the authority of the Weeks law are mainly national forest lands in the East and all such purchases must be approved by the National Forest Reservation Commission made up of the Secretaries of Agriculture, Interior, and the Army, two Members of the House and two Members of the Senate.

This Commission has authority to approve or disapprove purchases under the Weeks law. Proposals to prevent the utilization of this act in connection with the conservation fund appear to me to cast aspersions on the competence not only of the Secretaries of three Departments involved, but more significantly on the four Members of Congress which include, as far as the Senate is concerned, Senator Aiken, ranking Republican on the Senate Committee on Agriculture and Forestry, and Senator Stennis, one of the most respected Members of the Senate. This amendment was offered but not adopted by the House, and I hope it will not be considered favorably by this committee nor the Senate.

My views in this respect are wholly in accord wlth those of Secretary Freeman.

This concludes the major differences between the House-passed bill and the measure as originally introduced, as well as the major issues that have arisen during House consideration.

I commend the House bill to you. I urge its adoption by this committee and rapid action by the Senate so that the land and water conservation fund bill will soon become a reality and take its place with other historic conservation legislation.

We recognize the changing of the times and the great impact of outdoor recreation as a major use of land and water resources as so eloquently pointed out by the Outdoor Recreation Resources Review Commission.

Finally, with respect to the fee provisions of the bill, may I point out that the organizations that represent the great bulk of the recreation users of our Federal lands are standing shoulder-to-shoulder behind this bill asking to pay their fair share of the cost of providing recreation through Federal, State, and local sources. It is not often that we find the beneficiaries of public services coming to the legislators asking to pay for the services received.

I think the Congress of the United States should and will respond by the enactment of this legislation.

Secretary UDALL. I certainly think this hearing, Mr. Chairman, is a wise revisiting of the bill after the House has acted on it. I think it was well over 15 months ago when this committee held the initial hearings on this legislation.

I should like to say with regard to the House bill that I don't know when I have seen a committee of Congress labor longer or harder or really do more effective work than the House committee did. They spent literally hours in committee working the bill over, line by line and page by page.

There were a number of amendments adopted by the House committee of a perfecting nature, of a clarifying nature, and I think on the whole, the committee did an outstanding job. I would say I think this was verified by the fact that during the 2 days of debate and handling of the House bill on the House floor last week, the only amendments that were adopted were amendments that the chairman and the committee agreed to as perfecting amendments, and it is rare to have a major bill of this magnitude where that happens.

I think one additional measure of the soundness of the House bill was that for very obvious reasons, many western Members of Congress, I think both on this committee and on the House committee, had reservations about some aspects of the bill, and on the House side,

after some of the amendments I am going to discuss were adopted, that among the westerners on the committee, even, there was very strong and nearly unanimous support.

This legislation, in the last year and a half, has generated tremendous interest in the country, and I should like, Mr. Chairman, to submit, not necessarily for the record but at least for the committee's file, some data that Dr. Crafts and his people have gathered. These are statements of support from conservation organizations, letters received, I think, from 43 of the 50 Governors in support of the legislation, and a summary of the endorsement in the press across the country, and I should like to submit these.

The CHAIRMAN. They will be filed with the committee.

Secretary UDALL. For the file of the committee.

But I will confine my presentation briefly this morning, Mr. Chairman, to the major changes made by the House in the original bill presented by the administration, the bill that this committee considered many months ago. The main alterations by the House committee during floor action last week are the following:

No. 1, the effective date. The House, by floor action, made the effective date of the bill January 1, 1965. The purpose of this was to allow time for development of necessary regulations and procedures, time for consultation with the States and local and Federal agencies, and with the members of the House and Senate committees who will continue to exercise oversight jurisdiction.

With a program of this magnitude, because of the impact that it will have, obviously we are going to have to move slowly. Indeed, we couldn't really implement some phases of the program until next summer anyway, so I think this amendment is a wise one.

No. 2, and this was an area of great controversy, admission and user fees. Numerous changes were made by the House committee with respect to admission, entrance, and user fees. Admission or entrance fees to Federal areas may be charged only if four conditions are met concurrently, and I underline the "concurrently."

These are (1) that the area must be designated and posted; (2) the area must be administered by a Federal agency. Now this means that Federal land under lease to State, local, public or private agencies could not be subject to a Federal admission fee, such as many of the corps reservoirs, TVA lakes, and things like that.

(3) Recreation facilities must be provided at Federal expense; and (4) The area must be administered primarily for scenic, scientific, or recreational purposes. In other words, these four things have to concur.

It would be impossible under these conditions to charge a general entrance or admission fee to a national forest or to a major Bureau of Land Management tract because none of these large areas are administered primarily for recreation purposes. The Multiple-Use Act of the Forest Service makes it clear that recreation is a concurrent purpose of national forest administration, not the primary purpose.

Entrance fees could be charged for small specially developed and designated recreation areas within a national forest but not for a major unit such as an entire national forest or a large Bureau of Land Management administrative unit.

The annual automobile sticker would not be mandatory. A sticker may be developed not to exceed $7 per year for admission to desig-

nated recreation areas for a whole year, such as units of the national park system, but individuals who do not wish to buy the annual sticker would not be required to do so. They could choose in lieu thereof to pay daily or short-term entrance fees.

No recreation fees of any kind—entrance or user—may be charged for use of waters navigated by commercial freight-carrying vessels, or at reservoirs or lakes constructed without expense to the United States for recreation or enhancement of fish and wildlife and where legislation specifically provides that water areas shall be open to the public without charge.

This prohibition was adopted during the House debate to allay fears of commercial freight-carrying operators that the possibility of a user fee for recreational boats on navigated waters might result in a precedent leading to fees for commercial vessels.

Amendments proposed on the House floor to eliminate all entrance and admission fees, to eliminate the corps and TVA reservoirs, or to otherwise exempt the Corps of Engineers projects were all defeated. Special exemption for the corps and TVA would result, as Congressman Aspinall and others pointed out, in a double standard, reclamation reservoirs would be included, but all corps reservoirs would be excluded. This would mean one standard for the West and another for the East.

Further, the act authorizes no Federal hunting or fishing license fees, no fees for commercial activities not related to recreation on Federal lands and waters, no fees for travel by private, noncommercial vehicle to private property within a designated Federal area, and no fees for travel between two places either or both of which are outside the Federal area, or over a national parkway or any road or highway that is a part of the Federal aid system or on any road within the national forest system or public land area. You can see that the House really worked the bill over with regard to this area, and adopted a great number of amendments.

Regarding the motorboat fuel tax provision, this is not an area where there was change. I am discussing this merely to point out that there was some controversy in the House with regard to the motorboat fuel tax feature. The bill provides that the existing motorboat fuels tax of 4 cents a gallon, which now goes as a windfall into the highway trust fund, shall henceforth go into the conservation fund, because after all, this is a land and water conservation fund, and some of this money will be spent for the benefit of the boaters as such, whereas this is not true of the highway program.

This issue came under the jurisdiction of the House Ways and Means Committee. Chairman Wilbur Mills and his committee adopted this provision unanimously, and I think that when the chairman of the Ways and Means Committee stated the reasons for it last week, that pretty well ended the argument on the House floor.

Of course, if the Senate committee handles the matter the way they did in the House, this one item would be under the jurisdiction of the Senate Finance Committee, and I understand they are considering the matter at the present time.

The CHAIRMAN. I understand, Mr. Secretary, that this will be heard tomorrow on the Finance Committee, and we hope that the Finance Committee will act at that time. Their report will be printed at this point when received.

(The report referred to follows:)

U.S. SENATE,
COMMITTEE ON FINANCE,
July 31, 1964.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to advise you that this committee has considered title II of H.R. 3846, the Land and Water Conservation Fund Act of 1965. Title II makes certain changes in the Highway Revenue Act of 1956, and, as you know, legislation regarding this act is properly within the jurisdiction of the Committee on Finance.

Specifically, title II provides for the transfer from the highway trust fund to the land and water conservation fund (which would be provided for by H.R. 3846) of an amount equal to the Federal excise taxes collected with respect to special motor fuels and gasoline used in motor boats. It also provides that credit or refund of these taxes are to be charged to the fund.

The proceeds of the Federal excise tax on gasoline and on special motor fuels have been dedicated for several years (along with the revenues from certain other Federal excise taxes) to the highway trust fund for the purpose of financing our highway construction program. The provisions of the Highway Revenue Act of 1956 were carefully worked out to insure adequate revenues would be available to cover the costs of our highways over the period of their construction.

Although the Committee on Finance does not intend to object to title II being included by your committee in H.R. 3846 (provided it is retained without change from the House provision), it is genuinely concerned that the diversion of revenues from the highway trust fund could have a serious impact on the financing of our highway construction program. Title II of H.R. 3846, for example, reduces the revenue available for the highway program by an estimated $279 million over the period 1965–72.

For this reason the Committee on Finance will not favor proposals in the future which may weaken the highway trust fund.

Approval of title II includes approval of the explanation of its provisions which were prepared by the Committee on Ways and Means of the House and included in the House report on the bill.

With kindest regards, I am,

Faithfully yours,

HARRY F. BYRD, *Chairman.*

Secretary UDALL. Fine.

Another item which involved some controversy but which was, I think, largely resolved and quieted at the end of the discussion in the House last week, related to surplus real property, the net revenues from which would be covered into the conservation fund.

There has been much misunderstanding about this feature of the bill. These revenues are estimated as averaging about $50 million a year. The House bill and committee report, as well as the history built on the House floor, make clear that the bill does not include surplus personal property except as it is directly related to real property.

It does not change in any way how real property is to be disposed of and it in no way affects the rights of certain preferred classes of purchasers—such as schools, hospitals, States, and their political subdivisions—to purchase surplus property at a reduced price. It has no effect on that whatsoever. The proposal only includes the ultimate net proceeds, where sales are actually made that would otherwise go into the general fund.

The House adopted on the floor an amendment which was presented by Chairman Carl Vinson of the Armed Services Committee, who took a personal interest in this, and strongly supported the bill, incidentally, to require that moneys covered into the fund but not appropriated by the Congress within 2 fiscal years shall be then transferred to miscellaneous receipts of the Treasury. This is to prevent

the buildup of a large sum of money in the conservation fund and was adopted to allay the fears of some that proceeds from the sale of surplus Federal real property might help to cause such a buildup.

I have a letter from the Commissioner of the General Services Administration showing that the average proceeds that would have been available during the past 10 years under the terms of the bill would have been about $55 million per year.

An item that involved a major discussion related to how the funds would be apportioned among the States. The question of how the State portion of the fund should be allocated between the several States is a most difficult one. In the bill sent up by the administration, one-fifth was to be allocated equally to all States, three-fifths on the basis of population, and one-fifth at the discretion of the Secretary with a directive that consideration be given to the use of recreation resources by out-of-State inhabitants as well as Federal resources and programs within the State.

The House committee changed the formula to require that two-fifths be apportioned equally among the several States and three-fifths be allocated by secretarial discretion with instructions to consider population, out-of-State visitor use, and Federal programs within the States.

This has caused some feeling among the more populous States—I think I should report to the committee—that they were being discriminated against, and there was talk of amendments which did not emerge on the House floor. Also, the assumption has been made erroneously that equal weight should be given by the executive branch to the three named factors in the allocation of the three-fifths.

The House committee report pointed out that it considered various alternatives for distribution of the State portion of the moneys and could find none that was wholly satisfactory. Area alone was considered; population alone would be an improper criterion; per capita income was felt to be unsatisfactory.

The CHAIRMAN. I don't like to interrupt you, Mr. Secretary, but would you clarify that point, "that I think that population alone would be an improper criterion?" Would it be a proper criterion if coupled with others?

Secretary UDALL. Well, we think that if you couple them together and balance it out, and we don't propose to sit down arbitrarily some afternoon and make a decision of this kind. We propose to call the States in and to discuss it, and to come up with the best solution that is possible. We think a balancing of the pertinent factors will produce the best result. We recognize the importance of all three of the indicated criteria, particularly population and out-of-State visitor use.

We know that the States have shown tremendous interest in this program. We have 43 of the 50 Governors who have personally endorsed it. They are sitting, waiting, a lot of them are ready with programs of their own. This would be a matching program. Therefore, with respect to the exercise of such discretion as may be granted the executive branch in the allocation of funds to the States, it would be our intention to consult with the several States initially, and periodically thereafter, in order to work out a formula that is most equitable. Here again, we would also consult with committees of the Congress.

The final item of controversy concerned Forest Service acquisition. This is a matter that undoubtedly can be more adequately discussed

by my colleague, Secretary Freeman. I wish simply to point out that an amendment was offered, advocated by the forest products industry people, which would have precluded the Department of Agriculture from utilizing the authority of the Weeks Act of 1911 in purchasing lands primarily valuable for recreation with moneys made available to it by the Appropriation Committees and the Congress from the conservation fund.

I considered, and I am sure Secretary Freeman considers, this to be a very drastic amendment. I think it is one which would have the effect, really, of taking the eastern part of the United States in large measure out of the bill as far as the Forest Service is concerned, because land purchased under the authority of the Weeks law is mainly national forest land in the East, and all such purchases must presently be approved by a National Forest Reservation Commission made up of the Secretaries of Agriculture, Interior, Army, two Members of the House, and two Members of the Senate.

We sit from time to time to consider acquisitions for additions to these national forests. Under this legislation, we would still continue to exercise that authority and prerogative, and the effect of the amendment proposed by the timber interests would be to say that no land could be added to national forests in the East, unless Congress passed a special bill for each little piece of land.

Well, this is already what the National Forest Reservation Boundary Commission was set up to do by law. It has functioned for 50 years. It functions extremely well. Senator Aiken and Senator Stennis represent the Senate on this Commission, and represent it very ably.

This Commission has authority presently to approve or to disapprove purchases under the Weeks law. Proposals to prevent the utilization of this act in connection with the conservation fund appear to me to cast aspersions on the competence not only of the Secretaries of the three Departments involved, but more significantly on the four Members of Congress which serve on that committee.

This concludes my discussion of the major differences between the House-passed bill and the measure as originally introduced, as well as the discussion of the major issues that arose on the House side.

I would simply like to say this, Mr. Chairman, to the members of this committee: I know how hard many of you have worked and what leadership you have provided during this Congress. I have been struck by the fact that there is an opportunity for this Congress to go down in history as, I think, the single Congress that made the finest conservation record in terms of major policy that concerned and affects the future of out country and the face of our country. I want to read the final paragraph—just to show you this is not only our opinion—of an editorial which appeared last night in the Daily News, entitled, "Shades of Gifford Pinchot." One can think back to the administration of Theodore Roosevelt, certainly an outstanding administration. Such acts as the Reclamation Act, the Antiquities Act, and others were passed, and this was during the period of a whole administration.

In Franklin D. Roosevelt's administration, also, there were outstanding conservation bills: the Soil Conservation Act, the Taylor Grazing Act, the TVA, and so on, but these were passed, in most instances, over a period of two or three Congresses, but here this Congress, if it passes a wilderness bill, if it passes a land conservation fund

bill, these two bills by any measure are historic in conservation legislation.

These enactments will be of great benefit to the American people. They will be so regarded in my opinion, 50 and 100 years from now. The editorial in question to which I have referred ended up by saying:

> With these two bills behind it, the 88th Congress can write the finest chapter in U.S. conservation history since Gifford Pinchot's palmiest days.

I end on that note, Mr. Chairman, simply to emphasize what a wonderful opportunity I think this committee has to exercise its jurisdiction and wisdom in considering this legislation, and to express the hope that we can complete action on it this year.

We began work on this bill in the Department nearly 3 years ago. This committee considered legislation of this kind in the 87th Congress. I think that certainly all of our thinking on the subject has improved, and I think also that this legislation has improved as we have gone down the road.

Thank you very much.

The CHAIRMAN. Thank you, Mr. Secretary, for your statement.

What is the pleasure of the committee? I think it might be helpful if Secretary Freeman could make his statement at this time, and then we would question the two Secretaries. Would that be satisfactory?

Secretary Freeman has an engagement at the White House a little after 11 o'clock.

Senator DOMINICK. Mr. Chairman, I would presume, then, that if we have questions of Secretary Freeman, that we don't have time to ask him today, that he will be recalled?

The CHAIRMAN. Oh, yes, he will be available. All the Secretaries are.

Senator DOMINICK. For a public hearing?

The CHAIRMAN. Pardon me?

Senator DOMINICK. At a public hearing?

The CHAIRMAN. Certainly, if it is necessary.

Secretary Freeman, we will be happy to have your comments at this time.

STATEMENT OF HON. ORVILLE L. FREEMAN, SECRETARY OF AGRICULTURE

Secretary FREEMAN. Thank you very much, Mr. Chairman and members of the committee. There is a very brief prepared statement, and I will only allude to it briefly.

(The statement referred to follows:)

STATEMENT OF HON. ORVILLE L. FREEMAN, SECRETARY OF AGRICULTURE

Mr. Chairman, members of the committee, I am indeed pleased to appear before your committee to testify in support of the land and water conservation fund bill.

Last Thursday the House passed H.R. 3846. There were a number of amendments considered on the floor of the House. Eight amendments, of a clarifying nature, were adopted. The Department of Agriculture is in complete accord with the amended version of H.R. 3846. We recommend that the language contained therein be adopted by the Senate.

This bill is of vital importance to the outdoor recreation needs of this Nation. It strikes at the very roots of the matters being considered by the President's Recreation Advisory Council, of which I am Chairman.

Our position on the principles contained in this legislation has not changed since I testified on the original S. 859 in March 1963; but the need for expanding our recreational resources has become even more acute in the ensuing year. The demand for increased recreational opportunities has been spectacular in recent years and is a matter of record.

Our skyrocketing population, higher living standards, increased leisure time, desire to be out of doors, and our greater mobility, all serve to increase the pressure on recreation opportunities. This pressure will continue well into the future. Participation by all levels of Government will be necessary if we are to meet the demand.

The Federal Government can no longer be content with just preserving sites of national significance and exercising stewardship over its own lands. It must give leadership to enable States and local governments to meet their responsibilities in providing outdoor recreation opportunities. The Federal Government must stimulate diversified commercial recreation investments and promote greater public recreation use on private lands and waters.

The Food and Agriculture Act of 1962 served to spark the private endeavor—stimulating the conversion of privately owned farm, ranch, and woodlands into profitmaking outdoor recreation businesses throughout rural America. This act also made possible the cooperation between local governments and private landowners to develop new recreation facilities in rural areas.

I am happy to report that the recreation program developed under the 1962 act has been successful. Land which was, in many cases, producing unneeded agricultural products is now producing desperately needed recreation. The conversion of this land from agricultural production is bringing new income to its owners. The local communities are benefiting from new investment, new tax revenues from the higher land value, new jobs required to build the projects and to maintain and service them when they are built. The visitors using the facilities bring new income to the community buying food, gas, sporting goods, and the other equipment needed for recreation, as well as the services demanded by Americans when they are on the move seeking the pleasures of outdoor recreation.

Since the enactment of the 1962 bill loans totaling nearly $7 million have been made to 52 nonprofit rural associations and to 208 farmers in 46 States. The farmers will increase their yearly net incomes by an average of about $2,300 each. There are some 12,000 families who are members of the local associations participating in these projects and more than 75,000 persons will participate and benefit directly in the recreation facilities constructed. In addition, Department of Agriculture technicians have helped nearly 10,000 farmers convert almost 250,000 acres of cropland to recreation uses and have helped an additional 1,500 farmers with plans to convert an additional 500,000 acres. These are just some of the accomplishments already made under the provisions of the 1962 act.

Returning to the land and water conservation fund bill, this legislation would accomplish two other principal programs. The first is the acquisition of recreation-potential lands in national parks, in authorized national recreation areas, in wilderness-type areas within the national forest system, and in addition, other areas within the national forests where a primary value of the land to be acquired is for outdoor recreation. The bill also provides for acquisition of land in areas set up to preserve threatened species of fish and wildlife and for recreational purposes in connection with units of the national wildlife refuge system.

The second would assist participating States in their outdoor recreation programs. Enactment of this legislation will help the States to assume a more definite role in the total outdoor recreation picture.

This bill complements the war on poverty program and the Appalachia regional development program, both pending before the Congress.

The Outdoor Recreation Resources Review Commission has pointed out that the greatest need for recreation opportunities lies in areas adjacent to the metropolitan centers in the Eastern States. In line with this need, the Forest Service has planned 84 percent of its acquisition in the eastern national forests where the ownership pattern is scattered.

The land and water conservation fund will serve to block in Federal ownerships in these forests created under the authority of the Weeks Act of 1911, where the recreation use is of primary value in the total contribution of the national forest system to the well-being of the Nation.

Outdoor recreation is one of the principal values of lands in the national forest system. It is one of the purposes for which these lands are administered. The 186 million acres in the national forest system comprise one of the largest groups of lands available to the public for outdoor recreation, including hunting and fishing. In 1963 there were approximately 125 million recreation visits to these

lands—4 times the number of such visits in 1950. By the year 2000, it is estimated that the number will exceed 600 million.

The land and water conservation fund would include the proceeds from fees to be established for entrance, admission, and other recreation uses on certain designated Federal lands, including those administered by the Forest Service. Inauguration of a system of user fees that provides a uniform system of charges for comparable facilities and services is desirable. There will be a need to delegate to the departments and agencies the maximum possible latitude for determining methods to be used to permit their adaptation to varying situations. For example, the complicated pattern of landownership and transportation networks in the national forest system make it impractical to establish a system of checking fee requirements at the innumerable points of entry to these lands. On the other hand, in areas where there is controlled access, such as in many of the national parks, checking stations at entry points might be a very practical method. The system of user fees contemplated in this legislation for the use of Federal facilities will, in my opinion, put the private landowners in a more favorable competitive position and give impetus to the fulfillment of recreation opportunities through the very important private sector of our society.

In conclusion, Mr. Chairman, one of the important changes put forth in this revised language is the acquisition of only those lands where a primary value is for outdoor recreation purposes. This principle has the wholehearted support of the Department of Agriculture. The need for outdoor recreation is so great that we cannot postpone positive, aggressive action. We must act promptly or many of our opportunities will be lost. This legislation is significant to all Americans—present and future. I hope it will be enacted without delay.

Secretary FREEMAN. It has been my privilege to appear before this distinguished committee before on this legislation. My colleague, the Secretary of the Interior has, I think, very adequately touched on some of the changes. May I please just emphasize a few points?

No. 1, this committee is alert and well aware of the burgeoning tremendous pressure and demand for outdoor public recreation. We feel this very strongly in the Department of Agriculture and the Forest Service, and I point out in this statement that since 1950 there has been an increase of 4 times, up to 125 million this year of the recreation visits to the national forests.

If I remember rightly, there will be an increase of close to 35 million visitors since it has been my privilege to serve as Secretary of Agriculture.

Now, this committee is composed primarily of distinguished Senators from the western part of the United States, but I know that all of them are equally concerned with the eastern part of the United States and its problems in the recreation and forest areas as well. The holdings and the opportunities in the eastern part of the United States and their metropolitan centers are less, as you well know.

It would be our purpose, under this bill, to expend about 84 percent of what would be available under it for acquisitions in the eastern national forests acquired under the Weeks Act, where we do need to acquire substantial in-holdings, where there are lots of odd blocks of land, and this would, of course, be subject to the guidelines that have been set down. But this is really of very significant importance, and will help very much indeed to make available to people in this part of the United States the outdoor recreation opportunities that they wish and that I would submit to you are important to them.

Might I just take this occasion to call the attention of this committee—I am sure that Senator Mechem, serving as he does on the Agriculture Committee, is fully aware of this, but perhaps you are not all as aware—that we also have been moving very aggressively in the field of the development of private outdoor recreation facilities, and

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applying the same multiple-use principle of the national forests to the use of private land.

Under the Food and Agricultural Act of 1962 there has been a very significant movement in the direction of converting privately owned farm and ranch and wood land into a profitmaking outdoor recreation business in rural America. Through the cooperation with local government and private landowners, this has moved on to the mutual benefit of all concerned, resulting in higher land values, tax returns, earning, and all the rest.

To touch on just a few examples of this, since the enactment of the 1962 bill, loans made on what we feel to be a solid, businesslike basis that will repay—and might I say that Senator Walters is also on the Agriculture Committee and is thoroughly familiar with this—that 52 nonprofit rural associations and 208 farmers have borrowed $7 million for this purpose, and this covers some 46 States.

Also, we in this case expect farmers will increase their yearly net incomes by about $2,300 each. In addition, some 12,000 families will be participating in this and more than 75,000 persons will be involved.

Our current reviews indicate that nearly 10,000 farmers have converted 250,000 acres of cropland to recreation uses, and that plans are underway for an additional 1,500 farmers to convert an additional 500,000 acres. These will be conversions in significant parts of land which is producing row crops, many of which are in more than adequate supply. This is land moving on an economic basis to uses where it will meet a national need.

All of this, I submit to you, is supplemented by this program, and as such, the system of user fees will help. It will not only help to provide the essential Federal facilities, it also, in some places, will encourage private landowners and will place them in a more favorable competitive position, and will give impetus to the total overall goal we seek to reach of rapidly expanding recreational opportunities to meet a very great and rapidly growing need.

And so, Mr. Chairman, as I said before, the Department of Agriculture wholeheartedly supports this legislation, and I would join in the statements that Secretary Udall has made that it will, I think, be landmark legislation and most significant, and considered so in the years ahead.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Secretary.

Senator Kuchel?

Senator KUCHEL. I have a conflict in my committee meetings this morning. There are several questions that I would like to have developed. I understand that one of them also has the interest of my colleague from Wisconsin with respect to the allocation formula among the States, and if I am correct in the understanding that he will develop that subject, I am going to pass it. I do have some general questions, since I would like to support this legislation.

There are, however, people in my State who have written to me, and I want, for the record, to ask a few questions that haven't been answered, of Secretary Udall.

What is the history of our Federal legislation with respect to fees of any kind for citizens to enjoy recreational opportunities on real properties owned by the Federal Government?

Secretary UDALL. Well, Senator, I think I would like to give you two answers on that. No. 1 is that generally speaking, at the present

time, in areas where there is no development or relatively minimal development for outdoor recreation, the tradition is of no fees. Some people acted when we got into the House debate over there, as though the idea of a fee to enter prime recreation land—that there was something novel about this.

The fact of the matter is that we presently charge, and have charged for many years, and realize about $6 million in admission fees, actually taken at the toll gate, which is the sort of thing that we would hope we can ultimately get away from at some of the major national parks.

There is a fee at Yosemite; the fee at Yellowstone is $6, so that mostly at the present time, the policy is not "no fees," the policy is fees and rather stiff ones at the major areas of the national park system.

What we have been searching for is something that would be equitable, and that would really tie any fees to the Federal Government providing at Federal expense development for recreation and benefit for the recreation user.

Now let me add one other thing to that, and that is that the States, most of the States, are way ahead in terms of admission fees and user fees, and many of the States today charge very substantial fees for access to seashores and parks and camping areas and so on. I think this has been the whole trend of the last 15 to 20 years, and what we are trying to devise, with the help of the committee, is something that will make sense, that will be reasonable, and that will be equitable, too, in the sense that all lands are treated equal, or the same with regard to the various types of development that may exist.

Senator KUCHEL. Is it true that originally, your Department suggested a lower annual fee than the $7, and if so, on what basis did the House arrive at the $7 figure?

Secretary UDALL. The original figure that we had suggested was a $5 maximum. Some of the outdoor recreation organizations, particularly the group that has worked closely with the organizations that Laurance Rockefeller and others formed to further the outdoor recreation report, recommended a higher fee. The House committee ultimately recommended $7, as a maximum—now this doesn't mean, however, that if we have an automobile sticker it is going to be $7. I think that we can say to you that we probably will start at a more modest figure than that. This would be the ceiling that would be applicable.

Now, when one considers the fact that you have to pay $6 at the entrance to get into Yellowstone Park today, this doesn't seem too far out of line. If a person wanted to make, as some people do, the grand tour of several of the big national parks in the West, the annual sticker would admit them to all of these areas.

Senator KUCHEL. Mr. Secretary, what is the difference on the one hand between an entry and admission fee, or a user fee?

Secretary UDALL. I think what we now have at Yellowstone and Yosemite quite properly could be called an admission fee, because you have to pay it to get in. Also, I think that an automobile sticker that would admit the car and occupants would be called an admission fee.

A user fee, for example, would be a fee such as one that would be charged for the use of special camping facilities which you have in

national parks, and increasingly in some national forests, where special facilities are required. You would provide, say, a $1-a-night camping fee or a specific fee for someone who comes in with a camping trailer and stays for a week or 10 days.

Senator KUCHEL. That would be in addition to the admission, the entry fee? For example, if I paid any $7 fee, I would pay user fees in addition, under the regulations of the Federal Government?

Secretary UDALL. Yes.

Secretary FREEMAN. Sir, may I comment?

I don't know if it adds to the record, but in my own experience as a Governor of a State that did go into this, I resisted it at the time, and thought that it would result in irritation, and lack of use of the facilities, and felt that it was not a sound policy.

In practice, I found myself to be in error, that it did have a broad base of support, and that people generally were willing to pay a modest amount. As a matter of fact, they felt that they were contributing to an area they wanted to use, so long as it was well managed and well used, and I found myself changing my position and supporting some increases in those fees, so that we could expand the facilities within the State of Minnesota. It really was not an issue, and if my experience in Minnesota is any indication, it will not be, if properly administered, in this case.

Senator KUCHEL. By the way, what is the admission fee to Yosemite National Park?

The CHAIRMAN. It says $6 on the list.

Secretary UDALL. Yellowstone is $6.

Senator CHURCH. Those are the two highest ones.

The CHAIRMAN. Yes.

Senator KUCHEL. I am told for a weekend fee it is $3. Annual fee would be $6. And I assume that those fees are all the result presently of regulations by the Department?

Secretary UDALL. Yes; that is correct, Senator.

Senator KUCHEL. Where do the motorboat fuel-tax payments go today?

Secretary UDALL. Senator, this money goes directly into the highway fund. The Congress did put a provision in that those who pay this tax—this was a recognition of the principle of equity—that they could have the money refunded if they wanted. As a practical matter, the items are so small, and it is so cumbersome, that a very small number of users actually make this application, and so this has ended up as a windfall to the highway fund.

The highway fund, incidentally, is in very good shape. The program is moving forward, and the Department of Commerce supports this proposal and feels that this would not interfere with the highway fund.

Senator KUCHEL. Just roughly how much a year does accrue?

Secretary UDALL. Approximately $30 million at the present time is the Treasury estimate.

Senator KUCHEL. Those motorboat owners who wish to have their taxes which they pay refunded follow a procedure and are able to have them refunded?

Secretary UDALL. They can get 2 cents out of the 4 cents. Congress, I think, provided this when they put the extra 2 cents on highway. The other is not refundable.

Senator KUCHEL. So that the fund which has been accumulated of $30 million a year comes from refundable moneys which the paying taxpayer has not seen fit to ask be returned to him?

Secretary UDALL. It is just too cumbersome, really, to make an application for $3, and go through all the redtape that is necessary to get your refund.

Senator KUCHEL. Well, thank you very much, Mr. Secretary. I have been told that my colleague from Wisconsin is going to go into the matters which were raised originally in a letter by our colleague from Michigan.

I have listened with interest to the presentation of the Secretary, and I do believe that the record should be made clear and complete on the criteria which the House has written into the bill on which Secretary Udall commented, and the weight which would be given to the problems of population and people coming into public facilities in a State such as mine, from elsewhere in the country—or the hemisphere, for a matter of fact—and what weight would be given to that. I would like to have that fully developed.

Thank you.

The CHAIRMAN. Thank you, Senator Kuchel.

Senator Bible?

Senator BIBLE. Thank you, Mr. Chairman. I am certainly greatly interested in this legislation. I hope it can move forward without delay, because I have had the privilege and pleasure of serving as chairman of the Public Land Subcommittee, traveling from east to west and north to south, and hearing proposals for national parks and seashores and river systems and lake shores, and national monuments, and various types of reservations that are being made, and presentations made by the Secretary of the Interior and the Park Service, and I think it is safe to say that the exploding population has made it abundantly clear that we must meet the need, not only on the Federal level, but the State level, and we hear this constantly in whatever State we go.

Now I would very much appreciate, Mr. Secretary, if you would supply for the committee a detail of the fees which you charge and which you collect for various areas that are under the administration of the Park Service. I have in my hand a pamphlet, "Areas Administered by the National Park Service."

The last copy I have is January 1, 1963. It shows that you administer a total of 191 areas. They are made up of 31 national parks, 9 national historic parks, 80 national monuments, 11 national military parks, and so on, and 4 national recreation areas.

Now I would appreciate your supplying the schedule of the fees, the permits for house trailers, for motorcycles, for any other type of a fee or user charge that you make in each of these areas, and I would like to have you particularly give emphasis to the Lake Mead National Recreation Area.

This is probably the greatest used national recreation area, I would guess, in the entire world. There are something like 3½ million people who use Lake Mead and Lake Mojave each and every year. Some 5½ or 6 million people actually come into the area, though some of them don't use the recreation areas, and I don't know, No. 1, what if anything, you charge by way of user fees at the present

time, and No. 2, what would you propose to charge if this was enacted into law?

This would be very helpful to me, and I don't want to take the time of the committee in developing it now. I simply want to underscore the necessity for action in this area, because one only has to sit in on a Fire Island hearing, for example, or a Duck Island hearing, or any one of these various park proposals to understand that these recreation areas are becoming more and more in short supply, and the great population explosion is not only in the Southwest, but in the entire United States.

Something must be done about it, and I commend each of you for the work that you have spent in this area.

Secretary UDALL. Senator, just allow me to say that no one knows better than the Senator from Nevada of the need for this recreation and the rising cost of prime recreation lands, too. We will be very happy to provide the information requested.

Senator BIBLE. Thank you, Mr. Chairman.

(The information requested is as follows:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 29, 1964.

Hon. ALAN BIBLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BIBLE: This is in response to your request at the hearing on H.R. 3846 yesterday for certain information in connection with the Lake Mead National Recreation Area and other matters pertaining to the National Park Service.

Attached is the latest tabulation of the fees that are currently charged at units of the national park system.

Lake Mead Recreation Area would appear to be subject to the authorization for collection of fees authorized by the House-passed version of H.R. 3846 now pending before your committee, specifically on page 4, lines 22 to 24. At the present time, fees are not charged for entrance into the area. Certain concession-provided facilities, of course, are available but the National Park Service does not charge for the use of free launching facilities which it has developed, the rationale being that only by furnishing such facilities can the boatmen be persuaded not to make their own roads and thus mar the terrain and contribute to erosion and other unsightly practices.

This management consideration, which we consider valid, emphasizes our feeling that the question of charging fees should, as the House report indicated, be determined by all the facts and circumstances in each case and follow the dictates of commonsense. Conceivably a time could arrive when charging for the use of water might be necessary in the interest of safety but even under these circumstances I am sure that we could set the fee up as a boat registration or boat safety fee, not a fee for the use of the water.

In view of our interest in making the sticker provision operate, it is likely in the future we will institute some system of entrance or admission fees at the concentrated areas but here again we will try to do it in such a way as to serve the interests of good management of the area.

Sincerely yours,

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

Automobile, house trailer, motorcycle, guide, admission, and miscellaneous fees

AUTOMOBILE, HOUSE TRAILER, AND MOTORCYCLE FEES

Area	Year fee originated	Automobile fee [1]		House trailer fee [1 2]		Motorcycle fee [1]	
		Annual permit	15-day permit	Annual permit	15-day permit	Annual permit	15-day permit
National parks:							
Bryce Canyon, Utah	1939	$2.00	$1.00	$2.00	$1.00	$2.00	$1.00
Crater Lake, Oreg.	1911	2.00	1.00	2.00	1.00	2.00	1.00
Glacier, Mont.	1912	4.00	2.00	4.00	2.00	2.00	1.00
Grand Canyon, Ariz.	1926	2.00	1.00	2.00	1.00	2.00	1.00
Grand Teton, Wyo.	1939	2.00	1.00	2.00	1.00	([3])	([3])
Lassen Volcanic, Calif.	1931	2.00	1.00	2.00	1.00	2.00	1.00
Mesa Verde, Colo.	1914	2.00	1.00	2.00	1.00	2.00	1.00
Mount Rainier, Wash.	1908	2.00	1.00	2.00	1.00	2.00	1.00
Petrified Forest, Ariz.	1939	1.00	.50			1.00	.50
Rocky Mountain, Colo.	1939	2.00	1.00	2.00	1.00	2.00	1.00
Sequoia-Kings Canyon, Calif.	1910	4.00	2.00	4.00	2.00	2.00	1.00
Shenandoah, Va.	1939	1.00	[4] .50	1.00	[4] .50	1.00	[4] .50
Yellowstone-Grand Teton (combined), Wyoming, Montana, and Idaho	1915	6.00	3.00	6.00	3.00	2.00	1.00
Yosemite, Calif.	1913	6.00	3.00	6.00	3.00	2.00	1.00
Zion, Utah	1926	2.00	1.00	2.00	1.00	2.00	1.00
National monuments:							
Bandelier, N. Mex.	1939	1.00	.50	1.00	.50	1.00	.50
Colorado, Colo.	1939	1.00	.50	1.00	.50	1.00	.50
Craters of the Moon, Idaho	1939	1.00	.50	1.00	.50	1.00	.50
Devil's Tower, Wyo.	1939	1.00	.50	1.00	.50	1.00	.50
Lava Beds, Calif.[5]	1939	1.00	.50			1.00	.50
Pinnacles, Calif.	1939	1.00	.59	1.00	.50	1.00	.50
Scott's Bluff, Nebr.	1940	.50	.25			.50	.25
White Sands, N. Mex.	1939	1.00	.50	1.00	.50	1.00	.50
National battlefield parks: Kennesaw Mountain, Ga.	1954	1.00	[4] .50			1.00	[4] .50

GUIDE, ADMISSION, ELEVATOR, PARKING, AND BATHHOUSE FEES

[Fees as stated include Federal admission tax where applicable]

Area	Year fee originated	Guide fees [6] (per trip)	Admission fees [6]	Elevator, parking, or bathhouse fees
National parks:				
Carlsbad Caverns, N. Mex.	1926	[7] $1.50		
Mammoth Cave, Ky.	1941			
Route No. 1. Echo River		1.50		
Route No. 2. Frozen Niagara		1.50		
Route No. 3. Historic		1.50		
Route No. 4. All day		2.50		
Route No. 5. Scenic		2.00		
Route No. 6. Crystal Lake		1.50		
Route No. 7. Mammoth Dome		1.50		
Sequoia, Calif. (Crystal Cave)	1940	.50		
Wind Cave, S. Dak.	1912	[7] .75		
National monuments:				
Aztec Ruins, N. Mex.	1939		$0.24	
Casa Grande Ruins, Ariz.	1939	.25		
Castillo de San Marcos, Fla.	1939		.25	
Chaco Canyon, N. Mex.	1939	.25		
El Morro, N. Mex.[5]	1939		.25	
Fort McHenry, Md. (inner fort)	1939		.25	
Fort Pulaski, Ga.	1939		.25	
George Washington Birthplace, Va.	1954		.25	
Jewel Cave, S. Dak.	1940	.50		
Lehman Caves, Nev.	1940	.50		
Montezuma Castle, Ariz.	1940		.25	
Ocmulgee, Ga. (museum and earth lodge)	1951		.25	
Statue of Liberty, N.Y. (elevator each way)	1939			$.05
Timpanogos Cave, Utah	1947	.50		
Tonto, Ariz.	1954		.25	
Tumacacori, Ariz.	1939		.25	
Tuzigoot, Ariz.	1954		.25	
Walnut Canyon, Ariz.	1954		.25	

See footnotes on p. 85.

Automobile, house trailer, motorcycle, guide, admission, and miscellaneous fees—Con.

GUIDE, ADMISSION, ELEVATOR, PARKING, AND BATHHOUSE FEES—Continued

Area	Year fee originated	Guide fees [6] (per trip)	Admission fees [6]	Elevator, parking, or bathhouse fees
National historical parks:				
Appromattox Courthouse, Va.(Mc Lean House)	1954		$0.25	
Colonial, Virginia:				
Jamestown Island [9]	1941		.50	
Moore House	1939		.25	
Yorktown bathing beach and picnic area Saturdays, Sundays, and holidays, from May 30 through Labor Day (parking):				
Automobiles (including trucks and buses used as family vehicles)	1952			$0.25
Truck or bus (other than those used as family vehicles)				1.00
Morristown, N.J. (Ford Museum and mansion)	1939		.25	
National military parks:				
Chickamauga-Chattanooga, Ga. and Tenn. (Point Park)	1941		.25	
Fredericksburg and Spotsylvania, Va. (museum)	1939		.25	
Gettysburg, Pa. (cyclorama)	1942		.50	
Vicksburg, Miss. (museum)	1954		.25	
Other areas:				
Adams National Historic Site, Mass	1947		.25	
Cape Cod National Seashore, Mass., bathhouse (basket or locker)	1963			.25
Custis-Lee Mansion National Memorial, Va	1939		.25	
Edison National Historic Site, N.J.,				
Home of Thomas. A Edison (Glenmont)	1961		.25	
Laboratory of Thomas. A. Edison	1956		.50	
Fort Raleigh National Historic Site, N.C	1941		.25	
Home of Franklin D. Roosevelt National Historic Site, N.Y. [10]	1943		.25	
House Where Lincoln Died National Memorial, Washington, D.C	1939		.10	
Lincoln Museum National Memorial, Washington, D.C	1939		.10	
Manassas National Battlefiled Park, Va. (museum)	1954		.25	
Perry's Victory and International Peace Memorial, Ohio (elevator)	1939			
Per person				.25
Per person, in organized groups from clubs, associations, etc				.10
Sagamore Hill National Historic Site, N.Y., Theodore Roosevelt home	1963		.50	
Salem Maritime National Historic Site, Mass. (Derby House)	1939		.25	
Theodore Roosevelt Birthplace, National Historic Site, birthplace	1963		.25	
Vanderbilt Mansion National Historic Site, N.Y. (mansion)	1940		.25	
Washington Monument National Memorial, Washington, D.C. (elevator)	1942			.10

MISCELLANEOUS FEES

Area	Year fee originated	1 way	Round trip
Motor vessel transporation (rates are subject to applicable Federal transportation taxes):			
Isle Royale National Park, Mich	1958		
Personal transportation [11]		$7.50	$15.00
Transportation of boats up to 14 feet in length		5.00	10.00
Transportation of boats over 14 feet but limited to 20 feet		10.00	20.00
Canoes			3.00
Outboard motors, ¾-horsepower to 10-horsepower			3.00
Outboard motors, 12-horsepower to 25-horsepower			5.00
Outboard motors over 25 horsepower			7.50

[1] Any 15-day permit may be exchanged for an annual permit for the same vehicle at any time prior to the expiration date of the 15-day permit, and the purchase price of the 15-day permit will be allowed in the exchange. (Footnotes continued on p. 85.)

The CHAIRMAN. I think in the interest of expediting Secretary Freeman's situation, I wonder if we could, for the next few minutes, confine our questions to Secretary Freeman?

Senator Bible, did you have questions for Secretary Freeman?

Senator BIBLE. No.

The CHAIRMAN. Senator Dominick, you indicated that you had a number of questions. I wonder, would you gentlemen——

Senator DOMINICK. Well, I certainly don't want to take anybody else's time at this point. I have some questions, yes.

The CHAIRMAN. Well, if there is no objection on the part of Senator Simpson or Senator Mechem, it will be all right.

All right, Senator Dominick.

Senator DOMINICK. Thank you, Mr. Chariman.

First of all, it is my understanding that 40 percent of the fund would be used for Federal purposes. Now this is correct, is it not?

Secretary UDALL. That is the provision of the bill, yes.

Senator DOMINICK. And on pages 18 and 19, as I understand it, of the House bill, are the uses which can be made of the Federal moneys. It is also my understanding that the primary purpose of this bill is to establish outdoor recreation areas.

Now, the interesting thing to me is—and I address this to Secretary Freeman—that it is specifically provided in subsection one that the Federal Government will acquire land, waters, and interests in the national forest system within wilderness, and canoe areas. Isn't it a fact that one of the things we are trying to do is to establish a wilderness system where you couldn't develop any resources within those areas?

Secretary FREEMAN. This, Senator, pertains to the acquisition of land, rather than to the development of any particular kind of activity within the land, where the Forest Service is concerned. It is not restricted to those areas, I don't believe, because it also says that it covers within other areas of that system, those which are primarily of value for recreation purposes. So what is involved here really is the acquisition of land which has a primary recreation value and which is needed. As I said earlier, it will be primarily blocks of land that are inholdings now, and surrounded fundamentally by Forest Service lands—a patch here, here's a patch there, and a patch somewhere else.

Senator DOMINICK. Yes, but the point I am trying to make—and I am not sure that I am opposed to this, I am just trying to find out—

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[2] A house trailer for which a fee is to be charged is defined as a noncollapsible trailer specifically designed and built to provide sleeping accommodations for 1 or more persons.

[3] See Yellowstone-Grand Teton.

[4] Trip permit good only on day issued.

[5] Fee temporarily suspended.

[6] Where the personal guide or admission fee is 50 cents or more, family groups consisting of parents (or a parent) and children age 12 or over shall be entitled to a special group rate fixed at 3 times the amount of the individual fee.

[7] Includes use of elevator.

[8] Fee temporarily suspended.

[9] Joint fee with Association for Preservation of Virginia Antiquities. Government portion, $0.25.

[10] Separate fee charged by GSA for admission to Library.

[11] Personal transportation for children between the ages of 5 and 12, inclusive, will be ½ of the rate for adults. No charge will be made for children under the age of 5.

is that this land will be procured primarily for outdoor recreation purposes. Now, are we going to be using the wilderness, wild, and canoe areas in the national forest system to develop outdoor recreation facilities?

Secretary FREEMAN. We are and continue to use them in the sense that they must be maintained, they must be protected. We must have some trails in them, we must have some camping places in them, we must protect them from fire. This does not involve any changes in the management programs other than the management of wilderness areas consistent with the longtime standards of wilderness areas.

Senator DOMINICK. It is my understanding that in a wilderness system, you weren't allowed to put any trails or roads or camping grounds or anything in.

Secretary FREEMAN. No, that is not correct, Senator. We do have trails, and as I am sure you well know, you couldn't get into the wilderness areas if there were no trails. They would be badly abused and areas where people do camp would be overgrazed by horses. We do have facilities, for latrines, toilets, and for some kind of fire control, and some kind of communications, but they are minimal, and as you know, mechanical conveyances and this kind of thing are not permitted.

Senator DOMINICK. How much land are we talking about here?

Secretary FREEMAN. Well, let me see if we have an acreage figure. Yes, about 4 million acres.

Senator DOMINICK. Four million acres?

Secretary FREEMAN. This is the total.

Senator DOMINICK. And these are now private lands?

Secretary FREEMAN. They would now be private holdings, as I said earlier, primarily inholdings within current national forest areas.

Senator DOMINICK. How yould you go about acquiring them?

Secretary FREEMAN. We would seek to purchase them from the holder, try and negotiate arrangement with him whereby he would be willing to sell them.

Senator DOMINICK. And if he was not?

Secretary FREEMAN. If he is not willing to sell them, we would go on to try and buy other land, of which there is a great deal that we need to buy, and which we don't have enough funds to buy. We may come to the end of the road where we would then have to seek other ways to acquire certain pieces of critical land, but this we would seek to avoid, if possible.

Senator DOMINICK. Do you have congressioal authority now to acquire inholdings in parks without further congressional authority?

Secretary UDALL. Inholdings in national parks; I think the answer to that is "Yes," except for some areas.

Senator DOMINICK. How about in the national forests?

Secretary UDALL. We have budgeted normally $2 or $3 million for inholding purchases on an annual basis. Almost all of this is done by negotiation. Almost all parks have some inholding problems, and this is a very critical problem, as you know.

Secretary FREEMAN. We proceed to acquire land under the Weeks Act, under the procedures that have been outlined through the medium of a review by the National Forest Reservation Commission, composed as outlined here earlier, and then, of course, by getting

appropriations for those purchases through normal congressional procedures.

Senator DOMINICK. And this would still be subject, then, to that appropriation review, would it not?

Secretary FREEMAN. Yes, sir.

Senator DOMINICK. All right. Now the main purpose of this bill, Mr. Secretary, is to develop outdoor recreational uses. This is correct, isn't it?

Secretary UDALL. Senator, the main purpose of the bill is acquisition, not development. This is an acquisition bill, and none of the Federal portion of the fund would be used for development. The development program is going forward, the Mission 66 program of the national parks is the development program.

The national forests have their annual budget for development of recreation, so this is not a development bill at all.

Senator DOMINICK. Then this is really not a recreation bill, this is simply an acquisition bill.

Secretary UDALL. As far as the States are concerned, and they have 60 percent of the money, this would be acquisition and development, under the bill as presently provided.

The CHAIRMAN. One point of clarification. The bill does include authority for use of funds for developmental purposes. I think there was some colloquy here that indicated that.

Secretary UDALL. Well, as the bill presently stands, as far as the State portion of the money, which is the bulk of it; yes, but not as far as the Federal portion of the fund is concerned.

The CHAIRMAN. The Federal portion of the allocation is for acquisition, but as far as the State funds are concerned, it does include developmental authority.

Secretary UDALL. That is right.

Senator DOMINICK. So 40 percent of the funds can only be used by the Federal Government to acquire additional property.

Secretary UDALL. That would be to acquire. I can say to the Senator, that the big bulk of that money will go toward the purchase of these very expensive prime recreation lands such as the bills that this committee has already passed this session. Fire Island, in New York, for example, would cost probably $20 to $25 million just to acquire the land, and this is where the big bulk of the money will go.

Senator SIMPSON. Would the Senator yield?

Senator DOMINICK. I will be happy to.

Senator SIMPSON. While we are on that point, I think it would be well to observe that under section 4 of the bill, that allocation could be only 45 percent the first 5 years. You were talking about the 60 percent to the States but it could be 45 percent for the first 5 years, and the President can vary that by a 15 percent. Am I correct?

Secretary UDALL. Yes; this was a sliding scale provision, Senator, that we put in that would give it more flexibility, because there are some uncertainties with regard to how quickly the States will get ready, how heavy the Federal expenditures might be in particular years. The House committee went along with this idea. I think that this variation and this flexibility may be very helpful in managing the program each year.

Senator SIMPSON. But it could be as low as 45-percent State participation?

Secretary UDALL. The division is 60–40, with flexibility of 15 percent in this provision. And, of course, the Congress, the Appropriations Committee itself, has an annual opportunity to review or make its own decisions on the recommendations that are made.

Senator DOMINICK. Mr. Chairman, I have before me table 7, prepared in the "1962 Public Lands Statistics" put out by the Secretary of the Interior and it gives the percentage of overall land in the State owned by the Federal Government. My own State, it is 35.8. Alaska, for example, is 98.8.

It would seem that part of the problem that many of the Western States have is the fact that they can't get any good portion of their land on the tax rolls as it is, and there are a number of other States which apparently have very little Federal land ownership within their boundaries.

I have some difficulty in determining why, for example, the Federal Government might need to buy more land in Alaska, with 98.8 percent ownership already, or even in my own State, with 35 percent, over a third of the total property, being owned by the Federal Government now.

I don't have any objections to picking up inholdings here or there, wherever they seem to interfere with the forest service, and so on, but I have some real question in mind as to the necessity of further procurement in some areas. This is why I directed my original questions as to the use of a so-called recreation fund to acquire more Federal lands for simply holding.

Secretary UDALL. Senator, let me address myself to the question and put it in perspective. I think all of us envisage, and the supporters envisage, and have from the beginning because this is national legislation, that its main purpose is to help the States get in the business of doing an adequate outdoor recreation job. With regard to the national picture, all one has to do is to look at the various bills that are pending before this committee to realize the situation. I think the big bulk of this money, when you talk about new national park areas, will not be spent in the West where there are public lands.

I know of no proposal for a new national park or for inholdings to be purchased in Alaska or some of the Western States; but it is the areas like Point Reyes in California, Fire Island in New York, the Redwoods Park that has been suggested in California, the Ozark Rivers proposal, and many of the proposals that this committee has passed where the need exists. This is where the money is going to be invested. As far as the national forests are concerned and as far as additions to the national parks are concerned, the main expenditures are going to be in areas where the prices are high, and this will be along the seashore, shorelines, and it will be in the populated areas of the country. This will be more in the East. In some of the national park proposals, however, such as the Canyonlands proposal of Utah, which the committee has considered—we all hope this is going to go all the way to the home base this session of Congress—we won't need to acquire any land. In that case, we are simply creating a park in the classic western way out of the public domain. I don't think that in the State of Colorado, for example, there is a major new national park proposal pending. I would think therefore, that in the State

of Colorado, this fund would be used primarily for the purchase of inholdings in national parks and in national forests.

Senator DOMINICK. Have you had an opportunity to review the proposed bill on this subject that I put in, S. 1709?

Secretary UDALL. Yes.

Senator DOMINICK. Has Secretary Freeman seen it at all?

Secretary FREEMAN. I have seen it, yes.

Senator DOMINICK. The purpose of this bill was to do, it seems to me, by statute, what you are trying to do, which is to provide outdoor recreation facilities, and for that reason I concentrated on saying that Federal lands should be developed for this purpose.

Now, do you have objection to this, particularly in the Forest Service?

Secretary FREEMAN. Certainly not. We are anxious and it is important that national forest land be developed for recreational purposes, and in many, many places, as you are well aware, the pressure of use is very heavy, but I don't think, Senator, this is an "either/or" proposition.

We, on the one hand, seek to improve facilities and to make them available on land currently held in the Forest Service. By the same token, without even having to look ahead, we see the necessity for getting land, which is going to be extremely important, and getting it now at a fraction of the cost that it will be in a year or two, or perhaps not even obtainable in a year or two. So this is, as Secretary Udall said, really not a recreation development bill in the sense of developing lands currently held by the Federal Government, but rather to make it possible for us to move as swiftly as we think to be critically essential to acquire lands that we know we are going to need.

Senator DOMINICK. I just want to make myself plain here. As far as the Federal section of this bill is concerned, it is my understanding that you can acquire only within the national park system, the national forest system, the refuges in a national area already a national area for threatened species. This is correct, is it not?

You can't go out just to some area and establish a whole new national forest system?

Secretary UDALL. You are quite correct, Senator. The limits of this bill, as far as Federal acquisition, are with regard to inholdings in existing areas, and most importantly—and this is where I would judge three-fourths or more of the money will go—into new park bills that are authorized by this committee. This committee has jurisdiction and you will pass on each one of these proposals individually.

Senator DOMINICK. Out of this fund?

Secretary UDALL. Yes, and the money out of this fund will go to pay for Fire Island, if we pass it this session, and it will go to pay for the Ozark Rivers proposal in Missouri, and so on.

Senator DOMINICK. How can it do that?

Secretary UDALL. This is the whole purpose of it.

Senator DOMINICK. The money from this fund is restricted to the acquisition of lands or waters in the national park system, the national forest system, refuges for threatened species, and so on. Within a national area, existing one.

Secretary UDALL. Within any area that the Congress by law creates.

Senator DOMINICK. Then you say that we can use this fund as a back-door method of financing bills which are now going through Congress for creation of new national areas. Is that right?

Secretary UDALL. It is not back-door financing at all, Senator. The Appropriations Committees will review it in the regular way. There is nothing back door about this.

Senator DOMINICK. But I thought, Mr. Secretary, that was going to be done through the States?

Secretary UDALL. Well, the State section of it is obviously the major thrust of the bill, yes. I was talking purely about this legislation, but at the bottom of page 35 is the language that you are searching for.

Within the exterior boundaries of areas of the national park system now or hereafter authorized.

Senator DOMINICK. I beg your pardon. I don't see that. What page?

Secretary UDALL. The bottom of page 35 of the House bill.

Senator DOMINICK. I have a House bill which only goes up to page 22.

The CHAIRMAN. I think ours is page 18, I might say.

Secretary UDALL. Page 18.

Senator DOMINICK. That is true as far as the national parks are concerned, but it is not true of the national forests, is it?

Secretry Freeman. No; it provides for acquisitions within the national forest system. I think the language is clear here in terms of areas which are primarily of value for recreational purposes, and within other areas of that system, as delineated.

Senator DOMINICK. Now, how big do you estimate this fund will be, on a yearly basis?

Secretary UDALL. The size of the fund obviously will grow as we go ahead. The present outlook immediately would be the $30 million of the boat tax, something in the neighborhood of $50 million on surplus property. The amounts realized from admission and user fees, which is presently about $6 million, would build up, depending upon how we fared in the fee system that would be established. We would anticipate after a period, I think, of 2 or 3 years, gathering cooperation, and that this would generate, probably to begin with, something on the order of $40 to $50 million, and would build up.

Senator DOMINICK. The highway fund would lose $30 million a year? This is your estimate?

Secretary UDALL. That is right. Which it doesn't need.

Senator DOMINICK. I am not sure that the highway departments of the States would agree with you on that.

Secretary UDALL. Well, the fund has a surplus. I am sure they would like to have all the money they can get, but the fund has a surplus.

Senator DOMINICK. Am I correct in the statement that 34 percent of all the land in the United States is already owned by the U.S. Government?

Secretary UDALL. This is about correct, yes.

Senator DOMINICK. That amounts to about 700 million acres, does it not?

Secretary UDALL. I think that is roughly the figure.

Senator DOMINICK. Within the national forest system—and, Mr. Chairman, I am still trying to direct most of my questions to Secretary Freeman—as far as you can see at the present moment, there are only 4 million acres that are needed to be picked up to include most of the inholdings?

Secretary FREEMAN. This is the target that we are shooting for, and that we feel would strengthen our program position; yes.

Senator DOMINICK. How much do you figure or do you estimate that this would cost?

Secretary FREEMAN. Well, it is a little difficult to make a very firm estimate in connection with it. We would only be able to move as rapidly as our share of the funds would permit, and as we were able to negotiate in the individual cases for the land we sought, and so I would really hesitate to put any dollar figure on it.

Frankly, we really don't know, until we get down to actually negotiating with these people.

Senator DOMINICK. You do some of this by exchanges now, do you not?

Secretary FREEMAN. Yes. We do exchanges wherever we can. We do exchanges with the Bureau of Land Management and others, wherever possible, but in particular in the area where most of this would be done, which would be in the East, and the Weeks Act forest areas, which are limited, the amount of land is strictly limited, and you know, the picture is quite different from the picture that you have in Colorado and the West.

Senator DOMINICK. I understand that. Now let me ask just a few more questions. I heard some statement about the Weeks Act being repealed or something of this kind in this bill.

Secretary FREEMAN. No, sir.

Senator DOMINICK. It would still be available for exchanges?

Secretary FREEMAN. It is on the books, and we would proceed with it as now, with no differences.

Senator DOMINICK. Are you having problems picking up inholdings now?

Secretary FREEMAN. Yes; we are having problems in many places, and we, of course, are having problems of being able to finance them. This act would permit us to move much more rapidly.

Senator DOMINICK. You are having problems with Congress in getting authority to go ahead on this kind of a basis, wherever you have concluded an agreement?

Secretary FREEMAN. Well, these matters are reviewed under the procedures which have been established with the National Forest Reservation Commission, which have been outlined here. There are, of course, differences from time to time within that group. All factors are considered, but when it has been resolved and acted upon, there have been no difficulties and for many, many years the procedures have worked to the satisfaction of all concerned.

Senator DOMINICK. Well, the point that I am trying to make, though, is what additional authority do you get under this bill which you don't already have?

Secretary FREEMAN. Actually, no acquisition authority. We would get authority for appropriations of money.

Senator DOMINICK. You get money.

Secretary FREEMAN. Yes, sir; but it also has to be appropriated by the Congress. I don't know how much we will get out of this, but at least I will have a fighting chance in trying to get some away from my colleague, Secretary Udall. We will be in there pitching.

Senator DOMINICK. To what extent would the Forest Service be hurt if the acquisition of lands section in the bill were stricken?

Secretary FREEMAN. Well, it would just mean that we would be unable to proceed with the plans that we think are critically important.

Senator DOMINICK. Why?

Secretary FREEMAN. Because we wouldn't be able to acquire the lands needed, the inholdings, and to develop the recreation program that is called for in the eastern part of the United States, particularly.

Senator DOMINICK. You would still have authority and could come to Congress and request the money for it. You could still get them, could you not?

Secretary FREEMAN. I would only say, Senator, it has been my experience that when there is a provision with fund availability, particularly on a user basis, programs move ahead much more rapidly. A program of this kind of land acquisition lags far behind what is thought to be more pressing, immediate needs, and this as a practical matter, is the real nut of the thing.

Senator DOMINICK. One more question. It is called recreational refuges. This, I presume, is under the Secretary of the Interior. It says for incidental recreation purposes of section 2 of the act of September 28. Could you explain that a little bit?

Secretary UDALL. Well, this act refers to the providing of minimal recreation facilities in wildlife refuges, the 1962 act.

Senator DOMINICK. What are we talking about?

Secretary UDALL. Well, the purpose of including the wildlife refuges system in the legislation is limited to instances of actually preserving endangered species of wildlife, and that alone has that rather rigorous limitation. That, we anticipate, will be a relatively small part of the program.

Senator DOMINICK. You have section 2 here, on page 19, under the Federal portion of the moneys. "Partial offset of portion of costs of Federal water development allocated to public recreation and enhancement of fish and wildlife."

Does that mean that if you have a recreation project with part of the cost allocated to fish and wildlife, which is not reimbursable at the present time, it would be reimbursed out of this fund?

Secretary UDALL. I will let Dr. Crafts answer that.

Dr. CRAFTS. The terms, as I understand it, Senator, are just what you have said, that if in the authorization of a new reclamation project, a part of the justification for that project is the cost attributable to recreation or the enhancement of fish and wildlife, that a portion of that cost would be offset by moneys going into miscellaneous receipts from this fund.

Senator DOMINICK. How big a portion?

Dr. CRAFTS. There are no guidelines on this. This would simply be a determination of the Appropriations Committee, based on the recommendations from the executive.

Senator DOMINICK. Would that be determined by the appropriation, or is it left to the discretion of the Secretary?

Dr. CRAFTS. This would be recommended by the Secretary, and as I understand it, would be acted upon by the Appropriations Committee.

Senator DOMINICK. Now under subsection (b) here, on page 19, it reads as follows:

"Appropriations from the fund pursuant to this section"—and I presume it is referring to Federal section—"shall not be used for acquisition unless such acquisition is otherwise authorized by law."

Does that mean that the acquisition itself has to be under some authority other than this act?

Secretary UDALL. I think this provision was put in, Senator, as the type of safeguard which you have been suggesting might be needed this morning.

So that there is no free hand willy-nilly for those of us in the executive branch to be making acquisitions or expending funds. We could only do it under existing authorizations, such as the Weeks Act, or other legislation where Congress itself authorizes a particular park or program. In other words, this act itself has no authorization. This is not an authorizing piece of legislation, in the sense that it authorizes the specific acquisition of specific land.

Senator SIMPSON. Mr. Chirman, will the Senator yield?

Senator DOMINICK. Yes.

Senator SIMPSON. I understand that you are talking now about page 19, the acquisition restriction, Mr. Secretary? Do you mean, there where it says "otherwise authorized by law," a specific act of Congress?

Secretary UDALL. Yes.

Senator DOMINICK. You have in here advanced appropriations of $60 million a year, commencing in the third full fiscal year.

Secretary UDALL. Yes.

Senator DOMINICK. You don't have any estimate, Secretary Freeman, of the amount of this that you immediately need?

Secretary FREEMAN. No, I have no firm estimate. What we will do, if Congress acts favorably, will be to work out areas of priority in terms of expenditures that are available. We in turn, then, in the Forest Service will move expeditiously with the amount of fund that will be at our disposal, to acquire areas mostly, as I say, in the Weeks Act forests, the inholdings to which we give first priority. We could submit for the record—I hestitate to just put out a boxcar figure here—if the committee wished, an estimate of what it would cost us as of now to acquire the 4 million acres that we would think highly desirable, but until we got down to the negotiating and knew how much we had available and set priorities, why, I don't think it would be a very meaningful figure.

Senator DOMINICK. You don't have any priorities established as yet?

Secretary FREEMAN. Yes; we have very definite priorities established of the land that we would prefer to get, but we haven't opened negotiations on most of these and wouldn't. We would hope to move in such a fashion as not to bring about inflated values and competition and a lot of other things that would create more problems for us.

Senator DOMINICK. Now, still going back to this Federal section, there has been evidence here or testimony, as I understand it, that the main purpose here is to try and get Federal lands in areas where they are not presently available, and yet under this Federal section, it says that you will allot the funds in substantially the same proportion as the number of visitor days in areas and projects hereinafter described for which admission fees are charged.

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This would indicate to me, since the national parks and national forests are largely in the West, that the major portion of that Federal money would be used in the West for acquisition of more Federal land. Isn't that correct?

Secretary UDALL. Dr. Crafts.

Dr. CRAFTS. The intent here, Senator, is that the allocations or recommendations for allocations of moneys between the national park system and the national forest system and these other Federal purposes would be guided on the basis of the paid visits and days' use at the system as a whole. It does not have reference to the geographical location of the national forest or the national parks or these reservoirs.

This is a way of proportioning the money between these principal Federal purposes.

Senator DOMINICK. I see. This is a method of proportioning the money between the Interior Department and the Agriculture Department.

Dr. CRAFTS. That is correct.

Senator DOMINICK. You may have more of a fight, Mr. Secretary Freeman, than you thought.

Secretary UDALL. We expect to have quite a fight, annually. We will sit down each year and see how much is in the fund, and how much to be allocated to the States, and Orville and I will fight over the rest. We fully anticipate this is the way the program will work. Then we will submit it to the Appropriations Committee, and they will probably take their own whack at it.

Secretary FREEMAN. Subject, of course, to the rules of the treaty that we negotiated. [Laughter.]

Senator DOMINICK. Mr. Secretary Freeman, this also says that they will be divided in a proportion for which admission fees are charged, or divided in proportion to the visitor days at the project or by admission fees charged. This is an incentive, is it not, to try and put admission fees on, because otherwise, you will lose the proportion of your allocation?

Secretary FREEMAN. In a sense, I suppose you might reach that conclusion. But I think this will have very little influence on the establishment of fees charged. Other factors will be much more influential. We have had various user fees for a long, long time in the Forest Service, and we have been experimenting, testing their workability and their practicability in terms of costs and collections and systems and other things, and all of these factors will be dominant, but by the same token, this will conceivably be a factor.

Senator DOMINICK. Mr. Chairman, thank you very much, and I appreciate the courtesy.

Senator CHURCH (presiding). Senator Dominick, you are quite welcome.

Gentlemen, let me say, first of all, that I think that this is a landmark in the field of conservation, and that if this Congress does enact this bill and the wilderness bill, it will be setting a record in the field of conservation that will reflect great credit upon the Congress and upon the administration.

I want to commend both of you for the interest you have shown in bringing this program along.

You will remember that when you were here before, I raised some very critical questions concerning certain aspects of the bill which I think have been largely, though I am not certain completely, cured by the action that has been taken in the interim by the House of Representatives. I am much more satisfied with the bill in its present form than in its original form. But before I get to that subject, which relates to the user and entrance fees provisions of the bill, I would like to address two or three questions to you, Secretary Freeman, concerning a matter that happens to have its locale in my State, but sometimes we can best understand the application of a bill in terms of a specific illustration.

Now, as I understand the bill in its present form, it does not affect present law concerning the acquisition of land either within national forests or within national parks, but rather it addresses itself to funding acquisitions by establishing this conservation fund. Is that not correct?

Secretary FREEMAN. That is correct.

Senator CHURCH. Now we have in northern Idaho a lake known as Upper Priest Lake. Lately it has become a kind of cause celebre among all those who are interested in good conservation, among the wildlife groups, among the sportsman groups, and the people who pursue outdoor recreation. The reason is that this lake is one of the few remaining wilderness lakes in the Northwest.

It is a perfectly beautiful lake. The lower lake has been developed with cabin sites and wharves, and it is completely surrounded now by cabin homes. The upper lake remains in its primitive state. However, the upper lake is now threatened by virtue of three or four private inholdings. These were acquired years ago when it was possible to homestead this land. The private owners are now thinking in terms of subdividing and opening up this land, building cabin sites, building wharves, and destroying the wilderness character of the lake.

If the private inholdings are not acquired, the wilderness character of this lake will be lost forever.

I have no doubt in my mind but that the great majority of the people in the Idaho panhandle will desire to see this lake preserved. So far, we have not been able to secure Federal acquisition of these particular inholdings, because we lack the funds.

The Forest Service has interpreted the Weeks law to apply to the inholdings, so that if the money were available, the private land could be acquired and the wilderness character of this lake could be preserved.

Now I would appreciate it if you would have the Forest Service supply me with a statement which would relate the present bill to this particular question, so that I might be certain that if this bill were enacted, its terms would cover this problem and the funds available might be used for the acquisition of these particular lands. I want to be certain that there is nothing now in the present language of the bill which would exclude the acquisition of these lands, should this legislation be enacted.

Secretary FREEMAN. I would be happy to do that, sir.

(The information requested is as follows:)

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., July 30, 1964.

Hon. FRANK CHURCH,
U.S. Senate.

DEAR SENATOR CHURCH: In response to your request at the hearing on H.R. 3846, the land and water conservation fund bill, Secretary Freeman promised that we would give you a statement as to whether the land and water conservation fund which would be established by that bill could be used to purchase the private land located on Upper Priest Lake in Idaho.

Under the language of this bill, as it was passed by the House of Representatives, moneys appropriated to this Department from the fund could be used to purchase these lands. Such purchases could be made under the authority for land acquisitions contained in the Weeks law of March 1, 1911 (36 Stat. 961). The purchases under this act would require the approval of the National Forest Reservation Commission.

We understand that both Bonner County and State officials have expressed their support for the purchase of these tracts by the Forest Service for administration as parts of the Kaniksu National Forest. We recognize the desirability of acquiring these lands and thus assuring that upper Priest Lake would not be developed in an undesirable manner.

The owner of the key tract has plans for the sale and development of his property that would be incompatible with the overall management objective. If this is to be avoided, early action for the acquisition of these lands is essential.

Sincerely yours,

EDWARD P. CLIFF, *Chief.*

Senator CHURCH. Now, coming back to the question of entrance and user fees in your initial statement, Secretary Udall, you mentioned the changes that the House had made in the bill, but let me pose a question or two, just to make certain what the House has done and has not done.

I take it that under the House version, it would not be possible for the Federal Government to impose a fee for the use of a stream, or a river, or a lake, in the public domain, for fishing purposes.

Secretary FREEMAN. That is correct.

Secretary UDALL. The answer is "Yes," Senator.

Senator CHURCH. I take it also that it would not be possible to impose a fee for the purpose of using public lands or national forests for hunting purposes.

Secretary UDALL. The answer to that is "Yes."

Senator DOMINICK. Would you yield, Mr. Church?

Senator CHURCH. Well, may I complete?

The CHAIRMAN. May I interrupt? The Secretary has to be at the White House at 11:45. I wondered if there were any further questions of Secretary Freeman right now?

Senator CHURCH. I have no questions for Secretary Freeman.

Senator GRUENING. Well, I have questions, but I don't want to delay the Secretary now.

Secretary FREEMAN. I will only say that I am sure the President would feel my business before this committee more important than my business with him, and if they have questions they want to ask me, I will stay here and answer these questions.

Senator CHURCH. I must say that is a very brave assumption.

Secretary FREEMAN. I may need a little help, but I will assume, Mr. Chairman, that I could call on you for some help.

The CHAIRMAN. All right.

Secretary FREEMAN. May I ask if they could be asked as quickly as possible? I may still make it, because he does sometimes run late. I would be happy to respond.

Senator CHURCH. Well, Mr. Chairman, my questions can be directed to Secretary Udall, and I don't want to delay Secretary Freeman for purposes of the questions that I want to put. I have already asked him to do the chore that I need to have done as far as his Department is concerned.

The CHAIRMAN. Would my friend defer for the moment?

Senator CHURCH. I will be glad to defer to other members.

The CHAIRMAN. Other Senators?

Senator Gruening, do you have questions of Secretary Freeman?

Senator GRUENING. Yes, I will try to make them brief, but I really have quite a series.

You have in Alaska 21 million acres of national forest, and as you know, quite uniquely there, the forest surrounds the principal cities. You leave the city boundary at Juneau, Ketchikan, Anchorage, Petersburg, you are in national forest.

Now is there anything in this bill that would prevent the freedom of travel without paying fees of these people from these cities?

Secretary FREEMAN. No, sir.

Senator GRUENING. In other words, there will be no change as far as collection of revenue is concerned?

Secretary FREEMAN. No.

Senator GRUENING. Now the Forest Service recently established a very beautiful observatory right in front of Mendenhall Glacier, which I hope you will have the privilege of seeing before long. Now that is the beginning of a possible ski area and summer recreation area. Is it planned to charge fees there? They are not being charged now. Could you find out?

Secretary FREEMAN. This would be one of the kinds of things, if there were special services in this area, that might be covered. The observatory and the general availability of these services have not been subject to fees in the past, and we have no plans for doing so now.

Senator GRUENING. Well, now, along the shore of the inside passage north of Juneau there are a number of campsites which have been used to great benefit. I was there last Sunday, and the Democratic Club of Juneau had a very large rally there, 4,000 people came. They were not charged any fee. Would they be charged in the future?

Secretary FREEMAN. I think that has not been resolved. There is a good deal of flexibility in this bill, but campsites in most places will be the kind of facilities that would be charged. In this instance no final determination has been made.

Senator GRUENING. Thank you very much.

The CHAIRMAN. Any other questions of the Secretary?

Senator Moss. Well, could I pursue that just a little further? If you had a campsite area in a national forest or they had a large gathering such as Senator Gruening referred to, would it be contemplated there would be an entrance fee for all of the people that went there on that occasion?

Secretary FREEMAN. No, I think in that instance the answer would be "No." If you had a developed campsite, where, let's say, you had water, you had toilet facilities, you had a concrete slab for parking, you had garbage disposal and a lot of things, a plug-in for electricity, and so forth, the people who were staying there, in all likelihood, would be charged a modest fee for that, which we are doing now in many places.

On the other hand, the mobility of movement, if a group of people came into an area for an overall picnic, I would say in those places today there is no such fee or charge. On the other hand, in some that are highly developed, with picnic tables, with provisions for building of fires and grates and all the rest, with areas that are maintained for purposes of athletics and recreation, and conceivably places for swimming, this kind of thing, you might have one.

I don't think there is any firm rule of thumb. But generally we would feel where this is a matter of mobility in and out or around, there would not be. Where there is a matter of services, there would be. Where people would customarily travel, there would not be. Where people would come for recreation purposes, there would be, with some flexibility in terms of various areas of the country and patterns of conduct and action, as we feel our way along, so that this will be well received as we think it can be if it is administered with some moderation and commonsense.

Senator Moss. Well, in the areas of my State, and the canyons that run out of the Salt Lake Valley, the Forest Service now has a number of picnic sites that have been approved and made available, and you do have a modest user fee, and you have to get the permit, so that you have exclusive use of it, and know that you can go to that picnic site, and the fee is only, I don't know, 50 cents or a dollar. It is something very modest.

I would presume that that would continue, but I wondered if there is going to be also some kind of an entrance fee to go into that canyon, in addition to paying the user fee for using that picnic site.

Secretary FREEMAN. No, in that instance, the answer would be "No."

Senator Moss. Thank you.

The CHAIRMAN. Any other questions?

Senator BURDICK. I certainly want to thank the Secretary. He has been very helpful this morning.

The CHAIRMAN. Any further questions of Secretary Freeman on this side?

Senator SIMPSON. Mr. Chairman, may I ask, if we did have questions that we would propound by letter, he could answer, if we get them in reasonably soon?

The CHAIRMAN. Certainly.

Secretary FREEMAN. We will respond very promptly, Senator, and I thank you very much, gentlemen.

The CHAIRMAN. Secretary Freeman, we appreciate your help this morning and your cooperation.

Secretary FREEMAN. Thank you.

The CHAIRMAN. Now we will return to Senator Church.

Senator CHURCH. Mr. Secretary, getting back now to the user fee, we have established by your testimony that no fee could be charged for hunting or for fishing on the public domain under this bill. Let me say that I have no objection to the charging of reasonable user fees for highly developed campgrounds or for supervised play areas, where it is obvious that a very definite Federal service is being rendered on the site. That differs greatly from what Federal services are available generally in the area, on a free basis, and I have no objection to this kind of user fee.

But let's take the provision of the bill, or let's go back to your testimony, where you said on page 2 of your statement, beginning with the third paragraph:

> No recreation fees of any kind, entrance or user, may be charged for use of the waters navigated by commercial freight carrying vessels, or at reservoirs or lakes constructed without expense to the United States for recreation or enhancement of fish and wildlife, and where legislation specifically provides that water areas shall be open to the public without charge.

Now what concerns me here is what is not included. That is to say, where I take it user fees may be charged. For example, we have a reservoir near Boise, behind the Lucky Pete Dam. This was built as a flood control project, but it is not navigable water. There is no commercial traffic on the river, no locks at the dam. I see nothing in this language to suggest that this bill would not authorize the imposition of a user fee for the public to go upon that reservoir for boating, for water skiing, for swimming, if you people should decide to impose one. Am I correct in that assumption?

Secretary UDALL. The answer is, Senator, that you are correct, unless this is a lake that has been turned over to the State or the county, or, as prescribed in section 2 of the bill, where the expenditures on account of recreation or the enhancement of fish and wildlife were without cost to the United States. I think we have turned in the direction of saying that a reasonable fee should be considered where a service or facility is provided as a result of Federal cost, if there has been a Federal investment, if there are facilities and services provided, the same as at the forest areas that Senator Moss was talking about a moment ago.

Of course, where there are various kinds of outdoor areas, people will have the option, which we hope everyone will take, and simplify the whole thing by buying one sticker and this would take them into Yellowstone, into a national forest, into a lake, and they don't have to be bothered by individual fees unless they are intensively using these facilities.

Senator CHURCH. Do you mean that the sticker, if a person decides to buy it, not only enables him to go in without an entrance fee, but also enables him to use a facility without paying a user fee?

Secretary UDALL. Well, now, we may very well have situations where you have a user fee in addition to the entrance fee.

Senator CHURCH. Yes, I think that is right.

Secretary UDALL. In addition to.

Senator CHURCH. Well, I understand your philosophy, and I wouldn't be much concerned about the program administered under your care, but as you know, changes do occur, and I would be better satisfied if we had this written into the law, so that we all could be satisfied that every other administration to come would abide by the same philosophy in the conduct of this law.

So let me ask a few more questions. We have lots of reservoirs, but Bureau of Reclamation reservoirs, that are now being used by the public free of charge as recreation areas, and swimming and water skiing, fishing and this sort of thing goes on, without the imposition of any kind of fee. Yet this bill, as passed by the House, would permit the Federal Government to impose such a fee at each of these reservoirs in my State, and they do all of the Western States. Isn't that so?

Secretary UDALL. This is so, except in instances where the operation of recreation facilities, the recreation aspects of the lake, has been turned over to a State, a local government, that type of situation, or where the exemptions in section 2, as previously indicated, are applicable.

Senator CHURCH. Yes, but that is a comparative rarity in the West.

Senator WALTERS. Mr. Chairman.

The CHAIRMAN. Yes.

Senator WALTERS. Will the Senator yield for a question?

Senator CHURCH. Yes.

Senator WALTERS. I would like to ask the Secretary if the TVA lakes would be subject to a charge for users as well as these others?

Secretary UDALL. Senator, in almost every instance the TVA lakes have been turned over to the State of Tennessee, or to a city or to a county for the development of recreation. Therefore, under the specific language of the bill, where this has happened, where there is no Federal investment for recreation or fish and wildlife enhancement, and the recreation is provided by the State—indeed, in many instances, the area is leased to a State—in some instances the States are charging fees, but we feel that it would not be proper for the Federal Government, simply because it built the reservoir, since the State has provided the money to develop the recreation, to charge a fee in those instances. In any event, I think you will find the way we get the answer to the TVA problem is to look at each specific area to see if it comes within the exemptions in the act. I think you will find that almost all of them are in the exclusion which we have discussed.

Senator WALTERS. Well, I know, but the money was appropriated to build the lakes for the purpose of recreation and flood control, but I don't believe I understand your answer that the TVA lakes would be subject to the charge for their use, because there are areas of them that are leased and were turned over to a municipality or a county. They have different sections where the counties operate a boat dock, or they operate a facility, but there might be half a dozen cities involved at each lake.

Secretary UDALL. Well, Senator, I think we can provide you with a fairly specific answer with regard to the TVA, because I think it gets down principally to what we are talking here: Has the Federal Government undertaken to provide the recreational facilities, and has it spent money to develop them, and does it provide special services?

Senator WALTERS. Thank you, Senator.

Senator CHURCH. Yes, sir, you are very welcome.

I should think that the language of this bill could be much more specific in this regard. Take lakes that are not the result of the construction of Federal reservoirs, but are natural lakes. We have some of the most beautiful in the West in my State, Payette Lake, Pend Oreille, Coeur d'Alene, Upper Priest Lake, and so on.

As I read this bill, and I don't charge you with the intention of administering the bill this way, but what concerns me is what the bill permits some administrator to do who might see it differently. As I read the language of this bill, there is nothing in it that would prohibit the imposition of a user fee for anyone who wants to go out upon one of these lakes. To water ski, to sail, to swim. The bill obviously, by its language, does not preclude the imposition of the fee for this purpose.

Secretary UDALL. Well, I think, Senator, that the test again that we should look to, and this would immediately eliminate all of your wilderness lakes, although there has been some discussion of this on the House side, is whether a service is provided, and whether the Federal Government provides special facilities. I tried to answer very directly your comment with regard to hunting and fishing. I want to clarify that, because here is a man, let's say he goes into one of these built-up camping areas, where all kinds of services are provided. There may be a user fee for him to camp and use the facilities there. His family stays there, also. In that case there would be a user fee for the service that is provided. But if he goes out hunting, if he goes out fishing, there is no fee for that.

Senator CHURCH. I understand, Mr. Secretary, but I think the more specific we make the bill, the better. Now we have made it very specific with regard to hunting and fishing, and I applaud the House for having done this. But it is clear that there are other big loopholes here, which might leave some future administrator with the authority to impose user fees for public swimming, for boating, or water skiing on lakes that have traditionally been open to the free use and enjoyment of the public, lakes which are not in wilderness areas, lakes which are fringed with private cabins.

Now it is all well and good to say that you won't administer the bill that way, that you have in mind imposing the fee only in connection with a highly developed Federal facility. But I would like to see the law written in such a way that we can have assurance and the American people can have assurance that in future years that is the only way any administrator can direct the program.

And this bill, as it presently is written, leaves these wide gaps open for administrative discretion in the future. That could cause much mischief in the Western areas of America.

Secretary UDALL. I would like to suggest, Senator, because Dr. Crafts and some of our legislative people have worked a great deal on this, and I think you have put your finger on the problem, that we would be very happy to have them explore with you, and perhaps if you feel further language is needed, we can develop it together, to clarify further the question.

Senator CHURCH. Fine. I would like to work with you toward that end.

Senator BIBLE (presiding). Further questions?

Mr. Secretary, Senator Church's line of questioning opens up some interesting problems in my mind. I am living in Las Vegas. I have a boat. I want to take it out and put it on Lake Mead. How much will it cost me? A very short question.

Secretary UDALL. I believe there is a charge now, isn't there?

Senator BIBLE. None that I know of. I don't think so. I want to know how I am going to explain to my Las Vegas people when they have to pay for something that they don't have to pay for now. I have a boat. I have a little motor behind it, and I have a young son who likes to water ski. I want to get my boy and the boat and go to Lake Mead so he can get up on his skis. How much will it cost me to do it?

Secretary UDALL. Well, of course, with regard to all these areas in the national park system, we have these existing fees. We are hoping to get away from existing charges at particular parks, and get to one

uniform admission charge, keyed to an automobile sticker, if we can. I would assume, for example, if we had a $5 automobile sticker, that as far as entrance and admission is concerned, it would be good for the whole year.

Now, if he, in addition, camps out——

Senator BIBLE. I am just talking about this boy that I want to take out and have him go water skiing. Your answer, if I can read it into what you are saying, is that——

Secretary UDALL. One admission fee.

Senator BIBLE. One admission fee. I pay a $7—not to exceed $7. You say $5.

Secretary UDALL. Now he may have to pay a concessioner, which is completely a matter aside, some boat-launching fee, or something of that kind.

Senator BIBLE. I am not talking about that. He does not have to pay anything now to get on Lake Mead to get on his water skis. If I want to take my son out there, and this becomes law, I have to pay $5, put a sticker on my car, put my son in the back of the automobile, put the motor boat on the trailer back of it, and take him out there. Is that it?

Secretary UDALL. Let me have Dr. Crafts try.

Dr. CRAFTS. Senator Bible, I think your question goes to the same point as Senator Church's.

Senator BIBLE. I know it does, but I want the answer.

Dr. CRAFTS. First of all, you would not have to buy an automobile sticker. There is nothing mandatory in the bill about an automobile sticker. It is made clear this is optional.

In the second place, you are talking—I think both you and Senator Church are talking about whether there could be a fee for the use of the water itself, wholly apart from the use of launching ramps or campgrounds or picnic grounds.

Senator BIBLE. Correct.

Dr. CRAFTS. And the answer to that is that under the terms of the House bill as it passed, there could be a fee for the use of the water itself, under the conditions that you describe.

Senator CHURCH. That is to what my question was directed.

Dr. CRAFTS. This is what has bothered Senator Church, and I think it is the question you are asking.

Senator BIBLE. I still want to know how much I have to pay, when I take my son out to the lake so he can water ski, when this becomes law.

Dr. CRAFTS. We haven't attempted to set rates, and all I am saying is that if we could set rates, we might elect not to set rates on such use of water. Probably we would elect not to set rates, but still it would be at the discretion of the Administrator, if we wished to.

Senator BIBLE. The same problem that bothered Senator Church bothered me, because you might do it or you might not do it. You haven't made up your mind as to whether you will or you won't, but this will not make a very good answer to our constituents when they say, "Well, what are you goind to do?"

Because what you are telling them is you say you don't know what you are going to do.

Dr. CRAFTS. Of course, the bill hasn't been enacted.

Senator BIBLE. I understand. But assuming that it is enacted.

Dr. CRAFTS. And we have 6 months to consult with the State, consult with the local people, and consult with the committees.

Senator BIBLE. I think that is exactly the point that Senator Church was getting at. We have got to clarify this a bit, because this just kind of leaves it out in the wide horizon.

Dr. CRAFTS. I agree, this leaves the whole matter up in the air.

Senator DOMINICK. Would you yield?

Senator BIBLE. I will be glad to yield to my colleague from Colorado.

Senator DOMINICK. If you don't pay it, and take your son skiing, you can go to jail for 6 months.

Senator BIBLE. I am glad to have that called to my attention. I guess I will tell my son not to go water skiing.

The Senator from Alaska.

Senator GRUENING. Secretary Udall, you said earlier this was an acquisition bill, and then you added this is not a development bill. Now, I think you realize that in Alaska, we do not need any acquisitions. What benefits would Alaska get?

This is an acquisition bill, and there is no need for acquiring the land in Alaska. As you know, we have two-fifths of the total national park areas, we have twice as many fish and wildlife refuges as the rest of the Nation put together. What will Alaska get out it?

Secretary UDALL. Well, Alaska, of course, is in a way not an entirely unique problem, because Alaska has more Federal land than Nevada, even. And the State does have the option, as you well know, to select 25 percent of the lands for State purposes. Alaska, as far as the State participation in the program would participate in that portion of the program which is the bulk of it with regard to the wildlife refuges and the national forests and the other public lands.

I must say candidly that I don't know of any need at the present time to acquire any lands, because it is almost all in Federal ownership at the present time.

Senator GRUENING. Well, now, to date, the people have been able to drive into McKinley Park without paying any fee. Of course, there are no facilities in the park. Will they have to pay when this bill is enacted?

Secretary UDALL. Pardon me.

Senator BIBLE. Would you repeat the question?

Senator GRUENING. At the present time, there is no fee for entering Mount McKinley National Park. If this bill is enacted, will the people have to pay a fee to enter Mount McKinley National Park?

Secretary UDALL. I would think, Senator, again the charges would be tied principally to the services and facilities. Where there are services and facilities, there will be charges. The automobile sticker is optional, under the present plan, I don't recall whether there are any charges at the present time at Mount McKinley, however. I think it is foreseeable, just as with the other areas, that there will be some charges; yes.

Senator GRUENING. Well, in the case of Yellowstone and Yosemite, you do charge an admission fee.

Secretary UDALL. Yes.

Senator GRUENING. And then in addition to that, there are user fees inside. Now in Mount McKinley Park there are, at present, no facilities. If people want to drive in the park, they have to bring in

their own sleeping bag, if they want to stay overnight, and camp out of doors, under the blue sky.

Now, do you think they should be charged a fee for using McKinley Park?

Secretary UDALL. I find it hard, Senator, myself, to justify the complete difference between the Yellowstone and Mount McKinley, that you should charge a very fat, flat fee as an entrance fee at one place, and charge nothing in another. They are both mangificent national parks.

It seems to me, as between the people who go one place and the other, that there is an element of unfairness and inequality here. I am not saying that you should have a $6 fee at Mount McKinley, but I think perhpas some modest, nominal fee, if we are going to adopt this as an approach, would make some sense.

Senator GRUENING. Well, the Yellowstone, of course, is a great national outdoor museum, with geysers and all kinds of other phenomena, whereas the phenomena at McKinley is just the beautiful scenery and the wildlife. Now, there are no facilities there. Do you think the people could be charged under those circumstances?

Secretary UDALL. Well, I think that there are going to be increasing facilities in Mount McKinley. To me, the wildlife and the scenic valleys in McKinley are just as good as Yellowstone.

Senator GRUENING. Well, now, if people fly and visit Mount McKinley, as they have in increasing numbers, and start climbing the mountain and don't pay the fee, can they go to jail for 6 months?

Secretary UDALL. There is no specific fee contemplated for mountain climbing, for that kind of wilderness use.

Senator GRUENING. But they will be in the park, though. They will enter the park.

Secretary UDALL. Subject to my previous comments regarding admissions there is no additional fee contemplated in that type of situation.

Senator GRUENING. Well, wouldn't it be advisable to write that in?

Secretary UDALL. This is similar to a wilderness group that is going into the wilderness, people taking their sleeping bags, as you have described them.

Senator GRUENING. Wouldn't it be advisable to have that written into the act?

Secretary UDALL. I think you would find that the act is covering or covers very clearly the type of situation that we have envisaged.

Senator GRUENING. Now in Glacier Bay National Monument, of course, it is a very large area, about the size of Yellowstone, and people can go in in various ways. They can fly in, or they go in by boat, and there are areas in which there will be no officials of the park there. How do these people pay their fees under those circumstances?

Secretary UDALL. Well, I think it is quite clear that this is one of the situations where there wouldn't be a fee, where a fee doesn't make sense, in those circumstances.

Senator GRUENING. Well, now, in the Kenai National Moose Range, which was set aside, as you know, without a hearing, 25 years ago, by your predecessor, Secretary Ickes, are the plans there for converting this into a recreational area under the Fish and Wildlife Service?

Secretary UDALL. Well, of course, Senator, as you know, we have some plans with regard to developing the recreation potential on the Moose Range. But this will be limited to certain areas, and we hope that the development can exploit particularly some of the lakes, the finest lakes in the area.

Senator GRUENING. Well, actually, of course, the choicest of the areas for recreational purposes, as you know, the beautiful lakes, are not accessible, because they are being preserved for moose and not for human beings. Now do you suppose under this bill we could get a little more recreational activity there?

Secretary UDALL. I think there should be recreation development in the refuge.

Senator GRUENING. I think the people of Alaska would greatly welcome that.

Secretary UDALL. Yes.

Senator GRUENING. I have nothing further.

Senator CHURCH. Mr. Chairman? After Senator Nelson.

The CHAIRMAN. Senator Nelson?

Senator NELSON. I am reminded that I am supposed to be over in the Senate presiding right now.

Senator Kuchel was concerned about the method of computing the apportionment to the States, and so am I. I understand that there was some discussion about this on the House side. I think the record should be made absolutely clear here, because if at some stage after the passage of the law there is an insistence on the part of Congress that, in computing the apportionment to the State, you were, in fact, to give two-fifths to each State, and then apportion one-fifth based on total population, one-fifth on use of outdoor recreation resources of individual States by persons from outside the State, as well as one-fifth consideration for Federal resources and programs in the particular States, if at some later stage this were not clear, and Congress did expect, and it was their intent, that this is the way the apportionment should be made, it would be a gross inequity, in my judgment.

I do not represent a State that is seriously adversely affected or would be seriously adversely affected by this formula. We would, from the original formula, have had in Wisconsin, $2,162,000. If you applied that formula, one-third for each of the factors I mentioned, our State would go down to $2,083,000.

There would be an $80,000 drop. It is only 3½ percent. It wouldn't be really significant in my State, and I am not raising it for that purpose. But I would like to point out that by coincidence or otherwise, the major population States, which under your report, were considered to be the ones that had the most serious problem in providing outdoor recreation, almost without exception, would received a drastic cut if that formula were applied. Coincidentally, every single reclamation State, every single State in the Nation that has the great benefits of the reclamation project except California, is a great beneficiary in varying degrees of percentage increase.

I don't think that the eastern part of the U.S. population is to be expected to devote hundreds of millions of dollars to the reclamation States, and then when a recreation program comes along, and the need is the greatest in the heavily populated areas, that they are going to condone a bill which gives a lion's share of the benefit to

the States that are getting all the benefit under the reclamation programs.

So I think the record should be made very clear here. California, for example, if you applied the formula of a one-fifth, one-fifth, one-fifth basis, you were talking about, would drop from $7,082,000 a year to $4,143,000 a year.

Illinois would drop from $4,718,000 a year to $2,968,000 a year. Massachusetts would drop from $2,600,000 or thereabouts to $1,780,000. Michigan would drop from $3,775,000 to $2,610,000, and so forth.

So as I say, it would be a gross injustice. This is where the problem is, and I would hope that we would have the assurance that a rigid one-fifth, one-fifth formula isn't going to be applied, or any formula that would have the result that the one-fifth, one-fifth, one-fifth apportionment would have.

If it is going to be interpreted that way, I would think it would be a mistake for the Congress to pass this bill at all, and I would be inclined to oppose it, even though my State comes out the same either way.

Secretary UDALL. Well, Senator, let me help build a record for you here, and I think Congressman Aspinall, the floor manager in the House, made an excellent history on this point.

Now we began—let me start back of that. What we want is a system that is equitable as between the States. This is our objective. We initially recommended one-fifth be allocated to all States, then three-fifths on the basis of population, and one-fifth under this discretionary authority thinking this would be an equitable division.

The House committee changed it. And they required two-fifths apportioned equally, and this three-fifths allocated under discretion, with these three principal factors to be considered. It is our view, our considered view, that these three factors as you point out, should not be considered equally. Population, for example, far outweighs the others in importance, and the result which you should obtain, even under the House formula, should come much closer to what was originally proposed.

Now, the Senate committee can do, it seems to me, one of two things, if it desires to help make the record and to clarify this. It could go back to something similar to the formula we originally proposed, or it could, by language in its report or whatever it chose to do, make it clear that—as Congressman Aspinall, I think, attempted to do—that it doesn't feel that these three factors should be accorded equal weight.

So I have no argument with you. I think your basic premise is sound, and what we have talked about. What we think we could do, if the House language remains the same, would be to sit down with the States, and to hear them all out, and come up with a formula that would be as widely acceptable as possible. This would be our objective.

Senator NELSON. Well, I am glad to hear you say that. No matter what kind of a formula you come out with, the fact of the matter is, even the original formula does not meet the recreation problem of this country. It may be called fair, but it doesn't meet the recreation problem. The great State of Alaska, for example, has no acquisition problem as such there whatsoever.

There are millions of acres of outdoor recreation area, whereas for the Indiana Dunes, you are talking about an outlay for acquisition of over $20 million, just for 10 miles of Michigan shore. So no matter how you apportion, the major population States of the East are not getting adequate funds to anywhere near meet the problem that they have.

So I would hope that the formula at least of apportionment would come out roughly similar to what the original bill provided.

Senator BIBLE. Further questions? The Senator from Idaho?

Senator CHURCH. Yes, Mr. Chairman, I have two further questions.

Mr. Secretary, in connection with the admission and user fees, the criteria set up in the House bill are as follows: The first, the area must be designated and posted. Second, the area must be administered by Federal agency. Third, recreation facilities must be provided at Federal expense. And fourth, the area must be administered primarily for scenic, scientific, and recreational purposes.

That language means to me that under this bill, authority is conferred to charge an entrance fee for the use of a wilderness area and national forest. Is that correct?

Secretary UDALL. For a wilderness area as such? Dr. Crafts says "Yes."

Senator CHURCH. I would say yes, too, and this is another matter that concerns me very much, Mr. Chairman.

One final question. With respect to the matching money that the Federal Government makes available to the States, the original bill, when it came before the Senate last year, contained a limitation as to the uses to which the States might put this money, as between acquisition and development.

Would you explain to me what the present version of the bill provides in that respect?

Dr. CRAFTS. The present version of the bill puts no limitation on the amount of moneys that the States can use for development. The only requisite is that there needs to be this statewide recreation plant submitted and concurred in by the Secretary of the Interior, and that plan could provide that the State would use 80 percent, 90 percent, 50 percent, whatever it might want. There is no limitation in the bill at the present time as between acquisition and development for State purposes.

Senator CHURCH. I must say that that is another indication of the progress made on this legislation in the House, in my judgment. In other words, under the present version of the bill, in Senator Gruening's State of Alaska, or in my State of Idaho, where the State has no particular problem, oftentimes, with acquiring lands, but lacks adequate funds to develop State-owned lands for public recreation, this bill would permit them to use the matching funds for development purposes on State projects of that kind.

Secretary UDALL. This is correct, Senator. I agree with you that this is a wise provision. We anticipate that some of the States will come up with acquisitions as a first priority. In the case of Alaska and some of the Western States, their first priority will be development. This gives you a flexibility you didn't have a year ago.

Senator CHURCH. I think that is fine.

Senator BIBLE. Further questions of the Secretary? The gentleman from Colorado?

Senator DOMINICK. Mr. Chairman, just continuing along that same line, the Outdoor Recreation Resources Review Commission said that national parks and national forests are presently underused, and the agencies involved, it went on to say, haven't made use of what is already available. This is why, in my substitute for the bill, I emphasized the development end, and I would just like a little more comment on this.

This bill is supposed to be in favor of the Outdoor Recreation Resources Review Commission report, and yet the very purpose of that report was to get something done on already existing Federal holdings, and this doesn't do a thing about it.

Secretary UDALL. Well, Senator, I don't think I would agree with your interpretation of the outdoor recreation report. I think the report stressed the development of facilities, the providing of areas for people, but it equally stressed the importance of, for example, preserving the remaining shoreline areas in this country that should go into the public ownership before it is too late, of adding to our State park systems the lands that are needed, projecting on to the needs 40, 50 years ahead. I think both are needed.

I don't read the report as saying that priorities should be given merely to development. I think we need both.

Senator DOMINICK. Well, the ORRRC report certainly urged acquiring shoreline areas, and acquisition policies around Federal reservoirs, but it certainly didn't authorize a broad acquisition policy, and it did urge the development of existing ones.

Secretary UDALL. Well, I think, for example, there is no question at all about it that, as Secretary Freeman indicated, we haven't tapped the full recreation potential of our national forests. I think the Bureau of Land Management administers some very fine recreation areas.

We are just barely getting into this field, and I think we should do more in some of the Western States where we should develop the recreation potential.

Senator DOMINICK. This is my problem. I don't see why we go out and buy land and create a fund for the purpose of doing it, when we already have 770 million acres under Federal ownership.

Secretary UDALL. I think the real answer, Senator, to your question there is that one of the major conclusions of the outdoor recreation report is that we have a tremendous unbalance in that the land is in the West, and most of the people are in the East.

Senator DOMINICK. But if you throw the project into State ownership, in other words, where you are assisting the State to acquire this themselves, this would eliminate the Federal portion of it, and you would be giving more assistance to the State to get the outdoor recreation needs that they have evidenced already.

Secretary UDALL. I can only say I think we need a major effort on both fronts. I think the States have got to make a big effort. I think the Federal Government has got to do its part of the job. This committee is concerned with the expansion and rounding out of the national park system, as well as with the lakeshores and seashores that are left. This committee's work will be finished, I anticipate, in the next 5 or 10 years, perhaps, in that there will be nothing further

left to be done. The most important thing, I believe, is to move on these areas now and to get them acquired before they cost too much. I think some of us envision—we haven't talked about this—that ultimately maybe on the Federal side, this acquisition fund will be converted to development purposes. This is certainly something Congress might want to consider some time in the future.

Senator CHURCH. As is usually the case, the Pentagon hasn't been talking too much this morning. I think, Mr. Chairman, we ought to have him.

Senator BIBLE (presiding). We are going to have an observation.

Further questions of the Secretary of the Interior?

Did you have further questions, Senator Dominick?

Senator DOMINICK. I have none. I am sorry.

Senator BIBLE. Thank you very much, Mr. Secretary, and we are delighted to have you here this morning, Mr. Crafts.

Senator BIBLE. I am very pleased to recognize the Honorable Harry C. McPherson, Deputy Under Secretary of the Army and Special Assistant to the Secretary of the Army for Civil Affairs. It is good to see an old friend back, appearing on the other side of the table from us. You are welcome back here, Harry.

STATEMENT OF HON. HARRY C. McPHERSON, DEPUTY UNDER SECRETARY OF THE ARMY AND SPECIAL ASSISTANT TO THE SECRETARY OF THE ARMY FOR CIVIL AFFAIRS

Mr. MCPHERSON. Thank you, Mr. Chairman.

Senator BIBLE. This is the first time I have been in a committee where you have been on the other side of the table.

Mr. MCPHERSON. I did have one, Mr. Chairman, but since the bill has been discussed at such a length, and it has been quite an educational process for me, I am delighted I was here, and I will only say that on behalf of the Secretary of the Army, that our position is exactly as it was in 1963, and October 31, when Secretary Vance wrote to the House Committee on Interior and Insular Affairs as follows:

> In line with previous expressions of its view, the Department of the Army—

that is, his Corps of Engineers—

> on behalf of the Department of Defense supports enactment of H.R. 3846 as recently ordered reported by your Committee on Interior and Insular Affairs, including the system of financing reflected therein.

So we are happy, in the Army, and speaking for the Corps of Engineers, to indicate support for this legislation.

Senator BIBLE. Thank you very much, Mr. McPherson. The Senator from Idaho?

Senator from Alaska?

Senator from Colorado?

Senator DOMINICK. I have no questions.

The CHAIRMAN. Thank you very much, Mr. McPherson.

The record will be held open long enough to secure the answers to pending questions.

It there is nothing further to come before the committee, it stands in adjournment.

We meet in executive session at 10 o'clock tomorrow morning.

We are in adjournment.

(Whereupon, at 12:25 p.m., the committee was recessed.)

(Under authority previously granted the following documents were ordered printed:)

AUGUST 3, 1964.

STATEMENT OF HON. ROBERT C. BYRD, A U.S. SENATOR FROM THE STATE OF WEST VIRGINIA

Mr. Chairman, I am most pleased to add my endorsement to H.R. 3846 which would establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people.

It should not come as a surprise to this farsighted committee that a U.S. Senator from West Virginia would be interested in legislation to preserve scenic areas for the personal relaxation and enjoyment of our people. We in West Virginia have been blessed with some of nature's finest creations as visitors from all over the world will readily attest to. We enjoy what we have and we want others to share this pleasure.

However, we know there are equally—though totally different—treasures of nature around the country which should be preserved, also. This legislation, I believe, will give impetus to our conservation programs and begin the work that must be done to make the land usable for recreation purposes.

I will not deny the likelihood that a development of natural resources into centers for relaxation would have a beneficial effect on the economy of my State. In fact, that may justly be included as one of the purposes of the act. In deriving revenue from the proper and wise use of our resources, we are, in the long run, providing the means to expand these services for the benefit of man.

West Virginia has scenic views, geologic locations, and variations of climate. With funds to develop these attractions and to make them accessible, we can provide great recreation sectors and at the same time make a tremendous improvement in the economy of the State.

I would like here to add the endorsement of Warden M. Lane, director of the West Virginia Department of Natural Resources, who had much to do with shaping this legislation before us. He, too, sees its value and wishes to see it adopted.

There are many others who favor it, also, but I shall mention just a few—the Outdoor Boating Club of America, the American Association for Health, Physical Education, and Recreation, National Lumber Manufacturers Association, the National Recreation Association, the Sport Fishing Institute, and many others.

For West Virginia, the legislation would open the door on early development of several new projects. I have in the 87th and 88th Congresses cosponsored legislation in the Senate to establish the Coal River National Recreation Demonstration Area. This new legislation could speed along the dream of the Coal River development to the enjoyment of more than 26 million persons who live within a radius of 250 miles of the site, in the Charleston area.

High on our priority list of State parks is the State-owned 21,000-acre Sleepy Creek area, 70 miles from Washington, D.C., in the eastern Panhandle. The land has been untouched for several years. It is completely devoid of mining and other industry and is merely awaiting development as a recreational site. I am told that with $2 million in Federal funds, West Virginia could add the necessary facilities to protect the scenery and serve tourists. It could become the greatest industry in the eastern Panhandle.

If I might suggest one amendment to the legislation it would be this: A revision of the formula allocating the revenue collected. As Mr. Lane has suggested in the past, we prefer to see a greater division on the revenue to the States for planning, acquisition or development of the projects by the States. The legislation permits an allocation of only 50 percent of the revenue with the remaining 50 percent to be added by the States.

In West Virginia's case, this would present a special hardship. The Federal Government recognizes that we provide recreation for more people than those who actually live in our State. They come to West Virginia as tourists from the Greater Washington area, and the entire east coast. For this reason, it becomes an unfair burden to expect West Virginia to provide the funds as well as the sites for the recreation. We would like to see the Federal share boosted to 90 percent for this development work. It would seem like a more equitable division of the revenue.

I would support the bill as it is, but I would prefer to see this final adjustment in the interests of an equitable distribution of the revenue. I urge your early and favorable consideration of the legislation.

JULY 29, 1964.

Hon. HENRY M. JACKSON,
Chairman, Senate Interior Committee,
Washington, D.C.

DEAR SENATOR JACKSON: The National Rural Electric Cooperative Association wishes to express its support for the land and water conservation fund bill, H.R. 3846, now before the Senate Committee on Interior and Insular Affairs.

Our 950-member electric systems purchase nearly 40 percent of their total energy requirement from Federal multiple-purpose projects. None of the projects include recreation as a project purpose coequal, in terms of cost allocation, with irrigation, navigation, flood control, or hydroelectric power. Power costs are directly affected by costs allocated to other project purposes, and, because the ability of a particular purpose to bear its share of costs is to some extent dependent upon reimbursability, we have a direct and substantial interest in the reimbursability of such purposes.

It is our belief that the tendency to view recreation as a full partner in project economics is good and is long overdue. To the extent that recreation has, in the past, been allocated less than a full share of total project costs, it has imposed an inequitable burden upon other project purposes, including hydroelectric power. H.R. 9032, also pending before your committee, goes directly to the role of recreation in project evaluation.

The subject bill, while it would only indirectly affect the feasibility of Federal multiple-purpose projects in which we have an interest, would, we believe, recognize recreation as a cost factor to be borne, to whatever extent feasible, by the beneficiaries thereof. Upon this principle we strongly support H.R. 3846 as it passed the House of Representatives.

While we understand that hearings on the subject bill are not open for public testimony, we would greatly appreciate it if our testimony in support of H.R. 3846 before the House Interior Committee could be made a part of the Senate committee's hearing on the bill.

Sincerely,

ROBERT O. MARRITZ,
Electrical Engineer.

STATEMENT OF NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION

Mr. Chairman and gentlemen on the subcommittee, my name is Charles A. Robinson, Jr. I am the staff engineer and staff counsel of the National Rural Electric Cooperative Association, the national service organization of REA-financed electric systems which operate in 46 States. Membership in NRECA which is entirely voluntary, is held by over 92 percent of all REA-financed systems.

INTEREST OF RURAL ELECTRIC SYSTEMS IN H.R. 3846

The interest of rural electric systems in H.R. 3846, and its companion bill, S. 859, arises from the relationship between the recreational facilities and the hydroelectric power facilities in Federal multiple-purpose river basin development projects.

During the fiscal year 1961, some 500 REA-financed electric systems obtained all or a portion of their wholesale power requirements from Federal power agencies. During that year they purchased from such agencies 12.2 billion kilowatt-hours, representing 39 percent of the total wholesale power supply of all rural electric systems in the United States. For this power they paid to the U.S. Treasury $58.9 million. The magnitude of this payment, and the wholesale cost of Federal power depends, of course, on the relative share of multiple-purpose project costs allocated to hydroelectric power.

And, to the degree that project purposes other than hydroelectric power bear greater or lesser portions of project costs, the calculated power rate base goes up or down. Our membership is, therefore, deeply concerned with the instant legislation which recognizes the increased importance of the recreational facilities at multiple-purpose projects; and with recent decisions of the executive branch

agencies which indicate a more realistic allocation to such recreational features of total project costs.

IMPORTANCE OF RECREATION NOT ANTICIPATED

During the period in which many presently existing major multiple-purpose rescrvoirs were being planned and constructed, and during their initial years of operation, the importance of the recreational opportunity to be afforded by these reservoirs was not anticipated, and hence not recognized in benefit-to-cost ratio calculations or in cost allocation procedures. The Corps of Engineers estimates at over 175 million visitor-days per year the use of recreational facilities at multiple-purpose project under its jurisdiction and under the jurisdiction of the Bureau of Reclamation. That is more than the attendance at national parks and national forests combined. Yet, only a very minor portion of the cost of multiple-purpose projects has been traditionally allocated to recreation.

The following table indicates the relatively small amounts of project cost allocated to recreation at 16 projects. All figures are in millions.

[In millions]

Project	Annual visitor days	Total project cost	Allocated to recreation [1]
Table Rock	3.4	$64.5	$1.0
Gavins Point	1.9	48.6	.4
Narrows	1.0	12.7	.3
Dale Hollow	1.0	25.9	.2
Denison	6.5	76.9	2.3
Clark Hill	3.0	79.2	.0
Bull Shoals	2.0	75.8	.0
Norfork	1.2	28.6	.0
Old Hickory	3.7	133.9	.0
Whitney	4.3	40.4	.37
Allatoona	2.9	31.5	.0
Buford	5.7	42.5	.0
Wolf Creek	3.3	79.0	.0
Hoover	2.6	172.7	.0
Parker-Davis	1.1	141.9	.0

[1] Figures currently being revised by executive branch.

The effect of allocating to recreation less than its proportionate share of total project costs is the imposition on other project purposes of a cost allocation representing not only the costs of such other purposes, but in addition, a portion of project cost which should, in equity, be borne by recreation.

NEW ADMINISTRATIVE PRACTICES

During the past 5 years, the executive branch agencies responsible for administration of both Federal and non-Federal water projects have increasingly recognized the importance of recreation as a feature of multiple-purpose projects. Thus, the Chief of Engineers, Lt. Gen. Walter K. Wilson, Jr., stated, as early as April 3, 1957, in an appearance at Seattle, Wash., that:

"Only recently has recreation been recognized as an economic asset deserving consideration in planning water resource developments. Here in the Pacific Northwest, one of the great hunting and fishing recreation areas of the world, the need to develop the recreational potentialities of reservoirs is perhaps less than in some other regions. But, in many places faced with the problems of swiftly increasing urbanization, people are beginning to realize that recreation is almost as important to the social health of a community as a good water supply is to its physical health. The corps believes that this benefit is one which should be taken into account in computing the benefits to be derived from its reservoirs."

On April 18, 1963, the Federal Power Commission, which is empowered to grant licenses for the non-Federal hydroelectric development of navigable waterways, issued its order No. 260–A, amending its regulations, after opportunity for comment, to require that a plan for public recreation use of lands and waters must be filed as part of all hydroelectric power license applications. The plan so required by FPC must show locations for camping, picnicking, bathing, boating, hunting, fishing, and similar activities, and must be prepared in cooperation with State

and local agencies; and with the Federal agency having supervision in cases where lands of the United States would be affected.

On February 19, 1962, the Secretaries of the Interior and the Army agreed upon a policy relative to reservoir project lands which provides that:

"Insofar as permitted by law, it is the policy of the Departments of the Interior and of the Army to acquire, as part of reservoir project construction, adequate interest in lands necessary for the realization of optimum values for all purposes, including additional land areas to assure full realization of optimum present and future outdoor recreational and fish and wildlife potentials of each reservoir."

The new policies, standards, and procedures, approved by the President on May 15, 1962, to guide the executive branch in the formulation, evaluation, and review of water resource project plans, clearly recognize recreation as an important multiple-purpose project feature and provide that all multiple-purpose project features, including recreation, shall be coequal for purposes of project evaluation and cost allocation.

Last year, the Corps of Engineers, with the approval of the Bureau of the Budget, announced that allocations of joint project costs to recreation would be considered in amounts up to 25 percent of total project costs, and the Omnibus Rivers and Harbors Act of 1962 contained at least one project, the Joanna project in Missouri, which closely approached the 25 percent limit set by the corps. We understand that the Department of the Interior has placed, or will in the immediate future, place before Congress its plans for authorization of the Auburn-Folsom South unit of the Central Valley project at a total cost of approximately $367 million of which $88.1 million or approximately 24 percent is tentatively allocated to recreation.

The consideration being given by committees of both Houses to this very legislation (H.R. 3846) indicates an awareness by the Congress of the importance of recreation in multiple-purpose project formulation.

RECREATION AS A REIMBURSABLE FEATURE

The recognition of recreation as a coequal partner with navigation, flood control, irrigation, hydroelectric power, water conservation storage and other multiple-purpose project features, carries with it, we believe, a correlative financial responsibility. Thus, Secretary of the Interior, Stewart L. Udall, appearing in support of S. 859 before the Committee on Interior and Insular Affairs of the U.S. Senate, on March 7, 1963, stated that of the three basic ideas upon which this legislation is predicated:

"The third is that acquisitions should be financed with as little impact as possible on the Federal budget and as a corollary, that recreationists—the direct beneficiaries—should pay a reasonable portion of these costs."

In his prepared statement presented before the Senate committee, Secretary Udall added:

"I firmly believe that it is equitable for recreationists to pay a reasonable fee for the recreational use of Federal lands and waters. This is a common practice on many State areas and at many national parks. It is being applied in a limited way on some other Federal areas. Also, the application of user fees for recreation on Federal lands would be a great stimulus to recreational investment by private enterprise. Private landowners are now disadvantaged by having to compete with free use of public lands."

For many years, the National Rural Electric Cooperative Association has supported the authorization and construction of multiple-purpose water-resources projects including hydroelectric power because such projects furnish a major portion of the wholesale power supply of REA-financed systems. The power features of such projects are conceived as fully reimbursable and their costs are fully repaid from power sales revenue. Irrigation also is a reimbursable feature of such projects, and, under the laws authorizing some projects, the power sales revenue is utilized to repay whatever part of Federal investment in the irrigation features of these projects is beyond the financial ability of the irrigators to repay. There is, we feel, no reason why the direct beneficiaries of the recreational features of multiple-purpose projects should not also be willing to accept the concept of recreation as a reimbursable project feature. It seems to us that each feature of each project ought to bear its fair share of project costs.

A SUGGESTED AMENDMENT

Section 3(b) of H.R. 3846 authorizes the President to credit to miscellaneous receipts in the Treasury whatever moneys, in the separate account provided for in section 2 of the bill, he deems appropriate to "help offset the cost of additional lands, at Federal and federally assisted water development projects, for public recreation and fish and wildlife enhancement financed through project appropriations to water-resource agencies."

As we understand the legislation, this means that the President could earmark from the proposed land and water conservation fund, payments which might be considered in lieu of direct reimbursement for the acquisition of lands used for recreation at multiple-purpose projects.

We respectfully suggest that the language of section 3(b) might be broadened to confer on the President authority not only to help offset the cost of additional lands at water development projects, but also to help offset the costs of dams, structures, and other facilities at Federal projects in such proportion that they might be allocable to recreation. This, it seems to us, would have the effect of rendering reimbursable to the maximum feasible extent the recreation facilities of multiple-purpose water resources projects.

The funds so earmarked under section 3(b) of the act might well be allotted among all Federal recreation opportunities according to the anticipated public attendance at each.

CONCLUSION

In conclusion, Mr. Chairman, we respectfully direct the attention of the subcommittee to the growing need for outdoor recreation, the importance of efficiently utilizing all available recreation facilities to the maximum feasible extent and to the fact that executive branch agencies and the Congress have come to recognize recreation as an important feature of multiple-purpose water resources projects; coequal with navigation, irrigation, flood control, hydroelectric power, and the other traditional principal project purposes. To the extent that this recognition carries with it the incident of larger allocations of project costs to recreation, we believe it in the public interest to establish as reimbursable the maximum possible portion of these larger recreation allocations.

At the time in history when many of the presently operating major multiple-purpose projects were planned and constructed, recreation was not considered as a major project purpose and hence did not share in any substantial portion of cost allocations. To the extent that recreation does not bear its fair share of the cost of these projects, it is in fact a burden that is being carried by other project beneficiaries, including the purchasers of wholesale power. The 500 rural electric systems which purchase power generated at such projects are most appreciative for the growing recognition of recreation as a coequal project purpose. We are appreciative of the efforts of this subcommittee, and the full Committee on Interior and Insular Affairs, for their efforts to arrive at a complete understanding of the problems posed by the shifting emphasis between recreation and other project purposes. We respectfully suggest the desirability of recreation bearing a larger portion of multiple-purpose project costs on a reimbursable basis, and that section 3(b) of H.R. 3846, amended to embrace a broader objective, could serve as a vehicle to assure the inclusion of recreation in multiple-purpose projects on a basis of at least partial reimbursability.

AMERICAN AUTOMOBILE ASSOCIATION,
Washington, D.C., August 3, 1964.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. JACKSON: This is with reference to H.R. 3846, referred to as the land and water conservation fund bill, which is currently before your committee for consideration.

The American Automobile Association is on record as opposing any form of diversion of revenue from the highway trust fund. The American Automobile Association, by convention action of its duly constituted delegates adopted the following resolution:

"DIVERSION OF HIGHWAY TRUST FUNDS TO DEVELOP LAND AND WATER CONSERVATION AND RECREATIONAL AREAS

"The American Automobile Association opposes any congressional action which would divert highway trust fund revenues for the development of land and water conservation."

The diversion of marine gas tax revenues from the highway trust fund to finance a land and water conservation program will establish an undesirable precedent. Such continuing drains on the highway trust fund may jeopardize the timely completion of the interstate highway program.

The Bureau of Public Roads has estimated that withdrawals from the highway trust fund, as contemplated in H.R. 3846, will amount to approximately $284 million by September 30, 1972.

We strongly urge that the bill, as passed by the House of Representatives, be revised so as to eliminate the provision which would divert from the highway trust fund to the land and water conservation fund motorboat gasoline tax revenues.

It is requested that this letter which sets forth the AAA position on H.R. 3846 be made a part of the official proceedings of the committee.

Sincerely,

K. B. RYKKEN,
Director, Highway Department.

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