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HEARINGS

BEFORE THE

**COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES**

NINETIETH CONGRESS

SECOND SESSION

ON

H.R. 18033

REMOVAL OF CONDITIONS ON LANDS CONVEYED TO THE
STATE OF OHIO

S. 3578

REMOVAL OF CONDITIONS ON LANDS CONVEYED TO THE
STATE OF SOUTH CAROLINA

H.R. 14388

CONVEYANCE OF LAND AT BELTSVILLE, MARYLAND

H.R. 18496

SALE OF LAND TO THE VILLAGE OF CENTRAL, NEW MEXICO

H.R. 14056

REMOVAL OF RESTRICTIONS AGAINST ALCOHOLIC BEVERAGES
UNDER TITLE I, PUBLIC LAW 480

H.R. 14158

CONTROL OF NOXIOUS PLANTS ON FEDERAL LAND

Serial FFF

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REMOVAL OF CONDITIONS ON LANDS CONVEYED TO THE STATE OF OHIO

TUESDAY, JULY 23, 1968

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FORESTS
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:30 a.m., in room 1301, Longworth House Office Building, Hon. John L. McMillan (chairman) presiding.

Present: Representatives McMillan, Teague of California, and Hansen.

Also present: Martha Hannah, subcommittee clerk; and L. T. Easley, staff consultant.

Mr. McMILLAN. The subcommittee will come to order.

We have before us for consideration H.R. 18033, conveying certain lands to the State of Ohio. H.R. 18033, together with the Department's report, will be made a part of the record at this point.

(H.R. 18033 and the Department reports above referred to, follow:)

[H.R. 18033, 90th Cong., second sess.]

A BILL To direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the State of Ohio, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of subsection (c) of section 32 of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(c)), the Secretary of Agriculture is authorized and directed to release on behalf of the United States with respect to lands designated pursuant to section 2 hereof, the condition in a deed dated January 30, 1957, conveying lands in the State of Ohio to the State of Ohio, which requires that the lands so conveyed be used for public purposes and provides for a reversion of such lands to the United States if at any time they cease to be so used.

SEC. 2. The Secretary shall release the condition referred to in the first section of this Act only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the State of Ohio or an authorized agency of the State in which such State or agency, in consideration of the release of such condition as to such lands, agrees that the lands with respect to which such condition is released shall be exchanged for lands of approximately comparable value and that the lands so acquired by exchange shall be used for public purposes.

SEC. 3. Upon application all the undivided mineral interests of the United States in any parcel or tract of land released pursuant to this Act from the condition as to such lands shall be conveyed to the State of Ohio for the use and benefit of the State by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of \$1. In other areas the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

SEC. 4. Each application made under the provisions of section 3 of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

SEC. 6. Amounts paid to the Secretary of the Interior under the provisions of this Act shall be paid into the Treasury of the United States as miscellaneous receipts.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 11, 1968.

HON. W. R. POAGE,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. CHAIRMAN: As you asked, here is our report on H.R. 18033, "To direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the State of Ohio, and for other purposes."

We recommend enactment of H.R. 18033.

This bill would authorize and direct the Secretary of Agriculture to release on behalf of the United States a condition contained in a 1957 deed conveying certain described lands to the State of Ohio. The condition required that the lands conveyed to the State be used for public purposes and provides for a reversion to the United States if the lands cease to be so used.

This bill provides that the Secretary shall release the condition only with respect to lands covered by an agreement between the Secretary and the State of Ohio or an authorized agency of the State which would provide that lands with respect to which the public use condition is released will be exchanged for lands of approximately comparable value and that lands acquired by the State through such exchanges will be used for public purposes.

H.R. 18033 would also authorize the Secretary of the Interior, under certain conditions, to convey to the State of Ohio, for the use and benefit of the State, all the undivided mineral interests which were reserved to the United States in lands conveyed to the State.

The lands involved in H.R. 18033 were originally acquired by the United States in the 1930's and administered under the provisions of Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525). This title authorizes the Secretary of Agriculture to conduct a program for the rehabilitation of submarginal lands. Title III also authorizes the Secretary to dispose of lands to public authorities and agencies under terms and conditions he deems will best accomplish Title III purposes, but only on condition that the property conveyed is used for public purposes.

The 18,560.98 acres of land in question was conveyed to the State of Ohio on January 30, 1957, subject to the condition that it be used for public purposes. If not so used, ownership would revert to the United States.

We understand that the State of Ohio is seeking a release of the "public use" condition so that it may exchange one of the tracts conveyed to it. This tract of 5,252 acres is presently the Raccoon State Forest. The other tract of 13,308.98 acres is known as the Zaleski State Forest. Lake Hope State Park occupies 1,961.60 acres of the Zaleski State Forest tract.

Lake Hope, within the Zaleski State Forest, is seriously polluted from coal mine waste originating on private lands in the upper watershed outside the State Forest. To control this pollution, the State needs to control most of the watershed. This will necessitate State acquisition of a large block of private lands of which about 700 acres is owned by Mead Paper Company. Mead also owns another 3,200 acres adjacent to Zaleski State Forest and nearly 10,000 acres surrounding the Raccoon State Forest.

To consolidate State Forest ownership, provide for more effective pollution control in the Lake Hope watershed, and enable more efficient administration of the State Forest lands an exchange has been proposed between the State and

Mead Paper Company. State owned lands in the Raccoon State Forest would be conveyed to Mead Paper Company for Company lands adjacent to the Zaleski State Forest. Such an exchange, in which the lands conveyed to the State would be used for State Forest or Park purposes, would be consistent with the purposes of the public use requirement in the original conveyance to the State.

P.L. 84-237, as supplemented, and P.L. 90-307, involving lands previously granted Clemson University in South Carolina and the University of Maine, respectively, authorize release of the public use requirement by the Secretary of Agriculture upon agreement with the grantee as provided by H.R. 18033. Disposal of mineral interests also is authorized by these Acts, as in H.R. 18033, H.R. 16065, involving lands conveyed to the State of Iowa and recently passed by the House of Representatives, would provide the same authorities as H.R. 18033.

Some 836,000 acres of Title III lands have been conveyed by this Department to various States and State agencies and organizations in a number of separate transactions. All of these conveyances are subject to the same reversionary clause if the lands are not used for public purposes. The conveyances also included the same mineral rights reservations.

During the intervening years, changes in land use patterns and resource management programs, administrative requirements, and other factors have resulted in the desire of others of the respective owning public authorities or agencies to exchange or otherwise dispose of a part of the Title III lands conveyed to them so as to further the purposes and activities of those public bodies. Another case is before us now. Others may come up in the future.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

Mr. McMILLAN. We have with us our colleague, Congressman Miller of Ohio, and we will be pleased to hear from Congressman Miller at this time. He is a valuable and distinguished member of this committee.

STATEMENT OF HON. CLARENCE E. MILLER, A REPRESENTATIVE FROM THE STATE OF OHIO

Mr. MILLER. Mr. Chairman and members of the subcommittee, I thank you for taking the time to set up the meeting today so that we could hear more about H.R. 18033, which is a bill for an exchange of forest lands in the State of Ohio.

I have with me Mr. Ernest Gebhart, who is the administrative assistant to the director of the Ohio Department of Natural Resources, Fred E. Morr. Mr. Gebhart is from Columbus, Ohio.

I would like for him to express the desire of the department of natural resources in this land exchange.

Mr. McMILLAN. Congressman Miller, we will be delighted to have your distinguished guest make a statement at this time. You may feel free to make any statement that you desire, and to give the committee any information that you may have available.

STATEMENT OF ERNEST GEBHART, COLUMBUS, OHIO

Mr. GEBHART. Mr. Chairman and members of the subcommittee, I would like to present a statement by Mr. Fred E. Morr, director of the Ohio Department of Natural Resources.

The following statement is relative to H.R. 18033, "to direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the State of Ohio and for other purposes."

A very advantageous land exchange is being considered between the State of Ohio, Department of Natural Resources, and the Mead Paper Co. of Chillicothe, Ohio. This land exchange involves the conveyance of the 5,650-acre Raccoon State Forest in Vinton County. The Raccoon Forest is made up of 5,252 acres which were acquired by the U.S. Government during the L. U. program of 1938 through 1940 and then conveyed to the State of Ohio.

Through later purchases, the State of Ohio acquired an additional 398 acres in adjacent properties. The Mead Corp. lands offered in exchange consist of 5,920 acres in Vinton and Athens Counties adjoining and lying to the east of the Zaleski State Forest. The Mead Corp. lands offered exceed the State lands to be exchanged by 270 acres. The appraised values of the lands to be exchanged are comparable.

The exchange of these lands would permit the concentration of State forest ownership in Vinton County into one large management unit reducing operating costs and making for more efficient timber management. The Mead Corp. would be consolidating their holdings in southern Vinton County. Seven hundred acres of the 5,920 acres the Mead Corp. is offering to exchange lies within the Big Sandy Run drainage flowing into Lake Hope where Ohio has a major land acquisition program underway. The entire watershed is being required in order to implement a program to alleviate the flow of acid water, from abandoned underground mines, into the lake. This acid problem has reduced Lake Hope to an almost sterile body of water which must be reclaimed to restore its recreational values.

The deterrent to finalizing this land exchange is a condition in the 1957 deed by which the State of Ohio acquired Raccoon Forest from the U.S. Government. The deed states that the land conveyed is to be used for public purposes and if not so used is to revert to Federal ownership. The lands to be acquired from the Mead Corp. in this exchange will be devoted to public use, thus fulfilling this obligation of the deed as well as the provisions of the bill.

The purpose of H.R. 18033 as introduced by Congressman Clarence E. Miller is to remove the condition from the deed so that the exchange can be accomplished and the exchanged lands assimilated into the public use and management programs of the Zaleski State Forest.

Mr. McMILLAN. Thank you very much, Mr. Gebhart.

Your full statement will be of great assistance to this subcommittee and to the full committee in presenting this bill to the floor of the House.

Mr. GEBHART. Thank you.

Mr. McMILLAN. We thank you for taking the time to come from Ohio to be with us this morning.

Mr. Teague.

Mr. TEAGUE of California. I want to say that unless the Department has something to say that casts a different light on this property, it will be favorably received.

Mr. McMILLAN. We have already placed in the record a report from the Department. We have witnesses here from the Department. We will hear from them now.

Do you care to make a statement, Mr. Florence, or Mr. Payne, in addition to the report—in addition to what you have already submitted?

STATEMENT OF BURNETT H. PAYNE, ASSOCIATE DEPUTY CHIEF,
FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE; ACCOMPANIED BY REYNOLDS FLORENCE

Mr. PAYNE. Mr. Chairman and members of the subcommittee, we appear here only to reiterate the favorable report already submitted to you by the Secretary.

We agree with the justification submitted by Mr. Gebhart. I am simply here to be available to respond to questions, should you have any.

Thank you.

Mr. McMILLAN. Thank you very much, Mr. Payne.

Mr. Teague?

Mr. TEAGUE of California. I have no further comments or questions. Thank you, Mr. Chairman.

Mr. McMILLAN. Thank you very much.

Mr. MILLER. May I, for the record at least, say that the State of Ohio has, in fact, built facilities around the 120-acre lake at a cost of about \$5 million. This is a lake that does have acid water draining into it, and because of this exchange the State will be able to control the land where the acid water is coming from. It is quite a recreational area.

It is something that needs the attention the bill will provide.

Mr. McMILLAN. As I understand it, this is a land exchange, with no cash value exchange?

Mr. MILLER. There is a possibility of a cash exchange. Perhaps it might be good for Mr. Gebhart to express what that is.

Mr. GEBHART. In the evaluation of the properties, both the land surface and the timber have been considered. There is timber on both the Raccoon Forest tract which will be traded in the exchange for the land that will be coming to the State of Ohio.

There is a 270-acre differential in favor of the State. The State will get 270 acres more than it will be taking from Mead, because of the large volume of timber on the Raccoon Forest, but in addition to that, they will also receive \$31,560 as a part of this differential.

The Mead Corp. is agreeable to paying in cash or to provide additional land. This land would be land that they own in Hawkins County, which is adjacent to the Hawkins State Forest. So there is some other advantages here. It is not on an acre-per-acre trade basis. It was based on the valid evaluation of both the land surface and the timber.

Mr. McMILLAN. Thank you very much. We thought it would be a good idea to have that information in the hearing record.

Mr. Teague.

Mr. TEAGUE of California. There are no Federal funds involved, are there?

Mr. GEBHART. No, sir; no Federal funds.

Mr. TEAGUE of California. Thank you.

Mr. McMILLAN. Thank you very much again for your supplemental statement.

Mr. MILLER. Thank you, Mr. Chairman.

Mr. McMILLAN. We will now proceed to another bill.

(Whereupon, at 10:45 a.m., the subcommittee proceeded to further business.)

STATEMENT OF BURNETT H. HAYNE, ASSOCIATE DEPUTY CHIEF
FOREST SERVICE, U. S. DEPARTMENT OF AGRICULTURE, AS COOK
LEADED BY REYNOLDS THORNGE

Mr. Payne, Mr. Chairman and members of the subcommittee, we
are glad to have the opportunity to present the favorable report already submitted to
you by the Secretary.

We agree with the justification submitted by Mr. Chairman. I am
glad to be available to respond to questions should you have

any questions. I think you will find that the
Department of California has no other comparable operations.

The California State Forest Service is the largest
State forest in the United States and the largest in the West.
It has a total area of 1,000,000 acres and is managed by the
State Forester. The State Forest Service is a part of the
State Department of Conservation and is a part of the
State Department of Agriculture.

It is our hope that the bill will provide
for the California State Forest Service to be a part of the
Department of Agriculture and to be a part of the
State Department of Conservation.

Mr. Chairman, I think it is a possibility of a
bill to be introduced in the House of Representatives.

The bill will provide for the California State Forest Service
to be a part of the Department of Agriculture and to be a part of
the State Department of Conservation.

The bill will also provide for the California State Forest Service
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REMOVAL OF CONDITIONS ON LANDS CONVEYED TO THE STATE OF SOUTH CAROLINA

TUESDAY, JULY 23, 1968

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FORESTS
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to recess, at 10:45 a.m., in room 1301, Longworth House Office Building, the Hon. John L. McMillan (chairman) presiding.

Present: Representatives McMillan, Teague of California, and Hansen.

Also present: Martha Hannah, subcommittee clerk; and L. T. Easley, staff consultant.

Mr. McMILLAN (presiding). The subcommittee will come to order.

We now have before us S. 3578, relating to the conveyance of lands in the State of South Carolina, together with the Department's report, both of which will be made a part of the record at this point.

(S. 3578 and the Department report above-referred to, dated July 3, 1968, follow:)

[S. 3578, 90th Cong., second sess.]

AN ACT To direct the Secretary of Agriculture to release, on behalf of the United States, a condition in a deed conveying certain lands to the South Carolina State Commission of Forestry, so as to permit such Commission, subject to a certain condition, to exchange such lands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of subsection (c) of section 32 of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011 (c)), the Secretary of Agriculture is authorized and directed to release, on behalf of the United States, with respect to the following-described lands, the condition contained in the deed dated June 28, 1955, between the United States of America and the South Carolina State Commission of Forestry, conveying, pursuant to such subsection, certain lands, of which such described lands are a part, to such Commission, which requires that the lands conveyed be used for public purposes:

A tract consisting of approximately seventy-two acres, being a portion of the five-hundred-and-ten-acre tract conveyed by such deed dated June 28, 1955, which is bounded on the south by the State Forestry Commission, on the east by McCray's Mill Club and E. T. Gulledge, on the north by the State Highway Numbered 763, and on the west by an unpaved county public road known as the Brunt Gin Road.

SEC. 2. The Secretary shall release the condition referred to in the first section of this Act only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the South Carolina Commission of Forestry in which such State agency, in consideration of the release of such conditions as to such lands, agrees that the lands with respect to which such condition is released shall be exchanged for lands of approximately comparable value and that the lands so acquired by exchange shall be used for public purposes.

SEC. 3. Upon application all the undivided mineral interests of the United States in any parcel or tract of land released pursuant to this Act from the condition as

to such lands shall be conveyed to the South Carolina Commission of Forestry for the use and benefit of the Commission by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of \$1. In other areas, the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

SEC. 4. Each application made under the provisions of section 3 of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

Passed the Senate July 17, 1968.

Attest: FRANCIS R. VALEO, *Secretary.*

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 3, 1968.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR MR. CHAIRMAN: AS requested, here is the Department of Agriculture's report on S. 3578, "To direct the Secretary of Agriculture to release on behalf of the United States, a condition in a deed conveying certain lands to the South Carolina State Commission of Forestry so as to permit such Commission, subject to a certain condition, to exchange such lands."

We recommend enactment of this bill with the amendments suggested herein-after.

S. 3578 would authorize and direct the Secretary of Agriculture to release on behalf of the United States a certain condition contained in a 1955 deed conveying certain described lands to the South Carolina State Commission of Forestry. The condition required that the lands conveyed to the State be used for public purposes and provides for a reversion to the United States if the lands cease to be so used. The bill provides that the Secretary shall release this condition only with respect to lands covered by an agreement between the Secretary and the South Carolina Commission of Forestry which would set forth certain conditions.

The lands involved in S. 3578 were originally acquired by the United States under the provisions of Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525). This Title authorizes the Secretary of Agriculture to conduct a program for the rehabilitation of submarginal lands. Title III also authorizes the Secretary to dispose of lands to public authorities and agencies under terms and conditions he deems will best accomplish Title III purposes, but only on condition that the property conveyed is used for public purposes.

The 510 acre tract of land in question here was conveyed to the South Carolina Commission of Forestry on June 28, 1955, subject to the condition that it be used for public purposes. If not so used, ownership would revert to the United States.

We understand that the South Carolina Commission of Forestry is seeking a release of the "public use" condition so that it may exchange approximately 72 acres of the 510 acre tract for certain privately owned lands. The tract is presently a part of the Manchester State Forest administered by the Commission of Forestry. The proposed exchange would enable the Commission to consolidate ownership of the land it administers and provide for more efficient management of those lands for forestry and other natural resource conservation

purposes. Such an exchange would be consistent with the basic purpose of the public use requirement in the original conveyance to the Commission.

P.L. 84-237, as supplemented, and P.L. 90-307, involving lands previously conveyed to Clemson University in South Carolina and to the University of Maine respectively, authorize release of the public use requirement by the Secretary of Agriculture upon agreement with the grantee as provided by S. 3578. Disposal of mineral interests also is authorized by those Acts. H.R. 16065 involving lands conveyed to the State of Iowa and S. 3687 involving lands conveyed to the State of Ohio would provide the same authorities.

So that this legislation may be consistent with the preceding legislation referred to, we suggest deletion of section 2 and insertion of the following:

SEC. 2. The Secretary shall release the condition referred to in the first section of this Act only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the South Carolina Commission of Forestry in which such State agency, in consideration of the release of such conditions as to such lands, agrees that the lands with respect to which such condition is released shall be exchanged for lands of approximately comparable value and that the lands so acquired by exchange shall be used for public purposes.

SEC. 3. Upon application all the undivided mineral interests of the United States in any parcel or tract of land released pursuant to this Act from the condition as to such lands shall be conveyed to the South Carolina Commission of Forestry for the use and benefit of the Commission by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of \$1. In other areas, the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

SEC. 4. Each application made under the provisions of section 3 of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

This amendment will authorize the Secretary of the Interior, under certain conditions, also to convey to the South Carolina Commission of Forestry all the undivided mineral interests which were reserved to the United States in lands conveyed to the Commission.

Some 836,000 acres of such lands have been conveyed by the United States to various States and State agencies and organizations in a number of separate transactions. All of these conveyances are subject to the same reversionary clause if the lands are not used for public purposes. The conveyances also included the same mineral rights reservations.

During the intervening years, changes in land use patterns and resource management programs, administrative requirements, and other factors have resulted in the need for others of the respective owning public authorities or agencies to exchange or otherwise dispose of a part of the Title III lands conveyed to them so as to further the purposes and activities of those public bodies. Another such case is before us now. Others may come up in the future.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN A. SCHNITTKER, *Acting Secretary.*

Mr. McMILLAN. Will the Department witness come forward to the witness table. We want a little information on this bill, which passed the Senate.

**STATEMENT OF REYNOLDS FLORANCE, DIRECTOR, DIVISION OF
LEGISLATIVE REPORTING AND LIAISON, FOREST SERVICE, U.S.
DEPARTMENT OF AGRICULTURE**

Mr. FLORANCE. Yes, sir, Mr. Chairman. I will be happy to do so.

This is a bill that involves substantially the same situation discussed in the bill previously before the subcommittee.

The Department submitted a report to the Senate committee under date of July 3, 1968, signed by the Acting Secretary, Mr. Schnittker. In this report, the Department recommended an amendment. That amendment was adopted by the Senate committee, and the bill as passed conforms to the Department's report.

This bill involves a situation where lands were acquired under the Bankhead-Jones Farm Tenant Act which were conveyed to the South Carolina State Commission of Forestry on June 28, 1955, subject to condition that it be used for public purposes.

The conveyance has a clause in it that in the event the land was not so used, ownership would revert to the United States.

We understand that the South Carolina Commission of Forestry is seeking a release of the public use condition so that it may exchange 72 acres of the original 510-acre tract for certain privately owned land. The tract is used as a part of the Manchester State Forest, administered by the commission of forestry. The proposed exchange would enable the commission to consolidate ownership of the land it administers and provide for more efficient management of those lands for forestry and other natural resource conservation purposes.

Such an exchange would be consistent with the basic purpose of the public use requirement in the original conveyance to the commission.

As I mentioned, the Department recommended certain clarifying and facilitating amendments which have been adopted by the Senate.

Mr. McMILLAN. That is in the bill as presented here?

Mr. FLORANCE. Yes. And the Department recommends the enactment of the bill with those amendments.

Mr. McMILLAN. Thank you very much.

Is Mr. Gettys' administrative assistant present?

Mrs. HANNAH (subcommittee clerk). No, he is not present.

Mr. McMILLAN. The subcommittee will now go into executive session.

(Whereupon, at 11:50 a.m., the subcommittee proceeded into executive session.)

CONVEYANCE OF REAL PROPERTY IN THE AGRICULTURAL RESEARCH CENTER, BELTSVILLE, MD.

WEDNESDAY, SEPTEMBER 11, 1968

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON RESEARCH AND EXTENSION
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to call, at 10:05 a.m., in room 1302, Longworth House Office Building, Hon. Thomas G. Abernethy (chairman of the subcommittee) presiding.

Present: Representatives Abernethy, Goodling, Mayne, and Kleppe.

Also present: Hyde H. Murray, assistant committee counsel, and Mrs. Christine S. Gallagher, clerk.

Mr. ABERNETHY. The subcommittee will come to order. We have met for the purpose of considering H.R. 14388 by Representative Hervey G. Machen.

At this point there will be inserted in the record H.R. 14388, a report from the National Aeronautic and Space Administration, and such statement as Mr. Machen desires to insert.

(The documents follow:)

[H.R. 14388, 90th Cong., second sess.]

A BILL To direct the Secretary of Agriculture to make a conveyance of certain real property in the Agricultural Research Center, Beltsville, Maryland

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") shall convey to Miss Annie L. Hall and Miss Evelyn Hall of Beltsville, Maryland, (hereafter in this Act referred to as the "grantees") all the right, title, and interest of the United States in and to such real property in the Agricultural Research Center, Beltsville, Maryland, as the Secretary determines is required to increase by sixty-five feet the width of the fifteen-foot roadway owned by the grantees and more particularly described in a deed recorded on page 464 of liber 233 in the Office of the Clerk of the 7th Judicial Circuit Court of Appeals of Maryland, Upper Marlboro, Maryland. The exact legal description of the land to be conveyed shall be determined by the Secretary, and in the event a survey is required to make such determination, the grantees shall bear the expense thereof. The Secretary shall not convey such real property until the grantees have paid the Secretary the fair market value of such real property, as of the date of the enactment of this Act, as determined by him.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., September 10, 1968.

Hon. THOMAS G. ABERNETHY,
Chairman, Special Subcommittee on Research and Extension, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of the National Aeronautics and Space Administration on the bill H.R. 14388, "To direct the Secretary of Agriculture to make a conveyance of certain real property in the Agricultural Research Center, Beltsville, Maryland."

The legislation would authorize the Secretary of Agriculture to convey a strip of land 50 feet wide adjacent to an existing 15 foot access road which runs from Telegraph Road, Beltsville, Maryland, to a 116 acre parcel of land which is surrounded by federally owned land. Part of the surrounding land is occupied by NASA's Goddard Space Flight Center under permit from the Department of Agriculture.

As we understand the problem, the Agriculture Department, at least tentatively, is not in a position to object to the legislation; it is not currently using the property in question nor does it have plans for its use. NASA is not in a position to purchase the enclave; it is not prepared to demonstrate a need for that property for expansion of the Goddard Center and so far as it knows, the proposed use of the land—for an industrial park—would not interfere with Goddard's use of the property it occupies.

NASA does not object basically to the proposed grant nor to the use of the land for an industrial park, or for light industry in accordance with present representations being made by the owners and proposed users of the property. There are, however, several collateral matters which should be settled before the Government commits itself to make the grant that would be authorized by the bill.

It is clear that the grant of the widened roadway would make possible the rezoning of the enclave for any one of a number of developments. The areas around Goddard, particularly near Glenndale Road and Telegraph Road are expanding rapidly and additional zoning for residential and apartment uses are constantly being applied for. The road areas around Goddard have not been adequately developed to service the expanded activities attributable to rezoning. The Federal Government, through Goddard, financed the expansion of nearby Glenndale Road and its bridge over the Baltimore-Washington Parkway at no expense to the State and locality in order to facilitate access to the Goddard Center. However, that road itself, now that it has been expanded, has been subject to additional zoning (highrise apartments and related developments) and is no longer adequate to carry traffic during peak periods.

Telegraph Road, to which the grant would permit access, is a narrow country road. It is apparent that, in order for the property to be used for the purposes identified, major improvements of Telegraph Road would be necessary. NASA does not feel that the U.S. Government should have to repeat the process used to alleviate the previous Glenndale Road problem and find it necessary to bear the cost of widening and extending Telegraph Road at some time in the future.

Representations have been made to officials of the Agriculture Research Center and Goddard Flight Center, that the zoning intended would be for an industrial park, and that appropriate setbacks from the road would be undertaken. In the alternate, assuming non-approval of the research and development industrial park zoning, it would be zoned for light industrial uses. As indicated above, NASA has no objection to the research and development industrial park type of zoning. However, once the grant is made zoning applications could be changed and some type of zoning not in the best interest of the area, and the Goddard Space Center might be suggested or recommended. Such action could result in additional expense to the Government not appearing on the face of pending legislation.

Given these considerations, it is our suggestion that the bill be amended to require the Secretary of Agriculture to withhold action until such time as he receives reasonable assurance from the State and local authorities that action will be taken under State and county laws to provide appropriate zoning and expansion of Telegraph Road, including necessary buffer strips contiguous to the Goddard Center and that such action will not involve additional expense to the Federal Government, but that it be handled in accordance with the general way in which roads are enlarged and expanded under regular State and local procedures.

Subject to the foregoing, the National Aeronautics and Space Administration has no objection to the enactment of H.R. 14388.

The Bureau of the Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report to the Congress.

Sincerely yours,

ROBERT F. ALLNUTT,
Assistant Administrator for Legislative Affairs.

STATEMENT OF HON. HERVEY G. MACHEN, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF MARYLAND

Mr. Chairman and members of this distinguished subcommittee, my name is Hervey G. Machen and I represent the Fifth Congressional District of Maryland.

I am testifying today on behalf of my bill, H.R. 14388, which I introduced December 11, 1967, to direct the Secretary of Agriculture to make a conveyance of certain real property at the Agricultural Research Center, Beltsville, Maryland, which is my District. The purpose of this legislation is to allow the owners of a tract of land adjacent to the Research Center to improve and widen an access road from the privately owned property to a County road. Currently the owners of the property, Misses Annie L. and Evelyn Hall, have a 15-foot access and are unable to conform to the 80-foot County highway requirement because their property is land locked in federally owned land. If enacted, the legislation would authorize the Secretary to convey at fair market value approximately 1.5 acres adjacent to the 15-foot right-of-way in order that it could be widened to 80-feet in width. This would permit the property owners, who are retired, to make plans for their tract of land in accordance with County zoning ordinances and master plans.

On July 19, 1968, the Secretary of Agriculture presented a departmental report to the Chairman of the Committee on Agriculture. This report does not oppose enactment of the legislation. It recommends an amendment to my bill and I agree with the amendment. I feel that with the amendment there is enough protection for the federal government to make the conveyance at fair market value subject to whatever reasonable terms and conditions may be found necessary by the Secretary of Agriculture. Inasmuch as there is no known opposition to this legislation and that it will not be adverse to the interests of the federal government I respectfully urge you favorably consider H.R. 14388 with a view toward action before the 90th Congress adjourns.

I deeply appreciate the time, consideration and the assistance of the Chairman of the Committee and this subcommittee in bringing this matter to a hearing.

Mr. ABERNETHY. It appears our first witness will be Mr. Francis R. Mangham, Deputy Administrator, Administrative Management, Agricultural Research Service, Department of Agriculture.

Sir, you may proceed.

STATEMENT OF FRANCIS R. MANGHAM, DEPUTY ADMINISTRATOR,
ADMINISTRATIVE MANAGEMENT, AGRICULTURAL RESEARCH
SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. MANGHAM. Mr. Chairman and members of the subcommittee, I appreciate the opportunity to present to your subcommittee the Department's views on H.R. 14388. The bill would authorize the conveyance, at the appraised fair market value, of approximately 1.5 acres of land in the Agricultural Research Center, Beltsville, Md. The release of the land would not be adverse to nor impede the work of the Department.

The land would be sold to the Misses Annie L. and Evelyn Hall to permit them to improve their present access road leading from their homesite to an existing county road, which is Telegraph Road. The present access road is 15 feet wide, which would be increased by 65 feet.

Mr. Chairman, we recommend that the bill be amended as follows:

On page 2, line 11, after the "him," add "Such conveyance may be made subject to other terms and conditions as the Secretary may deem appropriate."

A survey and appraisal would be necessary to determine the fair market value of the property to be sold. As one of the conditions, we would expect the grantees to pay the costs for the survey and appraisal.

Also, the proposed amendment would cover any other eventualities which may arise in connection with the conveyance of "all the right, title, and interest of the United States in and to such real property" as provided for under the bill.

Mr. ABERNETHY. What do you anticipate will arise, other than determining the fair market value?

Mr. MANGHAM. The right-of-way is 15 feet wide. On either side is property owned by Agricultural Research, but on one side it is permitted to NASA and that property is fenced. We would like to designate exactly where the extended right-of-way would be, that it be located on the west side of the existing right-of-way, rather than to take, for example, 30 feet on either side of the right-of-way, that would involve several pieces of property.

Mr. ABERNETHY. The legislation probably has merit, but there may be trouble if you include that kind of open-ended amendment.

I think it would be much better if we would just spell out what you want to do and dispose of it under specific terms so the Congress would know what the disposition circumstances would be, if it is possible to spell it out.

Mr. MANGHAM. We would simply describe the area we propose to convey for this right-of-way, that it would actually be on the west side of the existing right-of-way.

Mr. ABERNETHY. Have you talked with the people who want this right-of-way.

Mr. MANGHAM. I have not discussed it with them.

Mr. ABERNETHY. Do you know whether or not this would be acceptable to them?

Mr. MANGHAM. I couldn't answer that, Mr. Chairman.

Mr. ABERNETHY. They may have to abide by such terms and conditions as the Department would prescribe.

Mr. MANGHAM. For this particular property we have the exclusive jurisdiction. We will have to consider that in conveying the property, so the county or State would have complete jurisdiction for protection purposes on this property.

Mr. ABERNETHY. I don't understand you.

Mr. MANGHAM. We have most of the Beltsville research area in what we refer to as exclusive jurisdiction, or that property where the Federal Government is responsible for the protection of the property as contrasted to public service; police and, fire protection responsibility. This land is classified as exclusive jurisdiction.

Mr. ABERNETHY. It is something that you would wish to reserve?

Mr. MANGHAM. We would wish to release it.

Mr. ABERNETHY. Conveying title to the land automatically releases it, doesn't it?

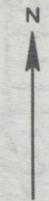
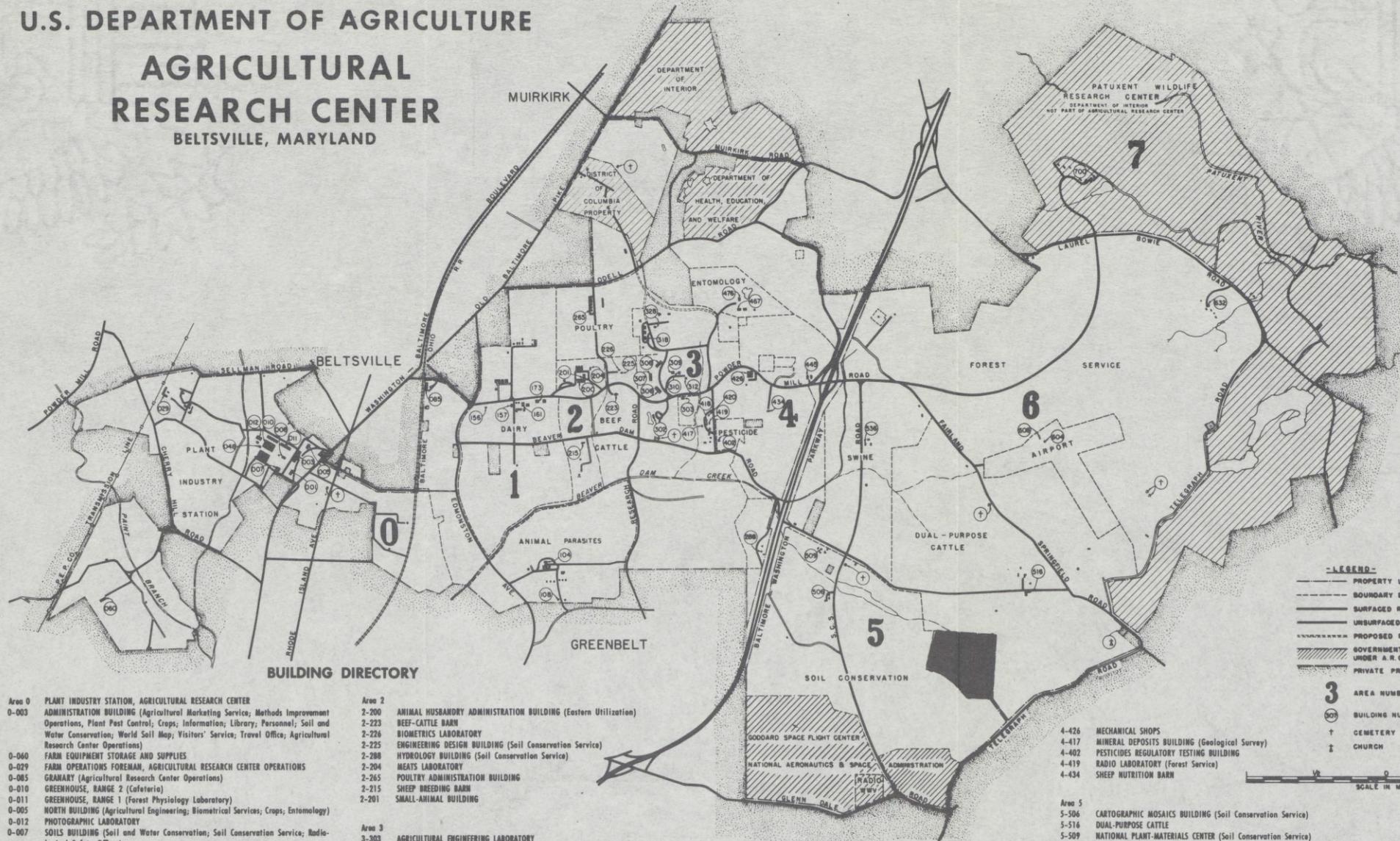
Mr. MANGHAM. As I understand from our General Counsel, we have to specifically cover this.

Mr. ABERNETHY. Do you have further remarks?

Mr. MANGHAM. With the suggested amendment, the Department of Agriculture would have no objection to the enactment of H.R. 14388.

The proposed land conveyance adjoins property now being utilized by the National Aeronautics and Space Administration under a special use permit as part of the Goddard Space Flight Center. There are certain additional considerations involved which we recommend to

U.S. DEPARTMENT OF AGRICULTURE AGRICULTURAL RESEARCH CENTER BELTSVILLE, MARYLAND



BUILDING DIRECTORY

- Area 0**
 0-003 PLANT INDUSTRY STATION, AGRICULTURAL RESEARCH CENTER
 ADMINISTRATION BUILDING (Agricultural Marketing Service; Methods Improvement Operations, Plant Pest Control; Crops; Information; Library; Personnel; Soil and Water Conservation; World Soil Map; Visitors' Service; Travel Office; Agricultural Research Center Operations)
 0-060 FARM EQUIPMENT STORAGE AND SUPPLIES
 0-029 FARM OPERATIONS FOREMAN, AGRICULTURAL RESEARCH CENTER OPERATIONS
 0-085 GRANARY (Agricultural Research Center Operations)
 0-010 GREENHOUSE, RANGE 2 (Cafeteria)
 0-011 GREENHOUSE, RANGE 1 (Forest Physiology Laboratory)
 0-005 NORTH BUILDING (Agricultural Engineering; Biometrical Services; Crops; Entomology)
 0-012 PHOTOGRAPHIC LABORATORY
 0-007 SOILS BUILDING (Soil and Water Conservation; Soil Conservation Service; Radiological Safety Office)
 0-001 SOUTH BUILDING (Crops)
 0-048 STORED PRODUCTS INSECTS BUILDING (Agricultural Marketing Service)
 0-006 WEST BUILDING (Crops; Agricultural Marketing Service)
- Area 1**
 1-108 ANIMAL DISEASE AND PARASITE ADMINISTRATION BUILDING
 1-104 BELTSVILLE PARASITOLOGICAL LABORATORY
 1-161 DAIRY ADMINISTRATION BUILDING
 1-173 DAIRY BREEDING AND MANAGEMENT BUILDING
 1-157 DAIRY PRODUCTS LABORATORY (Isotope and Cheese Investigations, Eastern Utilization)
 1-156 U.S. PARK POLICE SUBSTATION

- Area 2**
 2-200 ANIMAL HUSBANDRY ADMINISTRATION BUILDING (Eastern Utilization)
 2-223 BEEF-CATTLE BARN
 2-226 BIOMETRICS LABORATORY
 2-225 ENGINEERING DESIGN BUILDING (Soil Conservation Service)
 2-228 HYDROLOGY BUILDING (Soil Conservation Service)
 2-204 MEATS LABORATORY
 2-265 POULTRY ADMINISTRATION BUILDING
 2-215 SHEEP BREEDING BARN
 2-201 SMALL-ANIMAL BUILDING
- Area 3**
 3-303 AGRICULTURAL ENGINEERING LABORATORY
 3-302 CARTOGRAPHIC REPRODUCTION BUILDING (Soil Conservation Service)
 3-309 CENTER LABORATORY (Superintendent's Headquarters, Agricultural Research Center Operations; Clothing and Housing, Nutrition and Consumer-Use; Headquarters Visitors' Service)
 3-312 FILM STORAGE VAULT
 3-328 FOOD AND DRUG ADMINISTRATION BUILDING
 3-302 LOG LODGE (Cafeteria)
 3-318 MEAT AND POULTRY INSPECTIONS BUILDING (Dairy Herd Improvement Association)
 3-308 NORTH LABORATORY (Cartographic, Soil Conservation Service; Pesticide Chemicals, Entomology; Human Nutrition, Nutrition and Consumer-Use)
 3-306 SOUTH LABORATORY (Pesticide Chemicals, Entomology; Grain, Agricultural Marketing Service; Pesticides Regulation, Plant Pest Control; Soil Classification, Soil

- Conservation Service; Livestock Engineering and Farm Structures, Agricultural Engineering)
 3-310 WATER-TREATMENT PLANT
- Area 4**
 4-420 MARYLAND TECHNICAL OFFICE (Soil Conservation Service)
 4-445 AUTOMOTIVE SHOPS
 4-418 CARTOGRAPHIC NORTHEAST STATION (Soil Conservation Service)
 4-476 ENTOMOLOGY LABORATORY "A" (Insect Pathology)
 4-467 ENTOMOLOGY LABORATORY "C" (Insect Physiology, Entomology; Forest Insect Laboratory, Forest Service)

- 4-426 MECHANICAL SHOPS
 4-417 MINERAL DEPOSITS BUILDING (Geological Survey)
 4-402 PESTICIDES REGULATORY TESTING BUILDING
 4-419 RADIO LABORATORY (Forest Service)
 4-434 SHEEP NUTRITION BARN

- Area 5**
 5-506 CARTOGRAPHIC MOSAICS BUILDING (Soil Conservation Service)
 5-516 DUAL-PURPOSE CATTLE
 5-509 NATIONAL PLANT-MATERIALS CENTER (Soil Conservation Service)
 5-536 SWINE BARN

- Area 6**
 6-604 AIRPLANE HANGAR (Methods Improvement Operations, Plant Pest Control)
 6-606 AIRPLANE HANGAR (Forest Insects)
 6-632 FOREST DISEASE LABORATORY

OTHER GOVERNMENT AGENCIES

- Area 5** GODDARD SPACE FLIGHT CENTER (National Aeronautics and Space Administration)
 RADIO STATION WWV (U.S. Department of Commerce)
Area 6 U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Area 7 PATUXENT WILDLIFE RESEARCH CENTER (U.S. Department of the Interior)

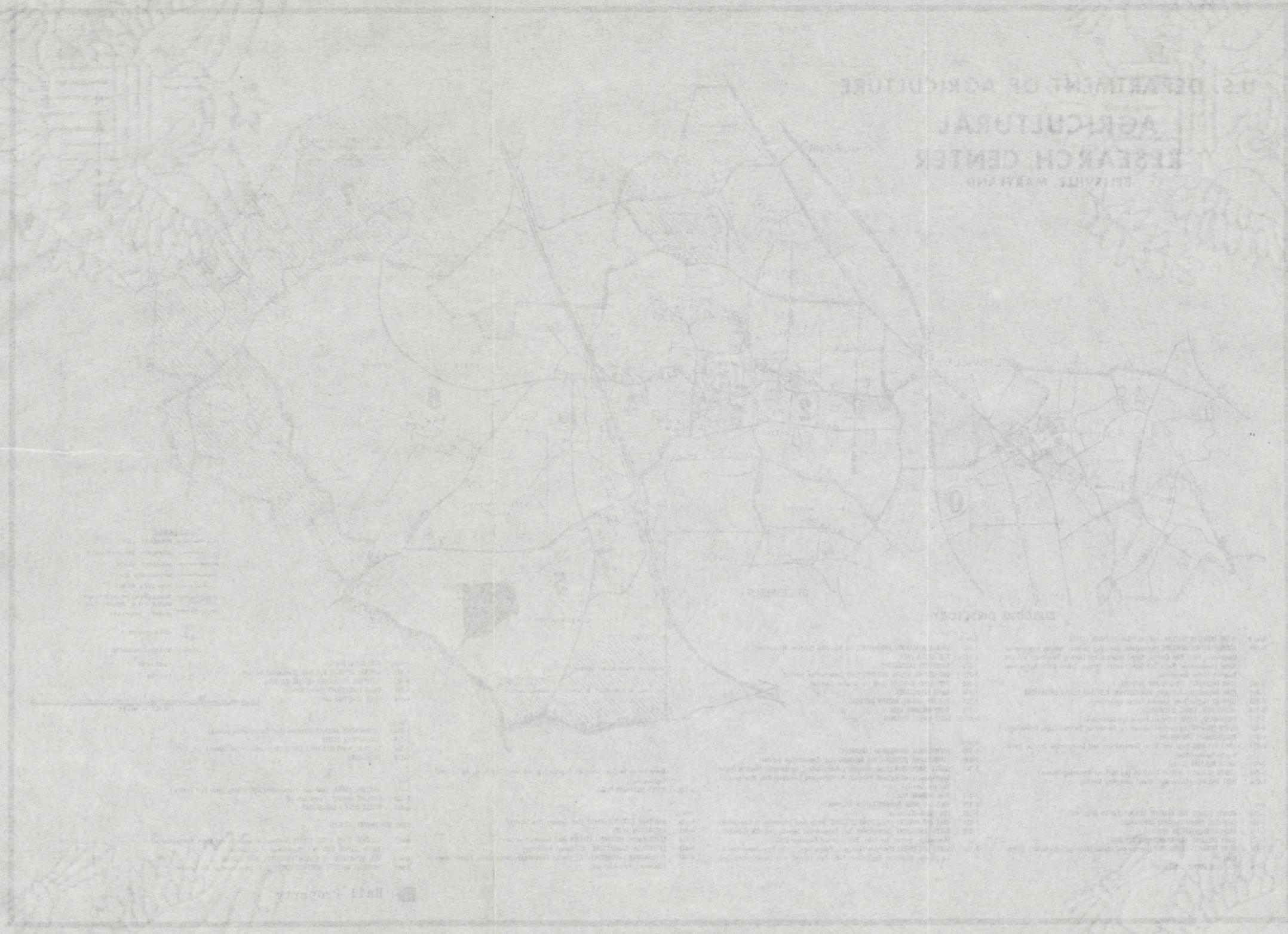
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 ——— SURFACED ROADS
 - - - - - UNSURFACED ROADS
 - - - - - PROPOSED ROADS
 // // // GOVERNMENT PROPERTY NOT UNDER A.R.C. JURISDICTION
 / / / PRIVATE PROPERTY

- 3** AREA NUMBERS
 000 BUILDING NUMBERS
 † CEMETERY
 ‡ CHURCH



Hall Property

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL
RESEARCH CENTER
PRINCETON, MARYLAND



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Hall Property

the committee in further consideration of H.R. 14388. I understand that an official from NASA is to present the views and recommendations of that agency.

Mr. Chairman, I shall be happy to respond to any questions.

Mr. ABERNETHY. Doesn't this language in the bill cover the appraisal and so forth:

"The Secretary shall not convey such real property until the grantees have paid the Secretary the fair market value of such real estate as of the date of enactment of this act." I realize it doesn't say they should bear the expense of it.

Mr. MANGHAM. We were covering, Mr. Chairman, the cost for survey and appraisal of this particular piece of property that is to be conveyed.

Mr. ABERNETHY. Can't we just simply say that the cost of the survey and reappraisal shall be borne by the grantees? Wouldn't that be adequate?

Mr. MANGHAM. That is correct.

Mr. ABERNETHY. I think it should be.

Are there any questions, gentlemen?

Mr. MAYNE. Yes, Mr. Chairman.

Is there a map available so that we can see just what this is going to do?

Mr. MANGHAM. The only map I have, Congressman Mayne, is the map of the Beltsville Center showing the location of this particular property.

Mr. MAYNE. I think it would be helpful to be able to see how this access road goes through the Government property and what effect the enlargement would have.

Mr. MANGHAM. The right-of-way is approximately 1,030 feet long.

Mr. MAYNE. 15 feet wide.

Mr. MANGHAM. It is now 15 feet wide and 1,030 feet long, running from the property of the Hall sisters to Telegraph Road. We would extend that right-of-way by 65 feet, which would be 65 feet wide and 1,030 feet long.

Mr. KLEPPE. You would extend it by 50 feet?

Mr. MANGHAM. No, sir, the bill is 65 feet. I believe Prince Georges County requires an 80-foot right-of-way. The right-of-way would be extended by 65 feet, which would be approximately 1.5 acres, total.

Mr. MAYNE. Is there somebody here who can point out to the subcommittee where this road is on this map?

Mr. MANGHAM. Yes.

(The map referred to was explained to the committee off the record.)

Mr. ABERNETHY. I would suggest this map be made a part of the record and the staff may see to it that the land under consideration and possibly to be conveyed is clearly identified.

(The map referred to faces this page.)

Mr. MAYNE. In your statement you say the purpose of this is to permit the Misses Hall to improve their present access road leading from their homesite to an existing county road, which is Telegraph Road.

Now, is this diamond-shaped area shown on the map the homesite?

Mr. MANGHAM. Yes, sir. That is their entire property, which is approximately 116 acres, I believe.

Mr. MAYNE. That is a residence property, is it?

Mr. MANGHAM. Yes, sir.

Mr. MAYNE. Is that the actual means of access they use in getting to and from their home at the present time?

Mr. MANGHAM. Yes, sir.

Mr. MAYNE. What sort of a path or a road is it?

Mr. MANGHAM. It is a small road, Congressman Mayne. Actually we haven't followed any closed restrictions that no more than 15 feet is used there, but that is all of the property they actually own in this right-of-way.

Mr. MAYNE. Is that access road fenced?

Mr. MANGHAM. There is a fence on one side. I believe that is correct.

Mr. MAYNE. Is that a Government fence?

Mr. MANGHAM. Yes.

Mr. MAYNE. I am trying to picture what it looks like. If we had a photograph I wouldn't have to ask you these questions. Is it a gravel road or just a path, or asphalt, or what?

Mr. MANGHAM. Mr. Chairman, I couldn't identify the road as to what type surface it has.

Mr. ABERNETHY. Is there anyone in the room who can answer the question? If so, will you stand, identify yourself, and make the answer?

**STATEMENT OF JOHN B. LAUER, REAL ESTATE BROKER,
COLLEGE PARK WOODS, MD.**

Mr. LAUER. I am John B. Lauer.

Mr. ABERNETHY. What is the character of the road?

Mr. LAUER. It is a gravel road. I do have a couple of maps with me.

Mr. ABERNETHY. What is your status in the hearing?

Mr. LAUER. Just a friend of the Halls.

Mr. MAYNE. As I see it, the diamond-shaped homesite is completely surrounded by Government property except that this access road comes out. Is the access road presently on Government property?

Mr. LAUER. No, sir, it isn't.

May I show you these two maps?

Mr. MAYNE. The ladies own the title to the present access road?

Mr. LAUER. Yes.

Mr. MAYNE. Mr. Mangham, is it contemplated to change the nature of this homesite? I take it the present use is to provide a home for these ladies, is that right?

Mr. MANGHAM. That is right.

Mr. MAYNE. This has been their homesite for many years?

Mr. MANGHAM. As I understand it has been their homesite for many years.

Mr. MAYNE. Do they contemplate changing the use of this property to some commercial use rather than use as a home and is it for that reason that this greater access is required?

Mr. MANGHAM. Congressman Mayne, I do not know what the anticipated purpose of the property will be. I do understand that the

Hall sisters are planning to dispose of the property. That is an informal understanding. I do not know what they propose to do.

Mr. MAYNE. Let me first ask you, Mr. Mangham, as I see this property, apparently, completely surrounded by Government property, wouldn't you have quite an interest in what the projected use of the property was going to be before you would agree to this?

Mr. MANGHAM. Yes. We would have an interest in the projected use of the property, but by the same token we recognize that a 15-foot right-of-way is not adequate for any type of use here other than minimum access for their present homesite.

Mr. ABERNETHY. Will the gentleman yield to me?

Mr. MAYNE. Yes.

Mr. ABERNETHY. I think I have an idea what the circumstances are and how they developed. I am just assuming these ladies have owned this property for a long time; that over the years the Government acquired the property around them, wrapped them up and left them with a 15-foot right-of-way, which has become inadequate.

Mr. MANGHAM. That is correct, Mr. Chairman.

Mr. ABERNETHY. Is that the situation?

Mr. MANGHAM. Yes, sir.

The Government acquired this land during the midthirties in one of their programs at that time—and I believe the proper identification is the Resettlement Administration—and this piece of property was one that was not acquired in that program. So our records show that this area has been in the ownership of the Hall sisters dating from the mid-1930's.

Mr. ABERNETHY. And acquiring the land around it by the Resettlement Administration, they necessarily had to leave them some means of ingress and egress and they just left them 15 feet?

Mr. MANGHAM. Yes.

Mr. ABERNETHY. And since that time automobiles have enlarged and traffic has gotten heavy.

Mr. MANGHAM. That is right.

Mr. MAYNE. I would like to inquire about this process of an appraisal. Are you familiar with how that will be conducted?

Mr. MANGHAM. Yes, sir.

Mr. MAYNE. Who is going to make the appraisal?

Mr. MANGHAM. It will be a private, licensed appraiser. It will be appraised for what its normal market value would be for this purpose.

Mr. MAYNE. Is there counsel for the Department here, legal counsel?

Mr. MANGHAM. No.

Mr. MAYNE. Do you know whether legal counsel for the Department has looked into it to see what the measure of compensation would be here, whether it would be for use as a road leading into a home or used as a road connecting a busy commercial property to this highway?

Mr. MANGHAM. That has not been checked out by our general counsel.

Mr. MAYNE. It would quite likely be a very different figure, wouldn't it, if it were fair market value for the purpose of connecting a busy commercial site to a major highway, or just providing better access, as it presently does, to a home site, depending upon for what purpose the property was to be used?

Mr. MANGHAM. At the present time the zoning of this property, I feel certain, is for a private residence. Any change in that would require zoning under the regulations of Prince Georges County.

I am not familiar with what the intended use would be.

Mr. MAYNE. Then as far as you are concerned, Mr. Mangham, you have prepared your testimony and expressed your views under the assumption that the use of the property is for a homesite and it will continue to be used for that purpose?

Mr. MANGHAM. That is the basis of the Department's testimony. It is a piece of land at the present time which for practical purposes is landlocked with the exception of the 15-foot right-of-way, and it is to provide legal right-of-way under the regulations of Prince Georges County.

Mr. MAYNE. I would suggest to you, Mr. Mangham, and to the Department, that the public interest would require that the Department should make a more careful inquiry as to what the use of this land and of the access is going to be. If you find that your present assumption is justified, then I think your testimony would be justified. But I do think that the Department should check into the matter as to the future use of this property more carefully than it apparently has done up to the present time.

Thank you.

Mr. GOODLING. Why is it necessary to have an 80-foot right-of-way when only a 15-foot right-of-way exists today?

Mr. MANGHAM. The regulations of Prince Georges County have been changed to provide that any county road have a maximum of an 80-foot right-of-way. This 80-foot right-of-way is in keeping with the regulations of Prince Georges County.

Mr. GOODLING. This is strictly a private road, is it not?

Mr. MANGHAM. Presumably it could be a county road.

Mr. GOODLING. Well, it goes nowhere but to this property. How could it be a county road?

Mr. MANGHAM. I think, Congressman Goodling, we have a number of county roads that possibly dead end into a particular property. I am not familiar with the criteria of Prince Georges County for designating county roads, but the 80-foot right-of-way is recommended.

Mr. GOODLING. The county supervisors, in my State at least, cannot spend any tax money on a private road. I question whether they could in Maryland.

There is no other road away from this property, as I read this map. I can't tell from this legend what this one small mark means.

Mr. MANGHAM. There is not any other road away from that property except the road to Telegraph Road.

Mr. KLEPPE. Mr. Mangham, do you know the present acreage of the Hall sisters' property that this road hooks up with on Telegraph Road?

Mr. MANGHAM. I think it is 116 acres. It might be well if we had the gentleman here correct me if I am wrong on that.

Mr. KLEPPE. I was curious as to whether you knew how much that was. You say it is 116 acres?

Mr. MANGHAM. It is approximately 116 acres.

Mr. ABERNETHY. How large is this tract of land?

Mr. MANGHAM. Approximately 116 acres, Mr. Chairman.

Mr. ABERNETHY. And it is completely surrounded by Federal property?

Mr. MANGHAM. Completely surrounded by Federal property; yes, sir.

Mr. ABERNETHY. Beltsville and NASA?

Mr. MANGHAM. It is Beltsville property. The property to the east is used by NASA, but the Agricultural Research Center owns the property.

Mr. ABERNETHY. Did all this land at one time belong to the Resettlement Administration that is now occupied by the Government?

Mr. MANGHAM. This particular area here at one time was all owned by the Resettlement Administration, yes, sir.

Mr. ABERNETHY. Were these ladies in possession of this land at this time when the Government took it over in the thirties?

Mr. MANGHAM. Yes, sir.

Mr. ABERNETHY. Why did they leave them but 15 feet to get out of there?

Mr. MANGHAM. Mr. Chairman, in reading the records, I really do not find anything on the 15-foot right-of-way.

Mr. ABERNETHY. The Government took the property for a program that was a failure, wasn't it? Maybe you don't want to answer that.

Mr. MANGHAM. I didn't quite understand the question.

Mr. ABERNETHY. Well, it was a failure and they got rid of most of these lands around the country. They turned that land back to the people they took it from. The old Resettlement Administration, that was Tugwell's outfit, wasn't it?

Mr. MANGHAM. Mr. Chairman, I wasn't working for Agriculture at that time.

Mr. ABERNETHY. I am not surprised that that fellow Tugwell didn't leave them but 15 feet.

Are there any other questions?

Thank you very much.

I have already suggested that certain prepared statements be included as a part of the record.

I understand that the Misses Hall are present. Would you ladies care to say anything to the committee, either one of you?

STATEMENT OF MISS EVELYN HALL, GLENN DALE, MD.

Miss HALL. There are only a few things that I feel I could answer.

Mr. ABERNETHY. Suppose you come up and have a seat at the witness table.

Miss HALL. With regard to how long we have lived there, we have lived there all of our lives, which isn't a few years. It has belonged to a Hall since 1800. They left us a 15-foot right-of-way because a 15-foot right-of-way had been purchased before the Government decided they wanted each side of it. It was our right-of-way. They couldn't do anything else.

Mr. ABERNETHY. It is rather difficult to get in and out of there, isn't it?

Miss HALL. Well, slightly, yes. We have to pull over in the bushes. We have one little runaround at the corner we own that we can slide into once in a while.

Mr. ABERNETHY. Do you have a gravel road?

Miss HALL. Yes.

Mr. ABERNETHY. How long is that road?

Miss HALL. A half-mile. That is the whole road, from Telegraph Road to the house is a half-mile.

Mr. ABERNETHY. Very well. Thank you, ma'am.

Are there any questions?

Thank you very much.

Is there anyone else in the room that would like to make a statement?

Mr. LAUER, I think I cut you off a moment ago. I only wanted to keep the record as clear as I could. If there is something else you wish to say, you may.

FURTHER STATEMENT OF JOHN B. LAUER

Mr. LAUER. I have here a map of the Hall property which I would submit for the record. This was made in 1897 and gives you a better idea.

At that time, as you can see, the old county road came up through the property and out here. They had a back road coming out here, going over to Agriculture.

Mr. MAYNE. The lady said it was not a county road.

Mr. LAUER. It was a road everybody used who lived on it. I don't know who owned it at that time.

In 1925 they purchased this 15-foot outlet, the Hall sisters, to go out to Telegraph Road. They purchased this in 1925. Of course, today, if they tried to give one lot to their nephew to build a house, he couldn't get a building permit because of inadequate access.

Mr. ABERNETHY. What is this land now used for other than the home of these ladies?

Mr. LAUER. Not a thing. They had a tenant farmer on it at times, but they can't now get a tenant farmer. They do get a tax bill that takes half of their pension to pay.

Mr. ABERNETHY. Are you a neighbor of the ladies?

Mr. LAUER. I have been a friend of theirs ever since I was a baby.

Mr. ABERNETHY. I would like to have these maps in the record if they can be put in the record with some explanation of what they mean.

(The maps referred to above and other maps submitted to the committee may be found in the files of the committee.)

Mr. GOODLING. Why, I should like to know, was not more than 15 feet purchased in May 1925, when this property was purchased from Margaret Beale and Mrs. Julia Brown?

Mr. LAUER. In 1925 they drove a horse and buggy and that is all you needed. Even county regulations at that time provided for 30-foot streets in the county, and 20-foot streets. The county regulations did not apply.

I have been a member of the planning commission of the county for the past 8 years, up until last June, and I am the one who proposed that all county roads be a minimum of 80 feet—county-maintained roads. I did that before I left. This enables them to widen them in the future to take care of the traffic without tearing down houses.

This 80-foot road would be dedicated to the county. It would have to be dedicated to the county.

Mr. GOODLING. Would your county accept a private road for maintenance?

Mr. LAUER. No, they don't. It would have to be dedicated to the county.

Mr. ABERNETHY. And accepted?

Mr. LAUER. That is right. You would have to build it and construct it to their specifications and then donate it to them.

Mr. GOODLING. Are there plans that this be done?

Mr. LAUER. Yes, sir. This will have to be done before they will accept it. This will have to be done before they could even permit anyone to build one house, other than the original house that is on that piece of property. They couldn't secure a permit from the county to build it unless they had an adequate road going in and built it to county specifications and dedicated it to the county.

Mr. KLEPPE. Mr. Lauer, there is no question in your mind, however, though, that the bill we have under consideration provides granting of this 80-foot right-of-way to the Hall sisters?

Mr. LAUER. That is right.

Mr. KLEPPE. Question 2: What is on the 116 acres today? Is there one home?

Mr. LAUER. There is one home. The picture that is shown on that survey. That is the same house that was shown on that survey in 1897 and a garage and a stable and a country kitchen and a few additional outbuildings.

Mr. KLEPPE. So there are perhaps five or six buildings on the property?

Mr. LAUER. Yes.

Mr. KLEPPE. There is only one home on the 116 acres at this point?

Mr. LAUER. That is all.

Mr. MAYNE. Then the situation is that back there in the thirties when the Government acquired the surrounding land these ladies at that time had only a 15-foot roadway access from their property out to the highway?

Mr. LAUER. That is correct.

Mr. MAYNE. And it wasn't a question of the Government just leaving them a 15-foot access? The Government didn't change that, it just acquired the land around them, but not their land?

Mr. LAUER. That is right. The Government just acquired the surrounding land. Fifteen feet was adequate at that time. There were many roads out there at that time that were not wider.

Mr. MAYNE. Are you aware of the plans for the use of this property?

Mr. LAUER. It is set up for half-acre zoning. Any other use would require a zoning application for the county and a public hearing and in a public hearing the county always invites the property owners and Agriculture would have a chance to testify.

Space would have a chance to testify and, of course, they are always cooperative with the government. Everybody wants to be very cooperative and especially with Space. Nobody wants to do anything around them that will hurt them. This property could not be sewerred with the present sewer system either.

Mr. MAYNE. You said that you were an old friend of the owners?

Mr. LAUER. Yes.

Mr. MAYNE. Are you representing them in any capacity?

Mr. LAUER. Well, I am a real estate broker.

Mr. MAYNE. Are there plans for the development of this property, or is there anything that you know about?

Mr. LAUER. Just single-family development.

Mr. MAYNE. Would you tell us what those plans are?

Mr. LAUER. Well, the plan is that he can build approximately 167 houses, I believe on this, single family homes on half-acre lots, if it was sold and developed.

Mr. MAYNE. When you say "he could" who are you talking about?

Mr. LAUER. The purchaser. Whoever the purchaser may be who would buy this to build on.

Mr. MAYNE. Is there a prospective purchaser?

Mr. LAUER. I have a prospective purchaser for them, yes.

Mr. MAYNE. And he is planning to build 167 single dwellings?

Mr. LAUER. That is right. That is, if he can get through the county regulations and the use of septic tanks. This is a problem.

Mr. MAYNE. Mr. Chairman, I think it would be in order for me to inquire as to what the change in value of this property is going to be if it is changed from a homestead with one dwelling on it to a place with 167. I suppose if this development is contingent on this bill, that the bill is going to very dramatically increase the value of this property, is it not?

Mr. LAUER. No; this property is sold subject to getting an adequate right-of-way. No one would buy this property even for a farm without getting an additional right-of-way out because you can't use it legally today in the county. Unless they get an adequate right-of-way out to permit it to be used, they have no purchaser.

Mr. MAYNE. You are a lifelong realtor in the county, are you?

Mr. LAUER. No, I am not. I am a lifelong resident. I have been a realtor for 3 years.

Mr. MAYNE. Prior to that you were on the county board?

Mr. LAUER. The county planning commission; that is right.

You see, there is really no use for this property. They can't use it for anything because the county regulations won't permit it.

As I say, they couldn't give their nephew a 1-acre tract of ground up there. He couldn't secure a building permit to build a house to live there because of the 15-foot right-of-way.

Mr. MAYNE. What would you estimate to be the fair and reasonable market value of that 116 acres today, as is?

Mr. LAUER. Well, as is, and what the tax base is, would differ. What it is worth today, 116 acres, it would be worth approximately—I really couldn't estimate it as it is because nobody would be interested in it. I can tell you what it would be, developed.

Mr. MAYNE. Do you mean to say these ladies couldn't find a buyer for that property today?

Mr. LAUER. They could find a buyer but what the figure would be—you can't figure what the people would do. Even though ground around there is bringing \$4,000 an acre, they are not going to pay anything—

Mr. MAYNE. I am sorry. I didn't get that.

Mr. LAUER. Surrounding property bring \$4,000 to \$4,500 an acre. That is close by, out on the other side of Telegraph Road.

Now, taking this figure, you know no one is going to pay \$500,000 for this piece of property without being able to build a house. The fact is, I don't know whether someone would pay \$50,000 for it just to buy it, to hold it. Without the right-of-way, what do you have?

Mr. MAYNE. Have they had any offers for the property?

Mr. LAUER. Subject to a right-of-way.

Mr. MAYNE. How much?

Mr. LAUER. \$4,250 an acre, subject to a right-of-way.

Mr. MAYNE. Thank you.

Mr. ABERNETHY. Are there further questions?

Now, incidentally, before you leave, has the Government made any move to acquire this property?

Mr. LAUER. Mr. Chairman, they offered it to the Space Agency first. They would rather sell it to the Government. However, NASA did not have the money. They were able to come up with a 1-year option with no money in the future to purchase it and they decided to drop it.

Mr. ABERNETHY. Do you know whether or not NASA or the Beltsville Station has a need for it and has continued to express an interest in acquiring it?

Mr. LAUER. NASA says they don't and they are leasing property from Beltsville and Beltsville has approximately 7,000 to 8,000 acres. I would say they have ample property.

Mr. MAYNE. At what price did they offer it to NASA?

Mr. LAUER. At NASA they talked around \$400,000 for the whole piece of property. NASA made this offer to them, but they made it only on a 1-year—they didn't make them an offer. They would give them an option for 1 year to purchase at this price and that is all. This was approximately 2 years ago. They didn't exercise the option.

Mr. MAYNE. Who didn't?

Mr. LAUER. NASA and the Hall sisters because there was no reason. I told NASA, "If you want to purchase it, fine, but these ladies are not getting any younger and they are going to be in the same bind 1, 2, or 3 or 5 years from now as they are today unless you get them an adequate access out from this property. They won't be able to do a thing to it."

Mr. MAYNE. I am not clear about the terms of that offer. Did NASA offer them \$400,000 for this property?

Mr. LAUER. No, they offered to give them an option to purchase it at \$400,000.

Mr. ABERNETHY. The ladies offered that to NASA?

Mr. LAUER. That is right. But they would give them \$5,000, approximately, for a 1-year option to purchase at this price.

Mr. ABERNETHY. Did they do that?

Mr. LAUER. No, because NASA said they didn't expect to have the money next year to purchase it. They would like to tie it up but at that time they didn't have the money and they didn't see it in the future, that they could ever purchase it.

Mr. ABERNETHY. Are there further questions?

Thank you very much.

Is there anyone else who wishes to make a statement?

That will conclude the hearing for today anyhow. I think we better come back another day.

You ladies and gentlemen will be excused and I would like for us to have a little conference about this.

(Whereupon, at 10:50 a.m., the subcommittee proceeded to other business.)

CONVEYANCE OF REAL PROPERTY IN THE AGRICULTURAL RESEARCH CENTER, BELTSVILLE, MD.

TUESDAY, SEPTEMBER 17, 1968

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON RESEARCH AND EXTENSION
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to call, at 10:15 a.m., in room 1301 Longworth House Office Building, Hon. Thomas G. Abernethy, chairman of the subcommittee, presiding.

Present: Representatives Abernethy, Stubblefield, and Goodling.

Also present: William C. Black, committee counsel, and Mrs. Christine S. Gallagher, clerk.

Mr. ABERNETHY. The subcommittee has met this morning for the purpose of taking further testimony on the bill by our colleague, Mr. Machen, H.R. 14388.

Mr. Machen, we are happy to have you here. Do you wish to add anything to the statement which you filed with the committee last week?

STATEMENT OF HON. HERVEY G. MACHEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. MACHEN. Just briefly, Mr. Chairman.

First, I would like to thank the two members who are here this morning, what with our late session last night.

I will not try to rehash or repeat my testimony of last week, but attempt to clarify some of the questions in order that the record may be perfectly clear. We have witnesses who will speak a little later to give you a little bit of background.

This property is entirely landlocked by Government-owned property, and it is serviced by this right-of-way 15 feet wide for approximately 1,100 or 1,200 feet. This particular piece of property has been in the Hall family for 100 years. It was willed to five sisters by the father in 1921, two of whom are still alive. One, I am advised, is a retired schoolteacher. One is a retired Government employee. Their total income, I am advised, is somewhere in the neighborhood of \$5,400 or \$5,500 a year.

Mr. ABERNETHY. That is the gross income of both?

Mr. MACHEN. Of both of these two elderly ladies.

I am further advised that with labor costs such as they are, it is just physically and financially impossible for them to farm this land.

Mr. ABERNETHY. Do they occupy a residence on the land?

Mr. MACHEN. There is a residence on the land.

Mr. ABERNETHY. You say they have a combined income of between \$5,400 and \$5,500. What are the annual taxes on this land?

Mr. MACHEN. I would like to submit for the record the fiscal year 1969 tax bill. The taxes on the property are \$2,435.81. I would like to call to your attention, Mr. Chairman, that this land is assessed at only roughly \$63,000. Having practiced law and handled real estate work in Prince Georges County for many years, I am of the opinion that the value is understated to a great degree in the assessment because of the fact that it is landlocked. Predicated upon the testimony that was given to you last week, I believe it was placed in the record that due to illness, there had to be court approval, and the property was appraised with the proper right-of-way, somewhere in the neighborhood of \$700,000.

My concern is not to see these two elderly women just squeezed off their property. I have been in touch with the Government agencies to get an idea of what the Government would perhaps want to acquire. This has continued over a period of 12 to 18 months. It is a question of spiraling land costs and the fact that the Department of Agriculture certainly is one of our most valuable tenants in Prince Georges County, and we want to keep it there. Certainly I would love to have seen some way that this land could have been acquired by the Government. I know what is happening just 4 miles further north at the wild-life refuge, a center which is a tremendous asset and doing a tremendous job. We could not even get money for the additional 200 acres that were urgently needed to avoid encroachment of the expanding area.

My whole reason for presenting this bill is to attempt to give relief to two elderly ladies.

Mr. ABERNETHY. Have they occupied this land all of their lives? Has this been their home for their entire lives?

Mr. MACHEN. To my knowledge, they have been there all their lives. I do not know how many of the five were married. They are the last two survivors. Apparently none of them ever married.

Mr. ABERNETHY. They have a residence on the land?

Mr. MACHEN. Yes. I might point out the fantastic growth of our area in the last 25 years. Up until 25 years ago, this was real country. I have an exhibit here which shows an old right-of-way that ran around the property, in and out, that the family permitted to become abandoned in connection with the exchange with the Government for the 15-foot right-of-way that they obtained some years ago, in order to cooperate with the Department of Agriculture in closing this down. This is another exhibit I would like to place in the record.

Mr. ABERNETHY. Without objection, it will be included in the record.

May I ask you a question. You are an attorney, are you?

Mr. MACHEN. Yes, sir.

Mr. ABERNETHY. Do you have statutes in the State of Maryland that when one finds himself landlocked and without means of ingress or egress, there is a proceeding in one of your courts whereby he can force a means of ingress and egress?

Mr. MACHEN. That is correct. We do have it, but it cannot change the width.

Mr. ABERNETHY. But you cannot apply it to the Federal Government?

Mr. MACHEN. It would not be that. It could not become landlocked where you are coming out of an apparent owner, but this is not totally landlocked because there is a 15-foot ingress and egress.

Mr. ABERNETHY. I understand, but does not your law provide that they are entitled to a reasonable means of ingress and egress? I do not mean vehicle; I mean width of right-of-way to get in and out, and 15 feet this day and time would hardly be regarded as a reasonable width for a road.

Mr. MACHEN. That is correct.

Mr. ABERNETHY. If the land on each side surrounding these ladies belonged to an individual, this matter could be settled in one of the courts of Maryland.

Mr. MACHEN. No. I am of the opinion, Mr. Chairman, that even though it is only 15 feet wide—this would be a curbstone opinion—the courts have never adjudicated the width as long as there is ingress and egress to the property.

Mr. ABERNETHY. Have you ever been in one of those proceedings?

Mr. MACHEN. Yes, I have. It does not establish the width.

Mr. ABERNETHY. If you entered into a proceeding of that kind, they certainly would not limit it to a foot or 15 feet, would they?

Mr. MACHEN. No. It has to be reasonable.

Mr. ABERNETHY. It has to be reasonable. That is the point I am making.

Do you regard 15 feet as a reasonable width with which to get in and out of that area, considering the present width of automobiles and trucks?

Mr. MACHEN. I do not, Mr. Chairman. Under the zoning laws of Prince Georges, in my opinion, they could not record a plat and develop this land with a 15-foot right-of-way for ingress and egress.

Mr. ABERNETHY. Have you anything else to add? Do you have further testimony?

Mr. MACHEN. Mr. Chairman, there was a question about the road width. I have a letter here from the administrator of the public works department in connection with the requirement of 80 feet over 60 feet. I would like to submit this also for the record.

Mr. ABERNETHY. Who is that from?

Mr. MACHEN. From John H. Marburger, Jr., administrator of the public works department for Prince Georges County.

Mr. ABERNETHY. All right. What does he say? Suppose you read it to us.

Mr. MACHEN (reading):

This is in further reference to our previous correspondence with Dr. C. A. Logan, Director of the Agricultural Research Center, and Mr. H. E. Reed, Engineering Officer of the Center, concerning the proposed 80-foot roadway from Telegraph Road to the Hall property through the Center's property.

Our Road Ordinance requires a minimum of 60 feet for a primary residential street and 80 feet for an arterial street. Because this road will be approximately 1200 feet long and will serve 116 acres, besides providing whatever access is required for present and future traffic generated by the adjacent U.S. Government property, the 80 feet width will be necessary. Public safety and convenience could not be very well served by any lesser width and sufficient right-of-way must be provided to accommodate all types of public service and emergency equipment under all weather and traffic conditions.

If the property is developed as single family residential, approximately 1200 vehicles per day would use the road and if higher residential density is obtained then, of course, much more traffic would be generated.

I have previously advised you that all costs for rights-of-way and roadway construction must be at the expense of the developers of the property and the County will only accept the road for perpetual maintenance after the land is dedicated to public use and the road is built to the standards set forth in our Road Ordinance.

Mr. ABERNETHY. If that is opened up to 80 feet in width and then dedicated to public use, it becomes public property.

Mr. MACHEN. That is true.

Mr. ABERNETHY. Property of the county or the State dedicated to the use of each and every citizen of the community or the area or of the State or the Nation at large, you might say. No part of it then could be used for the operation of any kind of business enterprise.

Mr. MACHEN. None whatsoever. Once the deed is recorded, it would be dedicated to public use. Of course, as the administrator indicated in the last paragraph of his letter, the county does not have to accept for public maintenance any road until it has been built up to the standards required by the county. They could not stop people from using the road.

Mr. GOODLING. One question. Would the commissioners of Prince Georges County be responsible for maintaining or building a road that goes nowhere? It is a dead-end road, as I remember.

Mr. MACHEN. Mr. Goodling, as stated in the very last paragraph of this letter, the director of public works has made it very clear, not only to the owners of the property but the Government agencies involved, that the county will not assume the responsibility for improving this 1,200 feet of roadway. In other words, it will have to be first approved and built in accordance with county standards for hard-surface highways. At that time it would then be taken into the county road system for maintenance.

Mr. GOODLING. Who would be responsible for constructing the right-of-way?

Mr. MACHEN. The owners of the property or the developers. That has been made very clear to everyone concerned. This property right now is zoned under a rural residential category, which means the minimum lot size would be, I think, somewhere in the neighborhood of 20,000 square feet. So, any change in the density would take place only after zoning petitions were presented to the board of county commissioners, who would have the final say in approving or disapproving the change in the zoning. At that time, again, the question of the road could come into the picture.

Everyone along the line knows the county will not build this road. Frankly, I would not be here before you if I thought the county were going to build that road.

Mr. ABERNETHY. One more question. Then it would be satisfactory with these ladies that a condition be written into the conveyance that the property be conveyed to them with the understanding that it is to be used for a public road, and unless it is brought up to the standards acceptable to the county authority, the title would revert to the Federal Government?

Mr. MACHEN. I would have no objection whatsoever to that. Whether it is acceptable to them or not, Mr. Chairman, I have no objec-

tion to that whatsoever. If you do it, I should say there should be a reasonable period of time, 5 to 10 years.

Mr. ABERNETHY. I understand that. The reason I ask this question, there has been some suggestion that the width may be such that somebody might go out and put a hamburger stand on the right-of-way, or something like that. I think it should be nailed down that it is purely for public purposes, a public road, and that the road will be constructed in connection with the development of the area.

Mr. MACHEN. And for no other use. Certainly I have no objection to that, with a reverter clause in the conveyance.

Mr. ABERNETHY. Thank you very much.

(Mr. Machen's exhibits follow:)

EXHIBIT 3

PAYMENT COPY—RETURN THIS COPY WITH REMITTANCE
 PRINCE GEORGE'S COUNTY
 UPPER MARLBORO, MARYLAND
 CHARLES E. CALLOW, TREASURER

0918983 UNTIL SEPT. 30, 1968 PAY THIS AMOUNT --
 JULY 1, 1968 - JUNE 30, 1969 COUNTY TAX LEVY

COUNTY	FIRE	STATE	PARK & PLANNING	METROPOLITAN	SANITARY	FRONT FOOT	SPECIAL AREA	AD VALOREM	TOTAL
1,828.19	107.88	107.88	145.68		85.84				\$ 2,280.97

AFTER SEPTEMBER 30, 1968 INCLUDE INTEREST AND PENALTIES WITH YOUR PAYMENT AS FOLLOWS --

PAYMENT MONTH	INTEREST & PENALTIES	TOTAL
OCTOBER	21.86 \$	2,260.93
NOVEMBER	42.72 \$	2,282.79
DECEMBER	63.58 \$	2,304.68
JANUARY	84.44 \$	2,326.51
FEBRUARY	109.50 \$	2,348.37
MARCH	131.15 \$	2,370.23
APRIL	153.02 \$	2,392.09
MAY	174.88 \$	2,413.95
JUNE	196.74 \$	2,435.81

PROPERTY WILL BE SOLD AT PUBLIC AUCTION IF ACCOUNT IS NOT PAID BY MAY 9, 1969

DIST. ACCOUNT NO. 14-1222200
 TAX CLASS SP. AREA AD VALOREM 86 63,340

PROPERTY DESCRIPTION: MAP 21 GRID SF PARCEL 1
 ACREAGE 116.3300
 LIBER 3470 FOLIO 109

HALL, ANNIE & EVELYN
 PO BOX 416
 GLENDALE MD 20769

PRINCE GEORGE'S COUNTY COURTHOUSE,
 Upper Marlboro, Md., September 16, 1968.

Re Telegraph Road, 1-206, Richard H. Hall Property.

Mr. JOHN B. LAUER,
 9102 Bridgewater Street,
 College Park, Md.

DEAR MR. LAUER: This is in further reference to our previous correspondence with Dr. C. A. Logan, Director of the Agricultural Research Center and Mr. H. E. Reed, Engineering Officer of the Center concerning the proposed 80-foot roadway from Telegraph Road to the Hall property through the Center's property.

Our Road Ordinance requires a minimum of 60 feet for a primary residential street and 80 feet for an arterial street. Because this road will be approximately 1200 feet long and will serve 116 acres, besides providing whatever access is required for present and future traffic generated by the adjacent U.S. Government property, the 80 feet width will be necessary. Public Safety and convenience could not be very well served by any lesser width and sufficient right-of-way must be provided to accommodate all types of public service and emergency equipment under all weather and traffic conditions.

If the property is developed as single family residential, approximately 1200 vehicles per day would use the road and if higher residential density is obtained then, of course, much more traffic would be generated.

I have previously advised you that all costs for rights-of-way and roadway construction must be at the expense of the developers of the property and the County will only accept the road for perpetual maintenance after the land is dedicated to public use and the road is built to the standards set forth in our Road Ordinance.

Very truly yours,

J. H. MARBURGER, Jr., Administrator.

**STATEMENT OF GEN. ROBERT H. CURTIN, DIRECTOR, FACILITIES
MANAGEMENT OFFICE, ACCOMPANIED BY RICHARD BUDDEKE,
DIRECTOR, LEGISLATIVE DIVISION, NATIONAL AERONAUTICS
AND SPACE ADMINISTRATION**

Mr. ABERNETHY. Now, General Curtin, we will hear from you. I am sorry we had to bother you with this, but some questions were raised about the matter last week, and we felt we ought to hear from NASA about it and further from the Department. Have you a statement you wish to make?

General CURTIN. Not a statement per se, Mr. Chairman. I understood that as a result of your previous testimony and possibly as a result of our letter to you under date of September 10, you and other members of the committee may have some questions concerning this matter, and we might assist in clarifying NASA's view on it.

Mr. ABERNETHY. May I ask you a question? Does NASA have any objection to the passage of this legislation which would authorize the conveyance of a strip of an adequate amount of land to make the means of ingress and egress 80 feet in width, with the understanding that the same would be converted into a public road such as Congressman Machen has just testified to and subsequently dedicated for public use?

General CURTIN. In response, Mr. Chairman, NASA would have no basic objections to H.R. 14388, with the proposed amendment, subject to the understanding that it is our view that certain collateral matters relating to this issue, in our judgment, should be settled prior to the conveyance.

These two matters, in our mind, are very simple. The first one relates to the question of improvement to the road net in the area, and specifically Telegraph Road. It is our view that if this property and other property in the area is developed as it has been very evident in the recent past, improvements to Telegraph Road specifically and other roads in the area will be required. We feel a very specific understanding should be reached with the State and local authorities that such improvements, if and when they are carried out, not be a direct Federal expense.

Mr. ABERNETHY. Does the Federal Government use it?

General CURTIN. We would be using it; yes, sir.

Mr. ABERNETHY. Why shouldn't the Federal Government pay part of it?

General CURTIN. We feel it should be carried out under the regular statutes for the improvement of roads with the normal Federal participation, if it is appropriate in this case; yes, sir, but not as a specific levy against Government agencies in the particular area. In other words, in the normal participating program.

Mr. ABERNETHY. In other words, you have no objection if the Government participates in the normal fashion as any other landowners would in the area?

General CURTIN. That is correct, Mr. Chairman.

The second point is, as pointed out in our letter, we at the moment see no interference with our operations on the two sites that are adjacent to the Hall property. We understand that the proposed zoning that would change it from its present rural residential zoning would

be to use the property as an industrial park or for light industry. In such eventuality, we see no interference with our use of the adjoining area. However, to preclude any misunderstanding in the future or added expense to the Federal Government, we feel that the matter should be understood and agreed to in advance between the Secretary of Agriculture and the State and local authorities.

As you well know, the zoning on appeal can be changed. It is our view that it is entirely possible in this area that zoning could be approved that would impact our operations on the adjoining sites.

Mr. ABERNETHY. But you have no objection to the zoning of the land for residential use or for—

General CURTIN. We have no objection to its present zoning as rural residential or to a change in zoning to industrial park use or light industry, which is the common zoning terminology.

Mr. ABERNETHY. In the event of those conditions being agreed upon, NASA is perfectly willing to go along with this legislation?

General CURTIN. That is correct, Mr. Chairman. We have no objection to the enactment of the proposed legislation as amended.

Mr. ABERNETHY. I thank you very much.

Mr. Goodling, have you any questions?

Mr. GOODLING. I realize a lot of your work is classified and you cannot tell us all you are doing, but can you briefly tell us some of the things you are doing at NASA?

General CURTIN. Yes, sir. There are two sites that we are primarily concerned with. One, to the south and west, is a training and test site basically related to the training of operators for our worldwide tracking station network.

On this site also is a 40-foot antenna that we use for test purposes.

To the east of the site are two complexes, actually. One of them is related to magnetic testing, which is basically related to studies of the effect of the gravitational field of the earth on the attitude of spacecraft.

The second site, which is even more remote from the Hall property, is related to some hazardous testing of propellants.

We would be concerned, in the development of the area, primarily in height restrictions and, secondly, large masses of moving objects at heights.

Mr. GOODLING. Do you not use a great deal of highly sensitive electronic equipment in your work?

General CURTIN. Involved is this question of radio interference. However, with the exception of the extreme heights of which I spoke, we feel this is a manageable problem. We can adjust our equipment and otherwise compensate for disturbances, provided the disturbances are not of a transitory or moving nature.

Mr. GOODLING. Your operation would not be affected, then, by any subsequent use of this land?

General CURTIN. Our operation would not be affected in a technical sense if the present zoning applied or, in our judgment, if the industrial or light industry zoning applied. It is conceivable, as I pointed out earlier, that other zoning and other uses could be applied which would affect our operation.

Mr. GOODLING. How about industrials?

General CURTIN. We feel we can cope with light industry and generally with facilities up to 3 stories high.

Mr. GOODLING. I am thinking if certain industrial concerns should go there and start operations.

General CURTIN. As I say, until we know the exact nature of the operation, I think we have to take the general position that we feel this is manageable. It may come to pass that we would have to work it out on a mutually agreeable basis with one or more occupants of the site at a later date. We would hope this could be resolved.

Without knowing the specifics, in fairness to the issue at hand, I think we have to say this question is manageable.

Mr. GOODLING. Would it not be more desirable and easier for the Government to purchase this property?

General CURTIN. Desirable, in my personal judgment, possibly yes, because as you know, it is surrounded completely, except for the access, by Government land. However, we are also aware that securing an authorization and appropriation to purchase land has always been an extremely difficult matter, and rightly so. At the moment, NASA is not in a position to defend a specific requirement for this land.

Mr. ABERNETHY. General, the Department of Agriculture has recommended that there be included in the deed of conveyance, in the event it is authorized and executed, the following language:

"Such conveyance may be made subject to other terms and conditions as the Secretary may deem appropriate."

To protect the points that you have made, which I think would be acceptable to the parties, we might add: "Such conveyance may be made subject to other terms and conditions as the Secretary of Agriculture and the Administrator of NASA may deem appropriate."

I think then the head of your agency, and the Secretary of Agriculture, and the parties can get together and have a meeting of the minds, and there would be a conveyance which would be suitable and entirely acceptable to the interests of the Federal Government.

General CURTIN. I think this would be entirely a fair statement of the case, Mr. Chairman.

Mr. ABERNETHY. Thank you.

Any questions, Mr. Stubblefield?

Mr. STUBBLEFIELD. No questions.

Mr. ABERNETHY. Thank you very much.

General CURTIN. May I be excused, Mr. Chairman?

Mr. ABERNETHY. Yes.

General CURTIN. Thank you.

Mr. ABERNETHY. Now, Mr. Mangham.

(Off the record.)

Mr. ABERNETHY. We will close the record at this point. We may request some further information from you in writing. We appreciate your coming up.

That concludes the matter. Thank you very much, gentlemen.

(Whereupon, at 10:45 a.m., the subcommittee adjourned.)

SALE OF LAND TO THE VILLAGE OF CENTRAL, N. MEX.

WEDNESDAY, SEPTEMBER 11, 1968

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FORESTS
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 1301, Longworth House Office Building, Hon. John L. McMillan (chairman of the subcommittee) presiding.

Present: Representatives McMillan, and Dow.

Also present: Martha S. Hannah, subcommittee clerk, and Fowler C. West, assistant staff consultant.

Mr. McMILLAN. The committee will come to order.

We are rather short of members here on the subcommittee this morning, I think some of the other subcommittees are meeting at the same time.

The bill and report will be made a part of the record.

(H.R. 18496 and report follow:)

[H.R. 18496, 90th Cong., second sess.]

A BILL To authorize the Secretary of Agriculture to sell to the village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, New Mexico

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 2 of this Act, the Secretary of Agriculture is authorized and directed to sell, in tracts of not less than forty acres and at market value as determined by him, and to convey to the village of Central, State of New Mexico, for the purpose of residential and business development, the following described lands formerly part of the Fort Bayard Military Reservation, Grant County, New Mexico, comprising approximately one hundred and seventy-seven acres situated in section 35, township 17 south, range 13 west, New Mexico principal meridian, more particularly described by metes and bounds as follows:

Beginning at the southwest corner of the parcel herein described, being a point on the northerly right-of-way line of United States Highway Numbered 260 (New Mexico State Highway Department Project Numbered F-013-1 (3)), whence the two-mile corner on the south boundary of the Fort Bayard Military Reservation (concrete monument in place) bears south 02 degrees 20 minutes 30 seconds east, 366.78 feet distance:

thence north 01 degrees 16 minutes 00 seconds west 439.75 feet distance to a point;

thence north 80 degrees 06 minutes 10 seconds east 496.21 feet distance to a point;

thence north 14 degrees 22 minutes 10 seconds west 500.58 feet distance to the northwest corner of the parcel herein described:

thence north 37 degrees 22 minutes 30 seconds east 1,003.60 feet distance to a point;

thence north 13 degrees 48 minutes 30 seconds east 439.35 feet distance to a point;

thence north 47 degrees 39 minutes 10 seconds east 703.80 feet distance to a point;

thence north 48 degrees 30 minutes 00 seconds east 490.75 feet distance to a point;

thence north 48 degrees 59 minutes 00 seconds east 602.85 feet distance to a point;

thence north 49 degrees 39 minutes 00 seconds east 235.52 feet distance to the northeast corner of the parcel herein described, being a point on the westerly line of the old highway numbered 180-260 (road to Fort Bayard):

thence south 44 degrees 13 minutes 10 seconds east 289.71 feet distance along said westerly line of road to Fort Bayard to a point;

thence south 28 degrees 21 minutes 00 seconds east 2,267.83 feet distance continuing along said westerly line of road to Fort Bayard to a point;

thence south 11 degrees 27 minutes 00 seconds east 355.34 feet distance continuing along said westerly line of road to Fort Bayard to a point;

thence south 03 degrees 08 minutes 50 seconds west 514.23 feet distance continuing along said westerly line of road to Fort Bayard to a point;

thence south 09 degrees 47 minutes 20 seconds west, 112.40 feet distance continuing along said westerly line of road to Fort Bayard to the southeast corner of the parcel herein described, being identified as the intersection of said westerly line of road to Fort Bayard with the northerly right-of-way line of new United States Highway Numbered 260 (Project Numbered F-013-1 (3));

thence north 88 degrees 35 minutes 00 seconds west, 906.91 feet distance along the northerly right-of-way line of United States Highway Numbered 260 to the T-rail right-of-way marker on P.T. Station 351 plus 06.2;

thence southwesterly 2,435.21 feet distance continuing along said northerly right-of-way line of United States Highway Numbered 260 along the arc of a curve bearing to the left and having a long chord bearing south 83 degrees 25 minutes 00 seconds west, 2,427.30 feet distance to the T-rail right-of-way marker on P.C. Station 327 plus 00;

thence south 75 degrees 25 minutes 00 seconds west, 594.40 feet distance continuing along said northerly right-of-way line of United States Highway Numbered 260 to the southwest, and beginning corner of the parcel herein described.

SEC. 2. The conveyance authorized by this Act (1) shall protect existing valid rights, (2) shall reserve easements for existing facilities such as roads, telephone lines, pipelines, electric power transmission lines, or other facilities or improvements in place, and shall reserve such easements for roads as the Secretary of Agriculture finds necessary to assure access to lands of the United States or to meet public needs, (3) shall reserve to the United States all mineral rights, including gas and oil, in the land so conveyed, and (4) may contain such additional terms, conditions, reservations, and restrictions as may be determined by the Secretary of Agriculture to be necessary to protect the interests of the United States.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 3, 1968.

HON. W. R. POAGE,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: This is our report on H.R. 18496, a bill "To authorize the Secretary of Agriculture to sell to the village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, New Mexico."

We have no objection to the enactment of this bill.

H.R. 18496 would authorize and direct the Secretary of Agriculture to sell to the village of Central, New Mexico, certain lands, described in the bill, which are now administered by the Department of Agriculture through the Forest Service. Such sale would be for market value of the lands involved as determined by this Department. The described tract aggregates about 177 acres and under the bill it could be sold in one or in several transactions, but any tract sold and conveyed would have to be at least 40 acres in size.

Any conveyance made under the bill would protect existing valid rights; it would reserve easements for existing facilities such as roads, telephone lines,

transmission lines, and others. Conveyance also would reserve easements for roads necessary to assure access to lands of the United States or meet public needs and would reserve all mineral rights, including oil and gas. They could contain such additional terms, conditions, reservations or restrictions as the Secretary determines to be necessary to protect the interests of the United States.

The land described in H.R. 18496 is now a part of the former Ft. Bayard tract which was assigned to this Department in 1941 and has been administered since then in connection with the Gila National Forest. It lies in close proximity to the village of Central but is separated from the present residential and business area by U.S. Highway 180, a divided 4-lane highway. It fronts on this highway for a distance of nearly three-quarters of a mile. In general, it is vegetated with grass, some brush, and some pinon, juniper and other woodland species of trees. Topographically it varies from nearly level to moderate slopes. It is accessible from the highway and from a tributary road which borders it on the east and leads to the State Hospital a mile or so to the northeast.

The village of Central desires this tract as expansion area for the community. In the event the village does not need all of the land at one time provision is made for it to be purchased in one or several transactions of not less than 40 acres each. We understand that if the land is conveyed to the village it will be made available through sales of lots to private purchasers for development purposes. By the Act approved July 11, 1957, Congress authorized sale to the village of a 58-acre parcel of the Ft. Bayard tract. That parcel has been substantially improved. The village anticipates continued growth due to mining operations in the vicinity and the fact that a nearby town connected with copper mining is being eliminated to make room for additional mining operations.

We believe that provisions of the bill which would require sale at market value and the provisions of Section 2 are adequate to protect the interests of the public in the sale of this tract. The lands now are being used by the Forest Service for the pasturage of government livestock and in connection with game habitat and game management studies cooperatively being carried out by State and Federal officials. Until such time as it is purchased by the village it will continue to be used for these purposes. However, we do not believe that disposition of this relatively small area will adversely affect those activities or the needs of this Department to any substantial degree.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

Mr. McMILLAN. The author of the bill could not be here this morning and sent a statement which I will offer for the record.

(The statement follows:)

STATEMENT OF HON. E. S. JOHNNY WALKER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO

Mr. Chairman . . . Distinguished members of the Forests Subcommittee: Thank you for considering this proposal . . . H.R. 18496 . . . which proposes to allow the Department of Agriculture to sell certain lands to the village of Central, New Mexico. The Secretary of Agriculture has indicated in his report that there is no objection to enactment of this bill, as far as the Department is concerned.

The purpose of the bill, simply stated, is to give the people of Central some growing room.

In order to save time, I would like to make this summary of a preliminary report from the Department of Agriculture a part of the record of hearings.

This along with the Department report should answer all questions.

The usual question which arises is What will this cost the taxpayers, and the answer is, nothing. The city will pay the fair market value to the U.S. Government. In addition, no wilderness areas are disturbed.

I thank the subcommittee for its valuable time.

SUMMARY—PRELIMINARY REPORT ON FORMER FORT BAYARD MILITARY RESERVATION,
NEW MEXICO

BACKGROUND

Ft. Bayard Military Reservation was established in April of 1869. As delineated, it includes 13,479 acres. This area consists of 8,200 acres of the original military withdrawal; 2,353 acres acquired by the War Department in 1907 to protect the water supply stemming from the Cameron Creek watershed; and 2,926 acres reserved from the public domain for the Gila National Forest and also withdrawn from entry or disposal at the request of the Army for the specific purpose of protecting the Ft. Bayard water sources. Ft. Bayard was used for many years as an active military post and hospital.

In 1921 administration of the Reservation was transferred to the Public Health Service and later to the Veterans Administration. In 1941 all of the Reservation except 640 acres was transferred to the Department of Agriculture for administration by the Forest Service in connection with the Gila National Forest. The 640 acres retained by the Veterans Administration surrounded the hospital and continued to be used in connection with it.

Transfer of the other land to the Department of Agriculture is subject to the restriction that it not be subject to appropriation under any of the public land laws and that no use be made of such lands, such as mining or grazing activities, which will endanger the water supply of the Bayard facility. Purpose of this restriction in the transfer was to be sure that the lands are managed and used to protect and enhance the all important watershed functions in connection with the hospital facilities.

In 1958, 58 acres south of U.S. Highway 180 were sold to the Village of Central. In 1965, the Veterans Administration moved its patients from the hospital and later the facility and surrounding land was leased to the State of New Mexico which is now operating the hospital. The Veterans Administration still maintains the 15-acre cemetery. Of the original 640-acre tract held for use in protection of the hospital facility, 156 acres have since been withdrawn, and reserved for an administrative site for the Forest Service.

CHARACTERISTICS

Topographically the land is gently rolling hills with elevations between 6,000 and 6,500 feet. Vegetative cover is largely pinon and juniper of varying densities with a good mixture of palatable browse species and grass as an understory. Annual rainfall has averaged 18.67 inches since the records have been kept at Ft. Bayard, beginning about 1870. Extremes of rainfall have ranged from 31 inches to a little less than 6 inches per year. Soils generally are of basalt origin and relatively shallow except along the broad drainage bottoms. According to the records, the area was badly overgrazed in earlier years. Evidence still exists of past sheet and gully erosion, soil depletion, and impairment of ground cover. Damage to the soil and cover was severe in many sections of the Reservation.

PRESENT USES

The Ft. Bayard tract, together with adjacent National Forest lands, still is highly valuable watershed, both for the State hospital and as ground water supply for nearby communities. Present management therefore is aimed at protecting and enhancing the watershed resource. Only light grazing use is permitted. Primarily this is by National Forest horses and mules. The area has accommodated 40 to 60 head of government horses during the winter (non-use) season plus 6 to 8 head yearlong. A horse training center has been located on the area for the breaking and training of young horses for Forest Service administrative use but this will be abandoned within a year or so.

Studies of the flora and fauna have been in progress in the Ft. Bayard area since the Army days. These studies are of a continuing nature yielding more information each year. A cooperative project supported by the New Mexico Department of Game and Fish, the Bureau of Sport Fisheries of the Department of the Interior, the Rocky Mountain Forest and Range Experiment Station, and the Southwestern Region of the Forest Service has been carried out since 1964. This involves 1,137 permanent research plots for the study of vegetation, succession, impact of game and domestic grazing on the vegetations, factors

germane to game management in the ecological type which the Reservation represents and like information.

The Ft. Bayard land is available for hunting, hiking, riding, and other outdoor recreational pursuits, subject to necessary restrictions to protect the safety of the State hospital and its people.

FUTURE USE

The Ft. Bayard land has substantial and continuing value and importance for public purposes. It should be conserved, protected, and managed to preserve and enhance its watershed values, to make its wildlife and recreation resources available for public use, to accommodate management needs of the Forest Service for winter pasturage for government horses and mules within limitations of good watershed practices, and for such utilization of the woodland timber stands as is practical and feasible in the area. To assure permanent protection and management of the soil, watershed, and other resources, the portion outside the Gila National Forest should be included in that National Forest, except the hospital tract which is being used by the State.

Mr. McMILLAN. At this time we will hear from Mr. Grover of the Forest Service.

STATEMENT OF FREDERICK W. GROVER, DIRECTOR, DIVISION OF LAND CLASSIFICATION, FOREST SERVICE, ACCOMPANIED BY REYNOLDS FLORANCE, DIRECTOR, DIVISION OF LEGISLATIVE LIAISON, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. GROVER. I am Fred W. Grover, and with me is Reynolds Florance, Director of our Division of Legislative Liaison.

Mr. McMILLAN. We are always delighted to have you and Mr. Florance with us. Any time you want to stop by this committee, we will be glad to have you.

Mr. GROVER. We appreciate that, Mr. Chairman.

Mr. Chairman and members of the committee, I am glad to appear before this subcommittee to offer the views of the Department of Agriculture on H.R. 18496.

This bill would authorize the Secretary of Agriculture to sell a tract of land which the Department now administers to the village of Central, N. Mex., subject to certain stipulations and conditions. The tract described in the bill totals about 177 acres. The sale would be for market value as determined by appraisal. The tract could be sold in one or several parcels, but any tract sold and conveyed would be at least 40 acres.

Conveyances to the village of Central under the terms of the bill would reserve easements for existing facilities, mineral rights, and easements for roads necessary to assure access to other lands of the United States or meet public needs. They also would include such stipulations or conditions as necessary to protect existing valid rights and the interest of the United States.

As noted in the report of the Secretary of Agriculture dated September 3, 1968, to the chairman, the Department has no objection to enactment of this bill. The land involved is a part of former Fort Bayard Military Reservation.

The Fort Bayard area has been administered by the Forest Service since 1941 in connection with the adjoining Gila National Forest. In 1957, Congress enacted a bill which authorized the Secretary of Agriculture to sell to the village of Central some 58 acres of similar

lands which then adjoined the village limits. Purpose of that sale was to permit the village to subdivide and sell such lands to meet its need for additional residential and business property. The sale so authorized was completed in 1958 and we understand that the land has been substantially utilized for those purposes.

The purpose of H.R. 18496 is the same as that of the 1958 act. The lands involved are comparable to those previously sold, except that they are separated from the village by U.S. highway 180, a divided four-lane highway. The village anticipates an increase in population due to mining activities in the general area and particularly because a nearby town involved with copper mining activity is to be eliminated by expanded mining operations within the town site. Local officials believe the village needs additional lands to accommodate these people.

Should the needs of the village for expansion area prove to be less than it now anticipates, the provision for disposal of the tract in several parcels will permit sale of the lesser acreage. Sales of any part of the property would be upon application by the village and its agreement to purchase at the appraised price.

This tract of land is now being used, with contiguous areas, for pasture of federally owned horses and mules used in national forest administration, including the training and breaking of young horses, for public hunting, and for cooperative studies and demonstrations with State and other Federal agencies of game habitat and game management. It will continue to be used for these purposes unless sold. However, this relatively small parcel can be made available to accommodate demonstrated expansion needs of the village of Central without undue adverse impact on the programs of this Department.

Mr. Chairman, that concludes my statement. We will be glad to be helpful to the subcommittee in any other way we can.

Mr. McMILLAN. Thank you, Mr. Grover.

Mr. Dow. I think this is a very clear statement, Mr. Grover. So far as you know, is there any adverse feeling about this in any quarter?

Mr. GROVER. I am not aware of any, Mr. Dow.

Mr. Dow. For someone like myself, who is a stranger to the village of Central, I would be guided I think mainly by any opposing arguments, or if there are none, I would be inclined to go along with the recommendation.

Mr. GROVER. The village officials took this matter up with their congressional delegation and in turn with our local officials, and as far as I know there is no opposition.

Mr. Dow. Thank you, Mr. Grover.

Mr. McMILLAN. It is my understanding that this bill is similar to the previous bill which we had reported.

Mr. GROVER. That is correct.

Mr. McMILLAN. I have not heard of anyone objecting to this proposed legislation. I see no reason why we should not report it to the full committee.

If there are no further questions, we thank you very much for appearing before us this morning.

Mr. GROVER. Thank you, Mr. Chairman.

(Whereupon, at 10 :20 a.m., the committee adjourned.)

REMOVAL OF RESTRICTIONS AGAINST ALCOHOLIC BEVERAGES UNDER TITLE I OF PUBLIC LAW 480

THURSDAY, SEPTEMBER 26, 1968

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m., in room 1301 Longworth House Office Building, Hon. W. R. Poage (chairman) presiding.

Present: Representatives Poage, Gathings, Abernethy, Stubblefield, Purcell, O'Neal, Foley, de la Garza, Nichols, Belcher, Teague, May, Dole, Wampler, Goodling, Miller, Mathias, Kleppe, and Myers.

The CHAIRMAN. The committee will come to order.

I understand that Mr. Sisk's office has been advised that we will discuss H.R. 14056, by Mr. Sisk, at this time.

(The bill and the departmental report follows:)

[H.R. 14056, 90th Cong., second sess.]

A BILL To amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against alcoholic beverages under title I of such Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1732), is amended by inserting after the first sentence thereof a new sentence as follows: "The foregoing proviso shall not be construed as prohibiting representatives of the alcoholic beverage industry from participating in market development activities carried out under title I of this Act which have as their purpose the expansion of export sales of United States agricultural commodities."

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 12, 1968.

HON. W. R. POAGE,
*Chairman, Committee on Agriculture,
House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request of April 25, 1968, for a report on H.R. 14056, a bill "To amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against alcoholic beverages under Title I of such Act."

This Department recommends that the bill be passed.

This bill would clarify the language of the Act to insure that alcoholic beverage manufacturers retain equal opportunity to participate in overseas trade promotion activities sponsored by the Department as in previous years.

Since the inception of P.L. 480 alcoholic beverages have never been financed under sales agreements or donated under the provision of the legislation. The present legislation does not provide authority for such transactions, and the proposed amendment will not change these requirements. However, prior to the enactment of the Food for Peace Act of 1966, private U.S. commercial firms

engaged in the wine and alcoholic business were permitted to display their products in U.S.-sponsored promotion activities overseas. This bill will permit them to continue to participate in such joint industry/government activities abroad, thus strengthening the export expansion drive for farm commodities.

As a part of its continuing overseas market development program, the Department organizes and stages trade fair and trade center exhibits and arranges for instore promotions for U.S. food and agricultural products. Many of these overseas activities provide an opportunity for private firms to display their products to large numbers of potential customers and representatives of these U.S. firms are exposed to the leading tradespeople with an interest in the products being shown.

All agricultural products provided for display and promotion at these events must be composed principally of ingredients produced in the United States. Since grapes used in the manufacture of wine and various grains used in the distillation of alcoholic beverages meet the eligibility requirements for our programs, these products should be afforded equal opportunity for overseas display and promotion at United States sponsored activities.

We recommend that the intent of the bill be clarified by inserting in the sentence which would be added to section 402, the underlined words as follows: "The foregoing proviso shall not be construed as prohibiting representatives of the alcoholic beverage industry from participating in market development activities carried out with foreign currencies made available under title I of this Act where such participation has as its purpose the expansion of export sales of alcoholic beverages produced from United States agricultural commodities."

Approval of the amendment is not expected to increase the cost to the Department of its overseas exhibits since it is not anticipated that it will result in increased space devoted to such exhibits and since the portion of such exhibits in which the industry participates will be largely at its expense.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

The CHAIRMAN. We will be glad to hear Mr. McClarren, Director of International Trade Fairs Division, Foreign Agricultural Service.

Before we start to hear Mr. McClarren, I would like to ask permission to insert a statement of Mr. McColly of the Wine Institute after the statement by the Department. Without objection, it will be inserted.

Mr. McClarren, we will be glad to hear from you at this time.

STATEMENT OF J. KENDALL McCLARREN, DIRECTOR, INTERNATIONAL TRADE FAIRS DIVISION, FOREIGN AGRICULTURAL SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. McCLARREN. Mr. Chairman, I do not have a statement other than to say that the Secretary has replied to the questions on this bill and has recommended that it be passed. I will be glad to answer any questions that the committee might have in regard to that bill.

The CHAIRMAN. Mr. McClarren, this committee has had this bill. I don't suppose six members of the committee can tell you what is in this bill. I wonder if you couldn't tell us what this bill is about, why we need it, and if we need it.

Mr. McCLARREN. Yes, sir. I will be glad to try to capsule this.

As a part of the Public Law 480 Act, some of the foreign funds are set aside for the promotion of agricultural products. This is carried out in two phases, one by nonprofit trade organizations usually connected with the bulk agricultural commodities. Examples of these are the Great Plains Wheat, Inc., and the Soybean Council of America, Inc.

The second part, what we call a cross-commodity program, is carried out by the Foreign Agricultural Service directly and we usually carry out promotions in trade fairs, trade centers, and various other types of merchandising efforts that would increase our trade for food and agricultural products.

In Public Law 480 in the last Congress there was an amendment to the bill which said in effect that alcoholic beverages could not be considered agricultural products for promotion under this act.

The present bill would change this language and the specific language now would read:

The foregoing proviso shall not be construed as prohibiting representatives of the alcoholic beverage industry from participating in market development activities carried out with foreign currencies made available under title I of this Act where such participation has as its purpose the expansion of export sales of alcoholic beverages produced from United States agricultural commodities.

This in effect places this group, the wine producers and the bourbon producers, in the same position as other commercial groups that promote products that come from the American farm.

The CHAIRMAN. Are there any questions of Mr. McClarren?

If not—

Mr. GOODLING. I would like to ask one question.

The CHAIRMAN. Yes, sir.

Mr. GOODLING. Public Law 480 is more commonly known as the Food for Peace Act. By what stretch of the imagination can anybody associate alcoholic beverages with food for peace? I would like to have an answer to that question.

Mr. McCLARREN. Title I of Public Law 480 permits certain funds to be set aside from the sale of agricultural commodities to be used for agricultural market promotion abroad.

This part of the program has been going on since 1955, roughly. We have been promoting agricultural products, as I say, through two main channels, nonprofit trade organizations and through the cross-commodity area where we have trade fairs and sponsored usually by the Foreign Agricultural Service itself.

Enacting of this bill would permit the display of alcoholic beverages, produced from U.S. agricultural commodities in U.S. exhibits at trade fairs, trade centers, and various types of merchandising efforts which promote trade for food and agricultural products. Such display is not permitted under existing legislation. This bill would not authorize the sale or donation of alcoholic beverages under Public Law 480.

The CHAIRMAN. Thank you very much, Mr. McClarren.

The Chair wants to say that apparently there is very little understanding about this bill; certainly it does not involve any of the products of my district or my State, but those who are interested on either side are clearly entitled to be heard.

Mr. STUBBLEFIELD. Mr. Chairman, this is Cooley funds?

The CHAIRMAN. No, this is not Cooley funds. It is 480 but not the development of new American industry in foreign countries. Cooley loans—and they are loans—are to American citizens to go into business in foreign countries and develop something that would move our American products into those foreign countries.

Mr. O'NEAL. Mr. Chairman?

Mr. GOODLING. Just to keep the record straight, Mr. Chairman, I should point out that the apple cider about which you spoke is pasteurized apple juice and it is nonalcoholic.

Mr. O'NEAL. Mr. Chairman?

The CHAIRMAN. Yes.

Mr. O'NEAL. I have two questions. Maybe they have already been answered but I would like to put them in little different terms so that we can simplify and clarify. My first question is: Are we using Public Law 480 to give away or sell wine under any circumstances?

Mr. McCLARREN. No.

Mr. O'NEAL. My second question is: Does this bill change this in any way?

Mr. McCLARREN. It merely permits them to come into a trade fair under the same conditions as any other commercial firm, which means that we provide a place. They provide the product, representation. They pay for the product getting there. All the cost of the promotion is on the commercial company.

Mr. O'NEAL. This exhibiting wine or exhibiting advertisements in a trade fair, it would not be furnishing wine to any foreign country under a giveaway or selling plan?

Mr. McCLARREN. Absolutely not.

Mr. O'NEAL. All right. Thank you.

The CHAIRMAN. We thank you, Mr. McClarren.

You do want to ask a question of the witness?

Mr. MILLER. Of the witness, if I may.

What are we talking about in money? We are talking about foreign currencies; is that correct?

Mr. McCLARREN. Yes, sir.

Mr. MILLER. The amount of foreign currency that would be used for such promotion, how much are we talking about?

Mr. McCLARREN. I will give you two answers. Totally, where we are promoting all agricultural products, we spend approximately \$2 million a year on all trade fairs where we carry on trade promotions of various kinds in connection with the trade and with non-profit organizations. So far as trying to narrow this down to the wine industry and how much would go into this, this would be rather difficult. I would say it is in the neighborhood of possibly four shows a year where they would be particularly eligible to go in, because many of our shows on bulk agricultural commodities—and we do not ask for the processed food or wine industry to come in—I would say that the cost of these fairs, if you narrowed it down to this area, would be less than \$1,200, probably. This is a guess.

What we allow is a cabinet in a trade area. This is not in a public area unless they lease and pay for the space themselves.

The cost for this type of display to the trade is, to us, very, very small. I would say less than \$25 per exhibition for a wine company to have its wine in one of our shows.

Mr. MILLER. Once this opens up, can Public Law 480 funds be used for some other purpose?

Mr. McCLARREN. Of course, 480 funds are used for many purposes today. As you know, under the 480 act there is quite an alphabet of different uses. Many of them are carried out by other agencies of Government other than the Department of Agriculture.

To answer your question broadly, it is up to the Congress where they want to reappropriate these moneys, hard currencies that come from these sales of surplus products.

Mr. MILLER. Do I understand correctly that if this bill is passed, the Federal Government would release approximately \$1,200 a year for this purpose of display?

Mr. McCLARREN. I am estimating that this would not probably cost any more than this \$1,200 for the winegrowers to go in the areas of promotion where we have processed food and drink. That is an estimate.

Mr. MILLER. Did I understand there would be other alcoholic beverages besides wine that would be displayed?

Mr. McCLARREN. The way the act reads, it says alcoholic beverages would be permitted.

This would probably be a legal question, but my own personal interpretation—I am not a lawyer—would be that it would permit any alcoholic beverage that had a base of agricultural products in this country.

Mr. MILLER. This cost you spoke of, approximately \$1,200 per year, would cover all these products?

Mr. McCLARREN. Yes; I would think so.

The cost, when you come down to it, we have as high as 150 commercial companies in one of these big shows. We provide a cabinet and if you would like to see what one looks like, this gives you an idea.

Here are several companies around this circle. This is a trade-only area. The public is not allowed here. This is set up for a trade atmosphere for doing business. This is very small cost. As a matter of fact, these cabinets we have we use in fair after fair. The cost of setting up these business activities in a trade fair are fairly small when it comes down to an individual unit.

Mr. MILLER. It is still hard for me to believe that this bill is in here for \$1,200 per year. With the industries that you speak of and the sales promotion costs that they normally have per year, this would certainly be a minor amount. There must be something behind the bill besides that \$1,200 a year.

The CHAIRMAN. I think that everybody knows it is not in here for \$1,200. It is here for—

Mr. MILLER. The statement says so; we have heard that this is the cost.

The CHAIRMAN. No; you asked him what the cost would be. I asked him what the cost was. He gave you the cost.

Mr. MILLER. That is correct.

Mr. STUBBLEFIELD. The bill is here to get them deferred?

The CHAIRMAN. That is right. Nobody contends the bill is here simply to get \$1,200.

Mr. O'NEAL. It is to permit them to have a booth?

The CHAIRMAN. That is right. It will permit them to have a booth. They think it is a valuable asset.

Mr. MILLER. Mr. Chairman, could you not have that booth if you did not have this bill?

Mr. McCLARREN. They can enter a trade fair on their own and lease their own booth. In some cases, agents do.

The CHAIRMAN. As a matter of fact, you have stopped letting them rent a booth; have you not?

Mr. McCLARREN. That is right. After this amendment was added on the floor last year.

The CHAIRMAN. So they cannot enter the trade fair and have a booth of their own because you have stopped that.

Mr. McCLARREN. Within the U.S. exhibit.

The CHAIRMAN. That is what we are talking about.

In other words, they cannot go into the U.S. exhibit under the present setup?

Mr. BELCHER. Can the steel industry go in there; if not, why not the same way as far as Public Law 480? But it does not say they cannot go completely on their own, does it?

The CHAIRMAN. That is just the point he is telling us, that they have prohibited it. The Department, since the passage of this new 480, has not been allowing them to exhibit their wine in the U.S. exhibits. They can go rent a building somewhere else and do it, but they cannot do it as a part of the U.S. exhibit.

Mr. MILLER. What would be the purpose behind this? Why the restriction?

Mr. McCLARREN. This was offered on the floor of the Senate. I cannot very well tell you what was behind the Senator's reasons for offering this amendment on the floor.

Mr. MILLER. If the steel companies wanted an exhibit there, they would be outlawed also?

Mr. McCLARREN. No. Actually, you go back to what is a basic agricultural product. Therefore, it is under a different area of promotion by the U.S. Government and one that is handled by the Department of Commerce rather than the Department of Agriculture.

Mr. MILLER. Thank you.

The CHAIRMAN. Are there other questions?

If not, we are very much obliged to you. That dismisses you, and thank you very much.

Mr. McCLARREN. Thank you, sir.

(The statement of the Wine Institute follows:)

STATEMENT OF DON W. MCCOLLY, PRESIDENT, WINE INSTITUTE

Mr. Chairman, my name is Don W. McColly and I am President and General Manager of Wine Institute, a trade association of producing wineries located in the State of California. Wine Institute's membership produces approximately 90 percent of all wine production in California and sells approximately 78 percent of all wine consumed in the United States.

H.R. 14056 seeks to amend Section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against alcoholic beverages under Title I of such Act. Wine Institute respectfully urges that this bill be approved and passed.

The restriction referred to in the existing statutes provides that the term "agricultural commodity" shall not include alcoholic beverages. It is that restriction which is removed by H.R. 14056.

One of the principal purposes of Public Law 480, of which the pertinent sections are part, is to increase the consumption of U. S. agricultural commodities in foreign countries. Pursuant to this legislation the U. S. Department of Agriculture through its International Trades Division and the Department of Commerce sponsor trade fairs and promotions in various countries of the world.

The American wine industry has only in recent years been able to initiate the development of foreign markets. The industry has been requested by the U. S. Government on numerous occasions to participate in such trade fairs and promotions. Such participation has not been deemed feasible until an actual placement of the wine industry's products has been made in an area served by such a trade fair.

Our wines presently have been placed in about fifty countries and some of these placements are actually only token in character. It is, therefore, imperative that if the American wine industry is to develop a proper foreign market, all vehicles of promotion should be available to it. Even more important is the need to be sure that there are no restrictions placed against the promotion of wine products through the definition presently contained in Public Law 480 and which H.R. 14056 seeks to correct.

Within the year, the U.S. Department of Agriculture advised the industry that its previous plans to exhibit its products in a foreign trade promotion sponsored by the Department of Agriculture would have to be cancelled.

Prior to the inclusion in Public Law 480 of the restrictive phrase, private U.S. commercial firms engaged in the wine business were permitted to display their products in U.S. sponsored promotion activities overseas. The passage of H.R. 14056 will permit members of the American wine industry to continue to participate in such joint industry-government activities abroad, thus strengthening the export expansion drive for farm commodities.

Wine is truly a farm commodity. A great portion of the wine produced in the United States is either by small family enterprises or by farmer cooperatives. Approximately 50 percent of wine production in California is by such farmer cooperatives. Only a small percentage of the production of wine is by what might be termed a corporate entity. Wine is the principal use of grapes produced by thousands of farmers. Therefore, in order that the American wine industry may be provided an opportunity to display its products to large numbers of potential customers in foreign markets and be treated equitably with other agricultural commodities in the programs of the U.S. Departments of Agriculture and Commerce in their overseas market develop programs, we again respectfully request the approval of H.R. 14056.

The CHAIRMAN. Is there anyone else to be heard on this bill?

If not, we will take up bill H.R. 14158 by Mr. Foley.

(Whereupon the committee proceeded to other business.)

CONTROL OF NOXIOUS PLANTS ON FEDERAL LAND

THURSDAY, SEPTEMBER 26, 1968

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The committee met, pursuant to other business, in room 1301, Longworth House Office Building, Hon. W. R. Poage (chairman) presiding.

Present: Representatives Poage, Gathings, Abernethy, Stubblefield, Purcell, O'Neal, Foley, de la Garza, Nichols, Belcher, Teague, May, Dole, Wampler, Goodling, Miller, Mathias, Kleppe, and Myers.

The CHAIRMAN. We will take up bill H.R. 14158 by Mr. Foley. This bill is for the control of noxious weeds on land under the control or jurisdiction of the Federal Government.

(The bill introduced by Mr. Foley follows:)

[H.R. 14158, 90th Cong., second sess.]

A BILL To provide for the control of noxious plants on land under the control or jurisdiction of the Federal Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the heads of Federal departments or agencies are authorized and directed to permit the commissioner of agriculture or other proper agency head of any State in which there is in effect a program for the control of noxious plants to enter upon any lands under their control or jurisdiction and destroy noxious plants growing on such land if—

- (1) such entry is in accordance with a program submitted to and approved by such department or agency;
- (2) the means by which noxious plants are destroyed are acceptable to the head of such department or agency; and
- (3) the same procedure required by the State program with respect to privately owned land has been followed.

SEC. 2. Any State incurring expenses pursuant to section 1 of this Act upon presentation of an itemized account of such expenses shall be reimbursed by head of the department or agency having control or jurisdiction of the land with respect to which such expenses were incurred: *Provided*, That such reimbursement shall be only to the extent that funds appropriated specifically to carry out the purposes of this Act are available therefor during the fiscal year in which the expenses are incurred.

SEC. 3. There are hereby authorized to be appropriated to departments or agencies of the Federal Government such sums as the Congress may determine to be necessary to carry out the purposes of this Act.

The CHAIRMAN. Mr. Foley, you are recognized to be heard in connection with H.R. 14158.

STATEMENT OF HON. THOMAS S. FOLEY, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF WASHINGTON

MR. FOLEY. Mr. Chairman and members of the committee, this bill aims at a problem particularly serious in my own district but it is not limited by any means to that area. The control of noxious weeds is one of the pressing problems in parts of the United States, particularly in the grain areas. Certain weeds such as the skeleton weed are resistant to most efforts, particularly physical efforts to control them.

In the West, we have large areas of Federal ownership, such as Indian reservations, national forests, military reservations. Mrs. May's Yakima firing range is an extensive Federal area. Without this kind of authority provided in the bill Federal weed control will be very limited. It does not do more than to authorize the expenditure of Federal funds if this is specifically provided for in the appropriation.

It gives the State authority with the consent of the Federal Government administrators to go on these lands. The Department has suggested letting the members know of an amendment to provide special restrictions for national security areas. Of course, I would like to move at the appropriate time adoption of that amendment.

It is a very important bill. It is not one that is going to cost the Government any money necessarily, unless the Appropriations Committee decides to authorize funds.

THE CHAIRMAN. I expect this bill will cost the Federal Government something. I think the whole purpose of it is to cost the Federal Government something.

MR. FOLEY. I am not going to deny that. I would like to see the Federal Government make these reimbursements. Even if the Appropriations Committee does not permit special appropriations for weed control, it allows the State authorities to seek permission and the Federal people to give permission to enter on the Federal lands.

I would hope the Federal Government would do its part. I think it has a responsibility in that area.

THE CHAIRMAN. Section 2 provides that:

Any State incurring expenses pursuant to section 1 of this Act upon presentation of an itemized account of such expenses shall be reimbursed by head of the department or agency having control or jurisdiction of the land with respect to which such expenses were incurred: Provided, That such reimbursement shall be only to the extent that funds appropriated specifically to carry out the purposes of this Act are available therefor during the fiscal year in which the expenses are incurred.

MR. FOLEY. That is what I meant.

THE CHAIRMAN. That is all true. The Department can't reimburse anybody unless the Congress appropriates money with which they can do it.

MR. FOLEY. I will be glad to talk that over.

THE CHAIRMAN. It seems to me there is no use claiming that it costs nothing. The bill is good, as I see it. I don't see that we need to claim it is not going to cost anything. If it is not going to cost anything, it will not do anything.

MR. FOLEY. Yes, sir; I agree with that.

I also think that the case is very strong for the Federal expenditure. If they did nothing else in agriculture, they ought to prevent the contamination of farmers' lands from their own lands.

Mrs. MAY. If the gentleman would yield, I think that is a very strong point. I think if it is Federal land, they should take some responsibility. I would not want to present it to my colleagues in the House any other way.

Mr. FOLEY. I agree with you.

The CHAIRMAN. I agree with you thoroughly on the desirability of the Federal Government helping with this work on Federal lands. I can recall that even before Page got here, his predecessor in Congress once removed used to have a bill for the Federal Government to control blackbirds. I have always agreed. I think it is sound and I think it is one of the biggest things we could do because the accursed blackbirds eat up more grain than you can grow in most States. They move from State to State. They are not something that just comes here and grows on my farm during a certain season.

I agree with this noxious weed bill.

Mr. PURCELL. Mr. Chairman?

The CHAIRMAN. Do you want to question Mr. Foley?

Mr. DOLE. Would you yield?

Mr. FOLEY. Yes, with the Chair's permission.

Mr. DOLE. As Mr. Foley knows, Senator Carlson introduced this bill on the Senate side for the same reason you did.

With reference to military installations in Kansas, we have had very fine cooperation. I received a call yesterday from our State department of agriculture, the noxious weed director, indicating strong support for the bill. This would clarify the law. That is the purpose of it and I support it as did Senator Carlson.

The CHAIRMAN. Does that complete your statement?

Mr. FOLEY. Yes.

The CHAIRMAN. We are very much obliged to you, Mr. Foley.

We will call the Department. We have with us, I believe, Mr. DeNio, Director of the Division of Range Management.

Mr. DeNio represents the Department of Agriculture. Then we will hear from Mr. Ellington.

STATEMENT OF REGINALD M. DeNIO, DIRECTOR, DIVISION OF RANGE MANAGEMENT, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. DeNio. Mr. Chairman and members of the committee, I am pleased to have the opportunity to present this statement for the Department of Agriculture on H.R. 14158 and S. 2671, relating to noxious plant control on Federal lands.

H.R. 14158 would authorize and direct Federal agency heads to permit State agriculture agencies to enter Federal lands and destroy noxious plants if (1) such entry is in accordance with a program approved by that Federal agency, (2) the means by which noxious plants are controlled are acceptable to the Federal agency head, and (3) the same procedure required by the State program with respect to pri-

vately owned land has been followed. State expenses would be reimbursable by the Federal agency to the extent that funds appropriated specifically for that purpose are available in the fiscal year in which the expenses are incurred.

S. 2671 is nearly identical to H.R. 14158. It contains an additional provision recommended by the Department of the Army to insure that no entry of State weed control crews will occur which would be inconsistent with national security. This provision is set out in our report to your committee on H.R. 14158. It would not affect other provisions of the bill that would permit entry on Federal lands only if the weed control program or methods have been approved by the administering agency head.

The Department of Agriculture has long recognized the need for adequate noxious plant control on both public and private lands. A comprehensive research program is conducted by the Department relating to biology and control of noxious plants and their effect on crop and rangelands. We have furthered control efforts to the extent possible with funding available for this purpose on national forests, national grasslands, and other lands under our administration.

We also strive to maintain close Federal-State-private cooperation in noxious plant control. An interagency ad hoc committee, appointed by the joint action of the Departments of Agriculture and Interior weed committees, recently completed an exhaustive investigation and evaluation of matters relating to noxious plants. Special emphasis was given to an assessment of State and Federal legislative authority and regulation related to: (a) importation, domestic movement, and quarantine of weeds and their propagation parts; and (b) control and eradication of weeds on private and public lands. Findings resulting from this effort pinpoint problem areas and needs requiring coordination and cooperation by Federal-State-private interests to cope with noxious plants and their control.

It has not always been possible to devote sufficient funds to the control of noxious plants. Thus an effective control program has not been realized in some areas. Local officials in States with good administration of adequate noxious plant control laws may have cause for concern since noxious plant-infested Federal lands may well pose a threat to noninfested private and other lands.

H.R. 14158 and S. 2671 would be beneficial in supporting State programs for noxious plant control. We would have no objection to the enactment of S. 2671, or of H.R. 14158 if it is amended as suggested in our report.

Thank you.

The CHAIRMAN. Thank you very much.

Are there any questions of Mr. DeNio?

Mr. DOLE. The Senate bill has been amended?

Mr. DENIO. Yes, sir.

Mr. DOLE. It contains the amendment you spoke about?

Mr. DENIO. Yes, sir.

The CHAIRMAN. Are there any other questions?

If not we are very much obliged to you, Mr. DeNio.

We will now ask Dr. Charles P. Ellington, director of agriculture for the State of Maryland, to come forward.

We are glad to have you with us, Dr. Ellington.

STATEMENT OF DR. CHARLES E. ELLINGTON, DIRECTOR OF AGRICULTURE FOR THE STATE OF MARYLAND, COLLEGE PARK, MD., AND MEMBER OF THE WEED COMMITTEE, NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE

Mr. ELLINGTON. Thank you, Mr. Chairman and members of the committee.

I am director of the State board of agriculture programs in Maryland and I am also a member of the State departments of agriculture, NASDA. My testimony here this morning is presented in behalf of this organization. This is an association of secretaries, commissioners, and directors of agriculture from the 50 States.

Mr. Lowell Purdy, the commissioner of agriculture in Montana, and I were asked last fall to pursue the matter of control of noxious weeds on federally owned land. This was pursuant to a resolution which was adopted by the NASDA group in Atlanta at its annual convention. Mr. Purdy furnished me with a considerable amount of information and it is included in the statement.

In the interest of time I think I can summarize in just a few sentences both his position and mine and that of the National Association of State Departments of Agriculture.

Mr. Purdy pointed out that farmers and ranchers in most of the counties in his State have weed district laws and have and are spending considerable sums of money annually to control perennial weeds, only to find their efforts are negated by reinfestation caused by water and windborne contamination from the untreated areas from Federal lands. He further states that unless we control perennial weeds on federally owned lands the time will come when farmers and ranchers will be unable to afford to own the lands because the cost of perennial weed control will be prohibitive.

Mr. Purdy also furnished us a table of weed infestation in Montana, perennial weeds, and made a comparison between 1957 and 1967. I call your attention to just two or three of those items.

In Canada thistle, the acreage infested has increased from 324,000 acres in 1957 to 489,000 in 1967. This is in spite of the efforts of farmers and ranchers to control that weed.

If I might then direct your attention to the Eastern United States, we find the problem is no less severe and no less complicated but we do have a different situation and the weeds we are concerned with in the Eastern United States are considerably different from those in the West.

In the Eastern United States, Johnson grass, quackgrass, and Canada thistle pose serious threats to the production of cultivated crops and to hay and pasture lands.

In the 18 years since I have been in Maryland more and more land has become infested with Johnson grass. This one weed alone costs us close to \$1 million a year loss in income to farmers, loss in income plus their costs of attempts at control.

We also estimate that in Maryland alone \$600,000 a year is spent by farmers just for chemicals alone in weed control.

This seems to be a neglected area. We have made marvelous progress in many of the animal disease control programs and many pro-

grams dealing with insects and diseases, but we are just now beginning to realize the problem and the potential for action in weed control.

In the East, individual farmers are powerless to control the weed on their own land if on additional land, either federally owned or privately owned, weeds are allowed to go to seed and to spread to their croplands and reinfest those croplands.

We have at present in Maryland a suggested State law which has been drafted with agriculture leaders in the State. I expect it will be introduced in our State legislature in January. This in fact would require the control of Johnson grass on all lands in the State in an attempt to control it and eventually eradicate it from the entire State of Maryland.

There are several military and nonmilitary federally owned installations in Maryland, as most of you know. We could name a list of a dozen almost immediately which own considerable acreage of land in the State. One of them with which I am familiar serves as a source of infestation for Canada thistle for farmland. In fact there is enough Canada thistle seed produced on the Aberdeen Proving Grounds each year to infest the entire State of Maryland. The proving grounds has no active program at the moment for controlling Canada thistle. The post engineers and those people responsible for it perhaps would not even recognize the weed or that it is a problem to our surrounding farmlands.

We need this legislation here in the East to help bring about control of noxious weeds on Federal lands. This need is obvious today and will become increasingly important in the future.

Mr. Chairman, I request permission to include in the record a copy of resolution XXII adopted at the annual meeting of the National Association of State Departments of Agriculture in October 1967, concerning weed control of federally owned lands.

(The resolution follows:)

RESOLUTION XXII

PLANT INDUSTRY—WEED CONTROL ON FEDERALLY OWNED LANDS

Whereas, the American farmer has been beset by continually increasing production costs in producing a bountiful food supply for the American public as well as a large part of the world; and

Whereas, noxious weeds and especially the perennial type annually cut production of crops a considerable amount; and

Whereas, the farmer through assessment in weed districts and personal expense has expended almost prohibitive sums of money in attempting to control and eradicate perennial weeds; and

Whereas, especially in our mountainous areas of the western states much of the land on the upper reaches of our rivers is federally owned; and

Whereas, much of this type of federal land is not easily accessible and is difficult to treat for perennial weed control and eradication; and

Whereas, the seed from perennial weeds on the upper reaches of our rivers is carried downstream and reinfests areas upon which private and public funds have been expended and negates much of progress made in weed control: Therefore be it

Resolved, That The National Association of State Departments of Agriculture in convention assembled in Atlanta, Georgia, October 1-5, 1967, though its Board of Directors, lends its support to legislation now before the Congress to appropriate necessary funds that will enable the treatment of federally-owned lands for weed eradication and control; And be it further

Resolved, That The National Association of State Departments of Agriculture requests the Agricultural Research Service of the U.S. Department of Agriculture to increase its activities in the field of research on chemicals and methods to control perennial weeds on the upper reaches of our rivers.

Mr. ELLINGTON. In behalf of the organization I represent I would urge your favorable consideration of H.R. 14158.

The CHAIRMAN. We are very much obliged to you.

Are there any questions?

Mr. ABERNETHY. I don't think there is enough gold in Fort Knox to get rid of Johnson grass.

Mr. ELLINGTON. I probably would agree with you, but in Maryland, at least, we are at the northern end of Johnson grass and I think we can control it in Maryland.

I know you have problems in Mississippi.

Mr. PURCELL. What do you do to control Johnson grass anywhere?

Mr. ELLINGTON. There are several chemicals that will control it at least 90 to 95 percent. Some of them are actually the type so that if they kill Johnson grass nothing will grow there for a year or two. Others can be used to control it and land put back into cultivation in a matter of 6 months or so.

The CHAIRMAN. One way was to turn your pockets inside out, dust them off carefully, and then leave the place.

Any other questions?

If not, we are very much obliged to you, Doctor.

Is there anyone else to be heard on this matter?

If not—

Mr. GOODLING. I have one question which has been brought up on several occasions this morning.

I am for the intent of this bill and I think it is an important bill.

This bill was introduced a year ago. Why is it brought up on what we hope are the closing days of this session?

The CHAIRMAN. Perhaps because the Chair has not asked you to meet every day of the week. I thought we had met about as much as we could.

The Chair has followed a policy of trying to give everybody a hearing when it is pushed. We simply have not been able to find the time for everything we would like to discuss. That is all I know.

Mr. GOODLING. That is a good explanation. I believe in the intent of the bill, Mr. Chairman.

The CHAIRMAN. If there are no further questions, we are very much obliged to our visitors.

Anything else in open session, Madam Clerk?

Mrs. GALLAGHER. Not in open session.

The CHAIRMAN. The committee will go into executive session.

(Whereupon, at 11:20 a.m., the hearing went into executive session.)

