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RAGWEED ERADICATION

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON
DEPARTMENTAL OVERSIGHT

OF THE

COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES
NINETIETH CONGRESS

FIRST SESSION

ON

H.R. 472, H.R. 547, H.R. 755, H.R. 2097,
H.R. 3632, H.R. 10442, and H.R. 11527

JUNE 8, 9 AND AUGUST 9, 1967

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MISCELLANEOUS LAND TRANSFERS AND
RAGWEED ERADICATION

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MISCELLANEOUS LAND TRANSFERS AND RAGWEED ERADICATION

THURSDAY, JUNE 8, 1967

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

The subcommittee met, pursuant to notice, at 10 a.m., in room 1301, Longworth House Office Building, Hon. Eligio de la Garza (chairman of the subcommittee) presiding.

Present: Representatives de la Garza, Jones of Missouri, Purcell, Dole, and Kleppe.

Also present: Christine S. Gallagher, clerk; Hyde H. Murray, assistant counsel; and Fowler C. West, assistant staff consultant.

Mr. de la Garza. The subcommittee will come to order.

This is the first meeting of the Departmental Oversight Subcommittee. We have a schedule of bills before us. We are going to take up first H.R. 547, by Mr. Edwards of California.

We will be glad to hear from you at this time, Mr. Edwards, but first we will place in the record H.R. 547 and the report of the Department.

(H.R. 547, together with the departmental report dated June 8, 1967, follows:)

[H.R. 547, 90th Cong., 1st sess.]

A BILL To authorize the Secretary of Agriculture to sell the Pleasanton Plant Materials Center in Alameda County, California, and to provide for the establishment of a plant materials center at a more suitable location to replace the Pleasanton Plant Materials Center, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to convey to the County of Alameda, State of California, by quitclaim deed, for not less than fair market value as determined by independent appraisal, all right, title, and interest of the United States in and to the Pleasanton Plant Materials Center, situated in Alameda County, California, and the improvements thereon, which conveyance may be made subject to such reservations and upon such terms and conditions as the Secretary may deem appropriate, including the reservation of the right to continue the operation of the Pleasanton Plant Materials Center until a plant materials center to replace the Pleasanton Plant Materials Center shall be constructed, equipped, and ready for operation, and the functions of the Pleasanton Plant Materials Center are removed to the new site.

SEC. 2. The Secretary of Agriculture is authorized to apply the proceeds of the sale of the Pleasanton Plant Materials Center to the costs of acquiring other land or interests in land in the State of California which the Secretary deems suitable for a plant materials center to be established as a replacement for the Pleasanton Plant Materials Center, to the cost of construction and alteration of buildings, and the development of such other improvements thereon as may be necessary for the establishment of the plant materials center, and to the costs of removal to such center of the functions of the Pleasanton Plant Materials Center, including the expenses incident to the transfer of personnel, and the removal of equipment, planting stock, and other property.

SEC. 3. Proceeds received from the sale of the Pleasanton Plant Materials Center shall be available to the Secretary until expended for carrying out this Act. Any such funds which the Secretary determines are not required for the establishment of a comparable new plant materials center as provided in this Act shall be deposited in the Treasury of the United States as miscellaneous receipts.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 8, 1967.

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

DEAR MR. CHAIRMAN: This is in response to your letter of March 15, 1967, requesting the views of this Department on H.R. 547, by Mr. Edwards of California, to authorize the Secretary of Agriculture to sell the Pleasanton Plant Materials Center in Alameda County, California, and to provide for the establishment of a plant materials center at a more suitable location to replace the Pleasanton Plant Materials Center, and for other purposes.

This Department recommends enactment of the bill.

Recent changes in land use and related developments near Pleasanton have prompted the need for relocating the Center. Urbanization, housing, and public use of lands surrounding the present location are incompatible with the requirements and objectives of the Center. It is becoming increasingly difficult to maintain the genetic purity of plant materials being developed and improved for conservation plantings.

This legislation provides a means of continuing the services of a plant materials center to meet the needs of the Pacific Southwest coastal area. Pleasanton Center serves the land resource areas of the Mediterranean type climate peculiar to the State of California. This winter-wet and summer-dry climate requires plant materials, cultural procedures and management practices that differ from any other part of the United States. Plant materials centers in the bordering States of Arizona and Oregon and the State of Idaho do not serve the specialized need of the Pacific Southwest coastal area.

This bill would authorize the Secretary of Agriculture to convey to the County of Alameda, California, for not less than fair market value, all rights, title, and interest of the United States in and to the Pleasanton Plant Materials Center. The Secretary would reserve the right to continue the operations of the Pleasanton Plant Materials Center until a plant materials center at a new location is constructed, equipped and ready for operation, and the functions of the Pleasanton Plant Materials Center are relocated.

Section 2 of the bill would authorize the Secretary of Agriculture to apply the proceeds of the sale of the Pleasanton Plant Materials Center to the costs of acquiring land or interests in land in the State of California, the costs of construction and alteration of buildings, and the development of other improvements necessary for the establishment of a plant materials center at the new site, and other costs related to the removal of such center to the new site, including expenses incident to transfer of personnel, planting stock, and other property. The cost of reestablishing a comparable facility at a new site and the sale price of the present center are estimated to be approximately \$800,000.

The Soil Conservation Service has operated a Plant Materials Center at Pleasanton, California, since 1939. The State of California cooperatively participates in the operation of the Center. The purpose of this Center is to develop and adapt plants to the changing conservation needs of the western area. This Center since its establishment has developed many conservation practices and plant species that have proven to be of inestimable value to agriculture. For example, the Three-Point Range Improvement Program was conceived, developed, and introduced by the Center. The Three-Point Program is an economically valuable development, extending the green feed season from six weeks to six months. Examples of some of the more important conservation plants developed by the Center are Blando brome, Lana vetch, and Wimmera 62 ryegrass. This is part of a continuing activity of conservation plant improvement including those suitable for wildlife and recreation land uses. In addition, cultural practices have been developed, fertility requirements determined, and adaptability ranges established for other species that are under final evaluation before introduction to commercial use.

The necessity for continued operation of the Center at another location is recommended and concurred in by the California Department of Conservation, the California Department of Fish and Game, and the California Agricultural

Experiment Station. It is essential that the capacity of this Center to meet these and other needs be continued undiminished and uninterrupted in order to serve the conservation requirements of the area.

The County of Alameda is very desirous of obtaining this property and has, on several previous occasions, requested that it be made available to them. The Department has declined these requests in the past but now feels that it is to the advantage of both the Federal Government and Alameda County to relocate the plant materials center. The County has acquired adjacent lands by condemnation and now owns the properties on three sides of the Center. They have expressed their willingness to proceed on any reasonable basis to assure acquisition and orderly development of a suitable replacement site. To provide continuity during the acquisition and development period of the new site, operations at Pleasanton will be carried on until the new location is developed and in production. This may take as long as six years.

As the above explanation of the purposes of the proposed legislation indicates, the lands on which the Pleasanton Plant Materials Center is located are not excess to the needs of the Department and are therefore not surplus in the purview of the Federal Surplus Property and Administrative Services Act of 1949, as amended. The activities of the Plant Materials Center must be continued either at the present site or at a new location. Since the County of Alameda has an urgent need for the present site and wishes to buy the lands, and the proceeds of such a sale would provide funds that could be used to acquire a replacement site in a more suitable location than the present site for the work of the Center, it would appear to be to the advantage of the Government, as well as to the local community, to authorize the sale of the present site and the use of the proceeds for the acquisition of a replacement site as provided for in the proposed bill.

This legislation will not require additional appropriations by the Federal Government.

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*.

STATEMENT OF HON. DON EDWARDS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. EDWARDS. Mr. Chairman and members of the subcommittee.

I appreciate your courtesy in permitting me to come before you this morning and speak in support of H.R. 547, a bill which I introduced in January of this year. My bill would authorize the Secretary of Agriculture to sell the Pleasanton Plant Materials Center in Alameda County, Calif., and provide for the establishment of a plant materials center at a more suitable location.

In the 89th Congress, I submitted an identical bill, H.R. 15304, which was considered by the Subcommittee on Conservation and Credit and reported by the full committee to the House requesting favorable action. Unfortunately, time considerations in the waning days of the 89th Congress did not permit its passage.

The need to relocate the Plant Materials Center is even more urgent now, for the area where it is located is rapidly being developed for housing and commercial purposes as the town of Pleasanton expands. The Plant Materials Center is now operating within the commercial area of the town adjacent to the Alameda County Fairgrounds. The county needs to enlarge this facility and although other adjacent land has been acquired, it is insufficient for the planned development.

Mr. Chairman, this bill represents a unique example of the furthering of the interests of a local community and the Federal and State requirements at the same time. For although the Pleasanton site was an ideal location for the development of pure seed of the type required

by California climate and soil until recent years, the pace of urbanization in the area has made the site unsuitable for producing such high quality seeds and plants. It is becoming impossible to control cross-pollination from plants growing on the many small ownerships adjoining the Plant Materials Center resulting in contamination of the pure foundation seed produced at the Center.

It is my understanding the sale of the land involved to the county of Alameda will make sufficient funds available for the purchase, relocation, and development of a new Plant Materials Center at a more appropriate site. It is most desirable, I believe, from the point of view of the three governmental entities involved to approve my bill without further delay. It will take several years to complete the relocation in an orderly manner, once the authorization is approved. From the point of view of the supervisors of Alameda County, it is imperative that they know soon, so that decisions they must make can be made with some assurance for the future.

It has been a pleasure to appear before your subcommittee on behalf of the people of Alameda County and the board of supervisors who join me in this presentation.

Thank you.

Mr. DE LA GARZA. Thank you, Mr. Edwards.

Do any of the members of the subcommittee have any questions of Mr. Edwards?

Mr. DOLE. I do not.

Mr. KLEPPE. No.

Mr. DE LA GARZA. We thank you, Mr. Edwards.

Mr. EDWARDS. Thank you.

Mr. DE LA GARZA. We will now recognize Mr. Don A. Williams, Administrator, USDA Soil Conservation Service, accompanied by Don Douglas, Head Plant Materials specialist, and Gerald E. Ryerson, Director, Administrative Services, SCS, U.S. Department of Agriculture.

STATEMENT OF DONALD A. WILLIAMS, ADMINISTRATOR, SOIL CONSERVATION SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. WILLIAMS. Mr. Chairman, members of the subcommittee.

I thank you for inviting me to testify on H.R. 547, a bill to authorize the Secretary of Agriculture to sell the Pleasanton Plant Materials Center in Alameda County, Calif., and to provide for the establishment of a plant materials center at a more suitable location to replace the Pleasanton Plant Materials Center, and for other purposes.

Identical legislation was introduced in the 89th Congress as H.R. 15304 on May 26, 1966, by Mr. Edwards. Hearings were held before the Subcommittee on Conservation and Credit of the House Committee on Agriculture. Mr. Edwards and I testified before the subcommittee on September 8, 1966, in favor of the bill.

The subcommittee reported favorably in Report 2225 to the full Committee on Agriculture which in turn committed the bill to the Committee of the Whole House with the recommendation that it be passed. It was considered by the House of Representatives on October 17, 1966, on a Consent Calendar. There was an objection to passage

by unanimous consent. The bill was passed over without objection. Time did not permit additional consideration in the House prior to adjournment.

In the course of the hearings on H.R. 15304 the committee directed the Soil Conservation Service to investigate the feasibility of utilizing Government-owned land in the area, particularly Camp San Luis Obispo Military Reservation. The California State Office of the Soil Conservation Service has exhaustively investigated the soil, irrigation water, and climatic conditions existing at San Luis Obispo and other military installations and has found them not suitable or acceptable.

The committee also recommended that options be obtained upon the desired property. The Soil Conservation Service has authority under Public Law 46 to do this. An option may be obtained when enabling legislation has developed sufficiently to indicate the desirability of such action.

We have been informed by the Office of the General Counsel that the Secretary of Agriculture does not presently have the authority to make the sale and to utilize the funds derived from a sale of the Pleasanton property to acquire and develop a new site. Therefore, this legislation is necessary to effect the transfer and utilize funds received in consideration for the Plant Materials Center.

The Pleasanton Plant Materials Center began to operate in its present location in 1939. At that time 60 acres of land were purchased under Public Law 46, the basic authority of the Soil Conservation Service. Executive Order 10516 effected the transfer of the Plant Materials Center lands for administration under title III of the Bankhead-Jones Farm Tenant Act.

The purpose of this Center is to develop new plants and improve existing species for forage, erosion control, and soil stabilization purposes for this part of the United States. It was necessary that this Center be located in the area of "Mediterranean climate," which is characteristically cool, wet winters and hot, rain free summers. A deep medium-textured soil without water table and with favorable salt or alkali conditions was also necessary. In addition, it was imperative that irrigation water be dependable both in regard to quantity and quality. These conditions prevailed at Pleasanton. For these reasons, the Plant Materials Center was located on the land that became available at that location in 1939. This situation has changed considerably since 1939. Recent changes in land use and related developments near Pleasanton have prompted the need for relocating the Pleasanton Plant Materials Center. Urbanization, housing, and public use of lands surrounding the Pleasanton Plant Materials Center are in a major way incompatible with the requirements and objectives of the Center.

The State of California has established certain requirements and standards for the production of high-quality foundation seed that it certifies. Included is the requirement of isolation of plant species to keep foundation stock pure and to prevent contamination and cross-pollination from blooming plants on adjacent lands. This isolation is no longer possible with the many small ownerships adjoining the Pleasanton site.

Alameda County has made repeated requests that the Department of Agriculture make the property available to them. They have owned the land on the east side of the Center and recently have acquired, by

condemnation, the private properties on the south and west of the Center. They feel the Center property is essential to the full development of their facility. The Department of Agriculture has declined these requests on previous occasions but now feels, for the reasons stated above, that it is to the advantage of both the Federal Government and Alameda County to relocate the Plant Materials Center.

Continued operation of the Center at another location is necessary and such is recommended and concurred in by the California Department of Conservation, California Department of Fish and Game, and the California Agricultural Experiment Station.

There are high-priority conservation needs and problems in the State of California that are as yet unsolved. The Center program includes the following projects as part of a continuing activity of conservation plant improvements:

(a) Fire-resistant plants for reseeded burns. About 1 million acres of California range and woodland are burned each year resulting in erosion and sedimentation problems.

(b) Plants for conservation purposes that will also contribute to beautification and recreation uses on the 250,000 acres in California now included in watershed projects.

(c) Food plants for waterfowl and cover plants for upland game that will also serve soil conservation objectives. Suitable waterfowl food plants on the margins of some 12,000 stock water ponds in California Soil Conservation Districts will make the 25,000 surface acres attractive hunting and productive breeding areas as well as prevent or reduce erosion of disturbed areas.

Other USDA Soil Conservation Service plant materials centers located in bordering States cannot serve the needs of the State of California. The Pleasanton Center serves the land resource areas of the Mediterranean-type climate peculiar only to the State of California. This winter-wet and summer-dry climate requires plant materials and cultural and management practices that differ from any other part of the United States. Plant materials centers now located in the bordering States of Arizona, Oregon, and Idaho do not and cannot serve the specialized needs of the Pacific Southwest coastal area.

The removal of the Plant Materials Center to a new location—including the selection, procurement, and development of a new site to full productive capacity—may take as long as 6 years. Acquiring land and getting occupancy is a time-consuming process. Land at the new site will need to be leveled and an irrigation system installed to provide precise water control for the small fields used in the specialized plant materials operation. A program of weed control, cleanup crops, and green mature crops will follow land leveling. Plans will need to be developed and buildings and facilities constructed for the new plant materials center to become fully operative.

Agreements with adjoining landowners must be arranged to insure insulation of seed crops. Seed fields need to be established on the new location before production can be abandoned on the Pleasanton Center. Many vegetative materials in observational nurseries will be dug, transported, and replanted when the new land is ready. There is a need to continue observations on presently established studies at Pleasanton for 2 to 4 years to complete certain projects.

It is planned to conduct both irrigated and nonirrigated work on the larger acreage at the relocation site. Pleasanton has been used for irri-

gated work exclusively, with dryland work being carried out on leased land at nearby Sunol. Agencies of the State of California have been contributing nearly one-half of the financial support of the operation of the Plant Materials Center, making possible a greater range and scope of activities at a minimum Federal expenditure.

The county of Alameda is desirous of purchasing the land at the present site and the Soil Conservation Service is experiencing difficulty in carrying out the operation in an efficient manner because of the buildup and industrialization near Pleasanton. Also, preliminary estimates and appraisals indicate that the relocation of the Pleasanton Plant Materials Center can be accomplished without the appropriation of Federal funds.

After giving careful consideration to all factors involved, we believe this is an opportune time to sell the Pleasanton Plant Materials Center and relocate it at another site.

I thank you for this opportunity to appear before this committee and would be pleased to answer any question you may have.

Mr. DE LA GARZA. Thank you very much, Mr. Williams.

Are there any questions of Mr. Williams?

Mr. Jones?

Mr. JONES. No.

Mr. DE LA GARZA. Mr. Purcell?

Mr. PURCELL. No.

Mr. DE LA GARZA. Mr. Dole?

Mr. DOLE. There may be something in the record of the last hearing as to the size of this area. What are we talking about? How many acres? How many buildings? And the value thereof?

Mr. WILLIAMS. The Center property is 60 acres, which was purchased by the Soil Conservation Service in 1939. Certain buildings have been placed on the property. Mr. Douglas, who is a technician on this subject, can respond better than I can.

Do you have any further comments, Mr. Douglas.

STATEMENT OF DON DOUGLAS, HEAD PLANT SPECIALIST, SOIL CONSERVATION SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. DOUGLAS. There are 11 buildings, wells, pumps, and an underground irrigation system. For a replacement center, we feel that we need a rather larger establishment, so far as acreage is concerned, to carry out both our irrigated and our other operations.

Mr. DOLE. Do you have any figures on the approximate value of the present property that you own there?

Mr. WILLIAMS. Yes; we had an appraisal made pending the outcome of this legislation. The 60 acres, with the improvements were appraised last year at approximately \$800,000. And as Mr. Edwards has explained to me, California land values have gone even higher since the evaluation was made.

Now, for the information of the subcommittee, we have not made any commitments to anybody about a relocation site for obvious reasons. We have examined several possibilities. We know that within the estimated sales price it will be possible to acquire the land, to develop it, and to pay the cost of moving, and the probabilities are that we will have something left over for the Federal Treasury, but

we, certainly, estimate that it will not be a cost to the Federal Treasury.

Mr. DOLE. Mr. Chairman, we should have a brief statement as to the facilities and the exact acreage in addition to the information we have just received. I think that, finally, this bill is identical to the one considered last year in the Conservation and Credit Subcommittee which was passed without objection.

Mr. WILLIAMS. That is correct.

Mr. DOLE. There has been no change made in H.R. 547.

Mr. WILLIAMS. Yes; that is correct.

Mr. DE LA GARZA. This information that will be forthcoming from you will be put into the record.

(The information referred to follows:)

FACILITIES PRESENTLY EXISTING AT PLEASANTON PLANT MATERIALS CENTER,
PLEASANTON, CALIF.

The property consists of approximately 60 acres of level, high-capability cropland. The improvements consist of 11 buildings, two wells and pumps that supply adequate irrigation water for the 60 acres, an underground irrigation system, fencing, sewer lines and septic tank, underground electric conduits, underground gas lines, and gravel driveways, walkways and parking area.

The buildings total 9572 square feet of usable space and consist of an office building, a seed storage building, a seed cleaning and drying building, a garage and shop building with five stalls, an implement building, an open equipment storage shed, two pumphouses, a small blacksmith shop, a barracks-type storage building, and an oil and paint house. Four of the buildings are of adobe block construction. They are attractive, well-designed, and well-constructed in Spanish style architecture.

Total appraised valuation of the above listed improvements is \$93,800.

Mr. DE LA GARZA. Mr. Douglas, will you identify yourself for the record, sir?

Mr. DOUGLAS. I am the head plant materials specialist in the SCS.

Mr. DE LA GARZA. Are there any further questions?

Mr. Kleppe?

Mr. KLEPPE. He just answered my question.

Thank you.

Mr. DE LA GARZA. Do you have any further information you would like to give to the subcommittee, Mr. Edwards?

Mr. EDWARDS. No, Mr. Chairman.

Mr. DE LA GARZA. Are there any other witnesses who would like to be heard on this bill?

If not, we thank you very much, Mr. Edwards, Mr. Williams, Mr. Douglas, and Mr. Ryerson.

The subcommittee will forthwith take action on this measure.

Mr. WILLIAMS. Thank you very much.

Mr. DE LA GARZA. The chairman of the subcommittee has an interest in the next piece of legislation, and I will ask Mr. Jones to preside, while the chairman submits a statement on this next piece of legislation.

Mr. JONES of Missouri (presiding). The Chair will be happy to hear our honorable colleague on H.R. 472, which, together with the departmental report, will be made a part of the record at this point.

(H.R. 472 by Mr. de la Garza and the departmental report follow:)

[H.R. 472, 90th Cong., 1st sess.]

A BILL To authorize the Secretary of Agriculture to purchase certain land from Texas Southmost College, Brownsville, Texas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to acquire by purchase, with any funds available for agricultural research, one and nineteen one-hundredths acres and three and sixty-eight one-hundredths acres, more or less, as improved, out of the motor transport area fourteen and six thousand seven hundred fifteen ten-thousandths acres in the Fort Brown Reservation in Brownsville, Cameron County, Texas, and now leased to the Government of the United States for research purposes.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 7, 1967.

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

DEAR MR. CHAIRMAN: This is in reply to your letter of January 20, 1967, requesting a report on H.R. 472. The bill is entitled, "To authorize the Secretary of Agriculture to purchase certain land from Texas Southmost College, Brownsville, Texas."

The bill would authorize the Secretary of Agriculture to use any funds available for agricultural research for the purchase of 4.87 acres, more or less, with improvements at Brownsville, Texas. The property is presently leased to the Department for conducting entomology research. The Board of Trustees, Texas Southmost College, adopted a resolution offering to sell the leased property to the Department for \$125,000. An independent appraisal has valued the property at \$150,000. While options under the offer expired on September 17, 1966, there is no reason to expect that the Board of Trustees would not reopen the offer if the Department was authorized to purchase the property.

This Department favors the objective of H.R. 472. It would provide authority for purchase of property consonant with long range objectives of our research programs.

The Brownsville laboratory was established in 1953, primarily for research on the pink bollworm which had begun to spread rapidly in the early 1950's. The research program has been expanded to include other cotton insects, fruit insects, pesticides, beekeeping and insect pathology.

The 4.87 acres of leased land which H.R. 472 would authorize the Department to purchase adjoins the approximately 13.89 acres of land owned by the Department and constitutes an integral part of the total entomological research station at Brownsville, Texas.

The Lower Rio Grande Valley is a major production area for cotton, vegetables, and citrus fruits. The subtropical climate is conducive to the year-round breeding of insects essential to the research program. Furthermore, nearly every major insect pest of cotton is found and thrives in the area, on both sides of the Rio Grande River. The research program at Brownsville has produced some outstanding accomplishments.

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.

STATEMENT OF HON. ELIGIO DE LA GARZA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. DE LA GARZA. Mr. Chairman and members of the subcommittee, this bill was introduced by me at the request of the Department of Agriculture and, I might add also, at the request and with the consent of Texas Southmost College in my district.

Testifying on behalf of the Department of Agriculture, Mr. Chairman, is Francis R. Mangham, Deputy Administrator, Administrative

Management, Agricultural Research Service, U.S. Department of Agriculture.

I will ask him to come before the subcommittee and present the Department's testimony in behalf of this legislation.

Mr. JONES of Missouri (presiding). We will be happy to hear from him at this time.

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

Mr. MANGHAM. Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before your subcommittee to present the Department's views on H.R. 472. The bill would authorize the Department to use any funds available for agricultural research for the purchase of approximately 4.87 acres of land with improvements at Brownsville, Tex. The improvements include a brick and concrete laboratory and office building, containing 7,200 square feet of space.

The property involved is presently leased to the Department and used for conducting entomology research. The board of trustees, Texas Southmost College, in November 1964, adopted a resolution offering to sell the leased property to the Department for \$125,000. An independent appraisal in July 1966 valued the land at \$74,000 and the laboratory building at \$76,000, for a total of \$150,000. While options under the offer expired on September 7, 1966, there is presently no reason to expect that the board of trustees would not reopen the offer if the Department was authorized to purchase the property.

The Department now owns approximately 13.89 acres that adjoin the 4.87 acres and constitutes an integral part of the total research complex at Brownsville. The 13.89 acres was acquired from the International Boundary and Water Commission in 1960. Permanent laboratory buildings, greenhouses, and field cages have been constructed and equipped on the Government-owned land at a cost of approximately \$300,000. The entire complex is utilized.

The Brownsville laboratory was established in 1953, primarily for research on the pink bollworm which had begun to spread rapidly in the early 1950's. Since then, the research program has been expanded to include other cotton insects, fruit insects, pesticides, beekeeping, and insect pathology. The location is excellent for conducting entomological research since the lower Rio Grande is a major production area for cotton, vegetables, and citrus fruits. The subtropical climate is conducive to the year-round breeding of insects essential to the research program. Nearly every major insect pest of cotton is found and thrives in the area, on both sides of the Rio Grande River.

Several lines of research at Brownsville have been particularly productive. They include research on sex attractants of the pink bollworm; use of insect viruses to control bollworms and other cotton insects; investigations on resistances of cotton to bollworms; flea-hopper and other insects; chemosterilant research on pink bollworm and tobacco budworm, as well as several other lines of research on

cultural control of the pink bollworm and chemical control of the pink bollworm and other cotton insects.

Because the property is located apart from the campus of the Texas Southmost College, it is expected that the college will publicly offer the land for sale within the near future. Real estate developments in the area of the laboratory indicate that this leased property is becoming more valuable.

The Department favors the objective of H.R. 472. It would provide authority for purchase of property consonant with the long-range objectives of our research programs.

Mr. Chairman, I shall be happy to respond to any questions you or the members of the subcommittee may have.

Mr. JONES of Missouri (presiding). Thank you, Mr. Mangham.

Mr. Purcell, do you have any questions?

Mr. PURCELL. I have no questions.

Mr. JONES of Missouri. Mr. Kleppe?

Mr. KLEPPE. I have no questions, Mr. Chairman.

Mr. JONES of Missouri. I have no questions myself.

Are there any other questions that you have, Mr. de la Garza, or any other statement that you want to make?

Mr. DE LA GARZA. That is the last of the witnesses.

I should like to make the statement that the college is willing to sell to the Department at the appraised value of the facility.

Mr. JONES of Missouri. Thank you, Mr. Mangham, for your testimony.

Are there any other bills to come before the subcommittee?

Mr. DE LA GARZA (presiding). No. The subcommittee will expedite the hearing of this legislation this morning, and if there is no objection we will go into executive session for consideration of the two bills.

The subcommittee will meet tomorrow morning at 10 o'clock.

(Whereupon, at 10:30 a.m., the subcommittee retired into executive session.)

chemical control of the pink bollworm and chemical control of the pink bollworm and other cotton insects.

Because the property is located apart from the campus of the Texas Southern College, it is expected that the college will publicly offer the land for sale within the near future. Real estate developments in the area of the laboratory indicate that this leased property is becoming more valuable.

The Department favors the objective of H.R. 472. It would provide immunity for purchase of property consistent with the long-range objectives of our research programs.

Mr. Chairman, I shall be happy to respond to any questions you or the members of the subcommittee may have.

Mr. Jones of Missouri (presiding). Thank you, Mr. Chairman.

Mr. Purcell, do you have any questions?

Mr. Purcell. I have no questions.

Mr. Jones of Missouri. Mr. Kasper?

Mr. Kasper. I have no questions, Mr. Chairman.

Mr. Jones of Missouri. I have no questions myself.

Are there any other questions that you have, Mr. de la Garza?

Mr. de la Garza. That is the last of the witnesses.

I would like to make the statement that the college is willing to sell to the Department at the appraised value of the facility.

Mr. Jones of Missouri. Thank you, Mr. Chairman, for your testimony.

Are there any other bills to come before the subcommittee?

Mr. de la Garza (presiding). No. The subcommittee will expedite the hearing of this legislation this morning, and if there is no objection we will go into executive session for consideration of the two bills.

The subcommittee will meet tomorrow morning at 10 o'clock.

Whereupon, at 10:30 a.m., the subcommittee retired into executive session.

MISCELLANEOUS LAND TRANSFERS AND RAGWEED ERADICATION

FRIDAY, JUNE 9, 1967

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

The subcommittee met, pursuant to recess, at 10 a.m., in room 1301, Longworth House Office Building, the Honorable Eligio de la Garza (chairman of the subcommittee) presiding.

Present: Representatives de la Garza, Poage, Kleppe, and Price.

Also present: Christine S. Gallagher, clerk, and Fowler C. West, assistant staff consultant.

Mr. DE LA GARZA (presiding). The subcommittee will come to order.

Having recessed yesterday, the subcommittee will continue with yesterday's session. We will now hear witnesses on H.R. 755, on ragweed eradication.

H.R. 755, together with the Department's report dated June 9, 1967, will be made a part of the record at this point.

(H.R. 755, by Mrs. Kelly, together with the Department's report follows:)

[H.R. 755, 90th Cong., 1st sess.]

A BILL To amend section 102(a) of the Department of Agriculture Organic Act of 1944 to authorize the Secretary of Agriculture to carry out measures to eradicate ragweed

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 147a) is amended by inserting "ragweed," immediately before "witchweed".

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 9, 1967.

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

DEAR MR. CHAIRMAN: This is in reply to your letter of May 24, 1967, requesting a report on H.R. 755. The bill is entitled "To amend section 102(a) of the Department of Agriculture Organic Act of 1944 to authorize the Secretary of Agriculture to carry out measures to eradicate ragweed."

The present law in part authorizes the Secretary of Agriculture to eradicate, suppress, control, or prevent or retard the spread of insect pests, plant diseases, and nematodes. (7 U.S.C. 147a). H.R. 755 proposes that "ragweed" be added to the insect pests, plant diseases, and nematodes that are enumerated in the present law. We recognize that ragweed is widespread in the United States. However, it does not fit within the categories of the present law as outlined above. Furthermore, we believe that its eradication is not now feasible.

This Department does not recommend enactment of H.R. 755.

There are over 300 million acres of pasture land in the eastern half of the United States. Ragweed occurs to some extent in most of this acreage. An estimated one-third of the 60 million acres of wheat stubble is invested with ragweed. In addition, the weed occurs in waste areas, vacant lots, and along roadsides and other rights-of-way. An eradication program designed to eliminate all ragweed in this country would be extremely costly and impractical. In open areas such as pastures and wheat fields, the weed can be chemically controlled at an annual cost of about \$1.50 per acre. The cost along roadsides and rights-of-way by combinations of chemical and mechanical measures would be in the range of \$5 to \$10 per acre. In congested areas the cost of control by mechanical techniques alone or in combination with sprays, could approximate \$25 to \$50 per acre.

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. DE LA GARZA. We will be happy now to hear from Mr. Francis J. Mulhern, Department Administrator for Regulatory and Control, Agricultural Research Service, accompanied by Dayton L. Klingman, investigations leader, Crops Protection Branch, Crops Research Division, Agricultural Research Service, U.S. Department of Agriculture.

You may proceed, Mr. Mulhern.

**STATEMENT OF FRANCIS J. MULHERN, DEPUTY ADMINISTRATOR,
REGULATORY AND CONTROL, ACCOMPANIED BY DAYTON L.
KLINGMAN, INVESTIGATIONS LEADER, CROPS PROTECTION
BRANCH, CROPS RESEARCH DIVISION, AGRICULTURAL RE-
SEARCH SERVICE, U.S. DEPARTMENT OF AGRICULTURE**

Mr. MULHERN. Mr. Chairman and members of the committee, I appreciate the opportunity to appear before you to express the views of the Department of Agriculture regarding H.R. 755, which is now under consideration by this committee. Dr. Dayton L. Klingman of our Crops Research Division is here with me.

The present law, in part, authorizes the Department to eradicate, suppress, control, or prevent or retard the spread of insect pests, plant diseases, and nematodes, (which is in 7 U.S.C. 147a). H.R. 755 proposes that ragweed be added to the insect pests, plant diseases, and nematodes that are enumerated in the present law. Ragweed is widespread in the United States. However, it does not fit within the categories of the present law as outlined above.

An eradication program designed to eliminate all ragweed in this country would be extremely costly and impractical. In the eastern half of the United States, for example, there are over 300 million acres of pasture land. Ragweed occurs to some extent in most of this acreage. An estimated one-third of the 60 million acres of wheat stubble in this same area is infested with ragweed. In addition, the weed occurs in waste areas, vacant lots, and along roadsides and other rights-of-way. In open areas such as pastures and wheatfields, the weed can be chemically controlled at an annual cost of about \$1.50 per acre. The cost along roadsides and rights-of-way by combinations of chemical and mechanical measures would be in the range of \$5 to \$10 per acre. In congested areas the cost of control by mechanical techniques alone or in combination with sprays, could approximate \$25 to \$50 per acre.

Ragweed is important to people because its pollen can aggravate hay fever and asthmatic conditions. However, it is only one of many plants that are responsible for aggravating hay fever and asthma.

The Department does not recommend enactment of H.R. 755 because a ragweed eradication program is not considered feasible at this time. Because of its presence throughout the country to the degree that it is, the costs involved to attempt eradication would be prohibitive.

Mr. Chairman, I shall be happy to respond to any questions you or the members of the subcommittee may have.

Mr. DE LA GARZA. Thank you very much, Mr. Mulhern.

Does Mr. Klingman wish to make a separate statement?

Mr. MULHERN. No.

Mr. DE LA GARZA. Do I understand then that the Department does not recommend the enactment of H.R. 755?

Mr. MULHERN. Yes.

Mr. DE LA GARZA. I would like to state at this point in the record that the honorable chairman of the House Committee on Agriculture is present at our subcommittee meeting. We are very happy and honored that he should visit with us.

Do you have any questions, Mr. Kleppe?

Mr. KLEPPE. No questions.

Mr. DE LA GARZA. There being no questions, we appreciate you and Mr. Klingman appearing.

Mr. MULHERN. Thank you.

Mr. DE LA GARZA. Congresswoman Kelly will submit a statement for the record and it will be made a part of the record at this point without objection.

(The statement follows:)

STATEMENT BY HON. EDNA F. KELLY, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF NEW YORK

Mr. Chairman and distinguished Members of this Committee, in light of the opposition by the Committee on Agriculture and the Department of Agriculture to my bill, H.R. 755, which would amend the Department of Agriculture Organic Act of 1944 to authorize the Secretary of Agriculture to carry out measures to eradicate ragweed, I am withdrawing my bill from consideration at this time.

With the turmoil in today's world and the effects on our economy, I do not want to place greater burdens on New York taxpayers. New York State has taken steps to eradicate ragweed; therefore, I feel that, while a nationwide program is necessary, other States should adopt their own ragweed control programs and relieve New York State taxpayers from contributing their tax dollars for the benefit of other States.

Mr. DE LA GARZA: The subcommittee will now hear testimony on H.R. 2097, introduced by Congressman Hathaway of the State of Maine.

To appear for the Department will be Fred W. Grover of the Division of Land Classification, Forest Service U.S. Department of Agriculture.

Without objection we will insert into the record at this point H.R. 2097 introduced by Mr. Hathaway together with the Department's report dated June 9, 1967.

(H.R. 2097 and the Department's report follow:)

[H. R. 2097, 90th Cong., 1st sess.]

A BILL To direct the Secretary of Agriculture to release on behalf of the United States conditions in a deed conveying certain lands to the University of Maine so as to permit such university, subject to certain conditions, to sell, lease, or otherwise dispose of 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 realease on behalf of the United States with respect to lands designated pursuant to section 2 hereof, the conditions, contained in a deed, dated March 4, 1955, conveying certain lands in Penobscot County, Maine, to the University of Maine, which require that the lands conveyed be used for public purposes and provide 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 conditions referred to in section 1 only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the college in which the college, in consideration of the release of said conditions as to such lands, agrees—

(1) that all the proceeds from the sale or exchange of such lands shall be used by the college for the acquisition of lands within the exterior boundaries of the project or for the development or improvement of lands within the project;

(2) that any lands acquired by the sale or exchange of the lands covered by such agreement shall become a part of the project established on the lands conveyed by the deed referred to in section 1 and shall be subject to the conditions with respect to the use of such lands for public purposes contained in such deeds; and

(3) that all proceeds from the sale, lease, or other disposition of the lands covered by such agreement shall be maintained by the college in a separate fund and that the record of all transactions involving such fund shall be open to inspection by the Secretary.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 9, 1967.

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

DEAR MR. CHAIRMAN: As you asked here is our report on H.R. 2097, a bill "To direct the Secretary of Agriculture to release on behalf of the United States conditions in a deed conveying certain lands to the University of Maine so as to permit such university, subject to certain conditions, to sell, lease, or otherwise dispose of such lands."

Subject to the suggestions set out herein, we would have no objection to the enactment of H.R. 2097.

H.R. 2097 would authorize and direct the Secretary of Agriculture to release on behalf of the United States certain conditions contained in a 1955 deed conveying certain described lands to the University of Maine. The conditions require that the lands conveyed to the University of Maine be used for public purposes and provide for a reversion to the United States if the lands cease to be so used.

The bill would provide that the Secretary shall release the conditions only with respect to lands covered by an agreement between the Secretary and the University. The University would agree that:

(1) all proceeds from the sale or exchange of such lands would be used to acquire additional lands within the project established on the lands originally conveyed to the University, or for the development or improvement of lands within such project.

(2) any lands acquired by the sale or exchange of lands covered by the agreement shall become a part of the project established on the lands originally conveyed to the University, and shall be subject to the same conditions with respect to public use as are project lands; and

(3) all proceeds from any disposition of the lands covered by the agreement shall be maintained in a separate fund, and related records shall be open to inspection by the Secretary of Agriculture.

The lands involved in H.R. 2097 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 authorizes the Secretary to dispose of lands he has acquired. They may be conveyed 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 lands in question were conveyed to the University of Maine on March 4, 1955. The conveyance to the University included about 1,750 acres, and was subject to the condition that the lands were to be used for public purposes, and that they would revert to the United States if not so used.

We understand that the University of Maine is seeking a release of the "public use" condition so that it may sell some tracts conveyed to it. The University wishes to use the proceeds to acquire land for physical plant expansion adjacent to its present campus. Such use of the proceeds for educational purposes would not be inconsistent with the basic purposes of the public use requirement in the original conveyance to the University. The tracts the University wishes to sell apparently border major vehicle thoroughfares and might be valuable for municipal growth in the vicinity of the campus.

Subsection 2(1) of H.R. 2097 would require that lands acquired with the proceeds from the sale or exchange of any project lands be within project boundaries. This would not permit acquisition of tracts that were not within project boundaries. More general language would be appropriate to assure the accomplishment of the University's objectives. We suggest subsection 2(1) be amended to read:

"(1) that all the proceeds from the sale or exchange of such lands shall be used by the University for the acquisition of land to be permanently held for University purposes, or to develop or improve or otherwise to further the project established on the lands conveyed by the deed referred to in section 1."

Subsection 2(2) of the bill would not be necessary if subsection 2(1) is amended as suggested above. We suggest that subsection 2(2) be deleted and that subsection 2(3) be renumbered accordingly.

We further suggest that the word "University" be substituted for the word "college" wherever it appears in the bill.

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

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary*.

Mr. DE LA GARZA. Mr. Grover, we will be glad to hear from you at this time.

STATEMENT OF FRED W. GROVER, DIRECTOR, DIVISION OF LAND CLASSIFICATION, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. GROVER. Mr. Chairman and members of the subcommittee, I am glad to appear before this committee to make a statement on H.R. 2097. The bill would direct the Secretary of Agriculture to release, on behalf of the United States, certain conditions in a 1955 deed conveying certain lands to the University of Maine. The release of these conditions would permit the university, subject to other conditions, to sell, lease, or otherwise dispose of such lands.

Subject to the suggestions set out in our report to this committee on H.R. 2097, the Department of Agriculture would have no objection to the enactment of H.R. 2097.

Parenthetically I may state that the Department's report on H.R. 2097 has been signed and I assume that the committee has it.

Mr. DE LA GARZA. Yes.

Mr. GROVER. H.R. 2097 relates to 1,748 acres of lands acquired by the United States in the late 1930's and administered under title III of the Bankhead-Jones Farm Tenant Act. These lands are located mainly in the vicinity of the communities of Orono, Old Town, and

Stillwater, Maine, and the University of Maine near Orono. They consist of 20 separate parcels varying in size from 2 acres to 419 acres. The area in which the 1,748 acres are located is becoming increasingly urbanized as Old Town, Orono, Stillwater, and the university expand.

Title III of the Bankhead-Jones Act authorized the Secretary of Agriculture to convey lands to public agencies under terms and conditions he deems will best accomplish title III purposes, on condition that the property conveyed is used for public purposes.

In the early 1940's these lands were leased by the Department of Agriculture for 50 or more years to the University of Maine for use in connection with its agricultural activities. In 1955, because the lands had been committed to the university on a long-term basis, the Department conveyed the tracts to the university subject to the required public use condition. These lands would revert to the United States if not used for public purposes.

Most of the lands conveyed to the University of Maine are now used either as part of a university forest or in connection with the university beef cattle, dairy, and other agricultural projects. They are predominantly forest or pasture and grasslands. However, some of the granted tracts lie along principal avenues of the communities or main arteries of travel between the communities or are within the university campus. There is a demand for additional suitable land for residential development in the area and some of the tracts granted to the university are favorably situated and suited to that use. The university has received inquiries as to the possibility of local groups or individuals purchasing some of these tracts for either residential use or community facility developments such as churches.

In the circumstances, we would have no objection to measures which would make available suitable portions of the lands involved here to meet valid needs for community growing space. The condition of the deed requiring use of the lands for public purposes prevents their disposal for private uses.

We understand that the university has no specific transactions in view at this time. It believes that there will be increasing pressures for making available limited areas for legitimate community uses. H.R. 2097 would authorize the Secretary to release from the public use requirement of the 1955 deed specific tracts or portions of tracts as agreed upon with the university. The university then could exchange or sell such land.

The university would use any money received for such tracts for the improvement of the other lands covered by the 1955 deed or for acquisition of lands for university purposes. We believe this would be in accord with the purposes of the original conveyance to the university. Land acquired with funds received or through exchange should be permanently held for public purposes to further the purposes of the Bankhead-Jones Farm Tenant Act.

In our report to the committee we have recommended that subsection 2(1) of the bill be amended to eliminate the requirement that lands acquired with the proceeds from the sale or exchange of project lands be within project boundaries. This would be appropriate to assure accomplishment of the university's objectives. If the bill is amended in this manner, subsection 2(2) would not be necessary.

Mr. DE LA GARZA. Thank you very much, Mr. Grover.

Mr. Hathaway contacted me, Mr. Grover, and said that he has some recommended amendments to the legislation.

I have one question. You stated that the university would like to have a lease to the mineral rights on this land. Could you tell us what the policy of the Department is concerning a reservation of the mineral rights on land that it releases, such as this?

MR. GROVER. Mr. Chairman, the deed of conveyance to the university did contain a reservation to the United States of all of these mineral rights that the United States then owned. In a similar case the Department recommended and the Congress enacted a bill which provided, in effect, that as to any lands released in accordance with the procedure of Mr. Hathaway's bill the Secretary of Interior would be authorized to determine the value of any reserved mineral rights and to convey them to the grantee of the original deed upon the payment of the appraised value of those mineral rights. And I think that the Department would be agreeable to such a position in this bill.

MR. DE LA GARZA. In other words, your policy is that you are willing to sell the mineral interests?

MR. GROVER. Yes.

MR. DE LA GARZA. That would be your policy?

MR. GROVER. We would agree with legislation that would permit the Secretary of the Interior to sell them at the appraised value.

MR. DE LA GARZA. Otherwise this legislation would not be favored except that you would release it upon proper consideration, is that correct?

MR. GROVER. I think that is it, yes.

MR. DE LA GARZA. Do you have any questions, Chairman Poage?

MR. POAGE. Yes. I would like to know a little more about this mineral situation, because I feel that we have followed a very short-sighted policy in regard to mineral rights. I would like to get these mineral rights into the hands of the owners of the surface. It seems to me that we make a great mistake in separating them and allowing them to remain separated. I think that we should have some kind of assurance that these people could buy the mineral rights at the present appraised value of the mineral rights in the land. I assume that the Department has no objection to making that clear, do you?

MR. GROVER. Insofar as the particular properties are concerned. Frankly, Mr. Chairman, I cannot give you a definite answer to that, because it would go beyond the position that the Department has taken in similar circumstances. I think that I can say that the Department would have no objection to an amendment of this bill to provide for the conveyance of the mineral rights in the particular tracts of lands which would otherwise be released to the University of Maine, should H.R. 2097 be passed. To go beyond that as to the remainder of the properties, I think would require further investigation.

MR. POAGE. I am only talking about the parcels to be released. I am not talking about any others.

MR. GROVER. I think that so far as these are concerned, that would be in accordance with the Department's policy.

MR. POAGE. What I am driving at is that it is bad policy to have the ownership of the surface in one party and the ownership of the minerals in another party.

MR. GROVER. The purpose of this bill, as I understand it, is to permit the University of Maine to convey to private ownership the title in these tracts. I am sure that the Department would be favorable

to a provision that would permit the whole fee to go to private ownership.

Mr. POAGE. That is right. Those mineral rights I assume are practically valueless at the present moment?

Mr. GROVER. We have no information that they have any value, sir.

Mr. POAGE. Is that in the granite area?

Mr. GROVER. I really do not know. This is on an island in the river.

Mr. POAGE. The island would not have been there had it not been for the granite formations. I think that I know that situation, although I may be wrong.

Mr. GROVER. You know much more about it than I do, sir. We have no appraisal of the minerals, so that I cannot say one way or the other.

Mr. POAGE. Thank you, Mr. Chairman. That is all.

Mr. DE LA GARZA. Mr. Kleppe, do you have any questions?

Mr. KLEPPE. Yes, Mr. Chairman.

There are some things here, Mr. Grover, that I do not understand. I am sure that they are elementary, but let me ask if I may these questions.

First of all, there are 20 separate parcels varying in size, 2 acres to 419 acres. This is aside, I gathered, from the land that still remains in pasture and grasslands?

Mr. GROVER. No, sir. The total area conveyed to the University of Maine in 1955, subject to this public use clause, was some 1,747 acres. That lies in 20 separate parcels.

Mr. KLEPPE. That is what is in the 20 separate parcels?

Mr. GROVER. That is right.

Mr. KLEPPE. The total is about 1,747 acres?

Mr. GROVER. Right. It originated through the purchase under the Bankhead-Jones Act of individual farms that were considered sub-marginal.

Mr. KLEPPE. Now, Mr. Grover, are there any particular areas of these 20 separate parcels that are being developed from the urban standpoint or is this a little bit all over?

Mr. GROVER. No. There are some approximately 300 acres. I do not know the exact area. There are approximately 300 acres of the 1,747 acres that are so located in regard to streets and highways that they have suitability or are valuable for residential or business development.

Mr. KLEPPE. All right, now. As I understand it the University of Maine is going to get a deed for this property from the Department of Agriculture; that is, from the Forest Service, is it not?

Mr. GROVER. It will be from the Forest Service.

Mr. KLEPPE. They in turn are going to be selling off some of these properties?

Mr. GROVER. They anticipate that they will do that.

Mr. KLEPPE. I am a little bit confused, because in the first paragraph, on the second page of your statement, you have indicated that:

In the early 1940's these lands were leased by the Department of Agriculture for 50 or more years to the University of Maine for use in connection with its agricultural activities.

And then:

In 1955, because the lands had been committed to the University on a long-term basis, the Department conveyed the tracts to the University subject to the required public use condition.

This, I understand, was contained in the Bankhead-Jones Act?

Mr. GROVER. That is correct, sir.

Mr. KLEPPE. All right, now. This was fine and this is all right in accordance with the act, but only under the conditions that these lands would revert to the United States if not used for public purposes.

Mr. GROVER. That is right.

Mr. KLEPPE. And if the university is going to sell these lands to individuals to build homes on, or stores or roads or streets or something else, does that completely fall within the category of public purposes?

Mr. GROVER. No, sir. As we see it, the public purposes clause in the deed that the university now has would prevent the sale or the exchange of these lands for private uses such as homes.

Mr. KLEPPE. That is legitimate under the Bankhead-Jones Act and not the transfer previously taking place between the Department of Agriculture and the University of Maine, is that correct?

Mr. GROVER. The requirements of continued public use in the deed to the University of Maine is strictly in accordance with the provisions of title III of the Bankhead-Jones Act, and the University of Maine must hold these lands for public purposes under that deed. It cannot convey them to private ownership.

Mr. KLEPPE. And next, that conflicts with your first paragraph on page 2. This is what is confusing me.

Mr. GROVER. No, sir; I do not believe that there is any conflict. This particular bill, H.R. 2097, would authorize the Secretary to release that public use requirement as to the selected tract so that the university could convey the tract to private ownership.

Mr. KLEPPE. I see. One more question, Mr. Chairman.

Do I understand this correctly, that when this land is transferred from the Department of Agriculture to the university that there are no dollars to change hands?

Mr. GROVER. That is correct.

Mr. KLEPPE. This is in accordance with the provisions of the Bankhead-Jones Act?

Mr. GROVER. That is correct.

Mr. KLEPPE. All right. Thank you. That is all, Mr. Chairman.

Mr. DE LA GARZA. Are there any questions, Mr. Price?

Mr. PRICE. No.

Mr. DE LA GARZA. Since we have no further questions, we thank you very much for your appearance.

We will now hear from Congressman Hathaway, the author of the legislation.

Mr. Grover, if you please, sir, if it is not too much of an inconvenience for you to stand by, we would appreciate it. Mr. Hathaway in his statement, I am sure, is going to delineate the proposed amendments that he has to the legislation and we would like for you, if you have not seen a copy of this, to stand by and check the amendments as they will reflect on your recommendations. We will be very happy to hear from you now, Mr. Hathaway.

STATEMENT OF HON. WILLIAM D. HATHAWAY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MAINE

Mr. HATHAWAY. Mr. Chairman and members of the committee, I wish to thank you for this opportunity to appear in support of my bill H.R. 2097.

This bill will be of benefit to the University of Maine and to the nearby community of Old Town. It will allow the University of Maine to dispose of lands on the outskirts of its campus and buy additional land closer to the center of the campus.

As was stated by Mr. Francis S. McGuire, director of the Department of Physical Plant of the University of Maine in a letter dated June 12, 1966 addressed to whom it may concern:

The President and the Board of Trustees * * * expressed a strong desire to receive federal approval to convey for selected community or residential use the entire strip of land bordering Stillwater Avenue * * * we desire to do this so as to permit orderly and attractive growth of the city of Old Town. The funds received from this sale of land approximately 32.3 acres, more or less, would be used by the University for the purchase of other lands in Orono or Old Town nearer to the campus center and most urgently needed for expansion purposes.

The land in question is part of 1,747.72 acres, more or less transferred by deed dated March 4, 1955, to the University of Maine by the U.S. Government by authority of the Bankhead-Jones Farm Tenant Act (Public Law 210 approved July 22, 1937).

Pursuant to section 32(c) of title III of this act, the deed contains a condition that:

The above-described land shall be used for public purposes, and if at any time said land ceases to be so used the estate hereby conveyed shall immediately revert to * * * United States.

This bill would allow the Secretary of Agriculture to release this condition. To my knowledge, this had been done at least once before when the Secretary of Agriculture was authorized to make a similar release to Clemson Agricultural College of South Carolina as contained in Public Law 237, August 4, 1955.

I have also submitted for your consideration a proposed clean bill. This bill, or amendment, is offered partially because of errors in drafting H.R. 2097 such as referring to the University of Maine as "college" and not providing for the possibility of more than one agreement between the university and the Secretary of Agriculture. There are, however, some substantive changes.

First, in subsection (1) of section 2, I have eliminated all references to "project." This word was copied from the Clemson College Act and is not applicable to the University of Maine. The land in question contains 20 different parcels of land; all in the same general area but not all contiguous. There does not seem to be any clearly defined boundaries of a project. I believe that subsection (1) of section 2 of my proposed clean bill eliminates this confusing language and accomplishes the same objective.

Second, I have eliminated subsection (2) of section 2 of H.R. 2097 because I doubt that it is legally possible to create a reversion in the United States in land to which it never had an interest. The assurance in subsection (1) of section 2 of my proposed clean bill by the University of Maine that lands bought with the proceeds of the sale will be held permanently for university purposes should satisfy the same objective.

Finally, I have added a new subsection—subsection 3 of section 2 of my proposed clean bill. The deed in question reserves to the United States mineral rights, mining rights, and the right to enter upon such land for removing such minerals. This reservation in the deed has no practical application. To the best of my knowledge and everyone else in Maine, there is no coal, oil, gas, or other minerals contained in this land. The definition of minerals in the deed, however, includes sand, gravel, stone, clay, and similar material. This might hinder the transfer of title. I, therefore, allow in subsection 3 for the transfer of these mineral rights to the university by the Secretary of the Interior. I called to your attention that this subsection has not been checked by the Department of Interior and the members of this subcommittee may decide that this subsection is not necessary.

I thank you, Mr. Chairman and the members of the committee for your kind attention and consideration and I hope that the changes I have suggested meet with your approval.

MR. DE LA GARZA. Thank you very much, Mr. Hathaway. Are there any questions, Mr. Poage.

MR. POAGE. If I understand this, and I think I do, the Federal Government gave the University of Maine certain lands, about 1,700 acres, a number of years ago in a number of different small tracts.

MR. HATHAWAY. That is correct.

MR. POAGE. They had been purchased under the Bankhead-Jones provision back in the days when we were buying up submarginal land, as they called it. After we abandoned that program we made a general provision that these lands could be used for certain educational institutions and for other purposes. It is on that basis that the university acquired title to the land.

MR. HATHAWAY. That is correct.

MR. POAGE. In that deed, of course, there is a clause that the property is to be used for public purposes and if it is used for anything other than public purposes it will revert to the United States.

MR. HATHAWAY. That is correct.

MR. POAGE. Now, as I understand the purpose of this bill is to sell this land; that is, some portion of it. Since the land is needed and is of some value to the community, it is proposed that it should be sold and that the proceeds of the sale should go to the university for university purposes, to be used either to acquire additional land or for making improvements on the remaining land.

MR. HATHAWAY. That is correct.

MR. POAGE. I do not think that there is any very firm commitment here to so use the property. From a legal standpoint what guarantee do you give the Government that the proceeds will be so used?

MR. HATHAWAY. Well on page 2 of the clean bill—I believe you have a copy of it right before you.

MR. POAGE. Yes; I see it.

MR. HATHAWAY. Paragraph 1 says:

All the proceeds from the sale, lease, exchange or other disposition of such lands shall be used by the University for the acquisition of lands to be held permanently for University purposes or for the development or improvement of lands of the University.

MR. POAGE. What recourse is there if the university does not do that? Suppose that it took the money and began paying operating expenses with it?

Mr. HATHAWAY. Well this is going to be done pursuant to the agreement with the Secretary of Agriculture contained in section 2 of the clean bill.

Mr. POAGE. In other words the Secretary will make an agreement covering this?

Mr. HATHAWAY. He will make an agreement with them. And I suppose that the university will reach an agreement with him.

Mr. POAGE. I see.

Mr. HATHAWAY. The United States would have an action against the university for a breach of that agreement.

Mr. POAGE. I think that probably answers my question.

I think that is a desirable thing to do. I find no difficulty at all in releasing these entailments on this land to enable the University to dispose of it and to use the proceeds for the original purposes for which the land was granted. Of course I do not see any reason for keeping the land. What we intended to do was to improve the educational facility there. If that can best be done by selling this land and using the proceeds to buy other land or to put improvements on the remaining land, that is a desirable thing to do.

There was mention made about an amendment before you came in. I know that it has very little practical application to this particular piece of land but I think it is high time that this committee adopt a policy on these minerals which will encourage the reunion of the surface and the subsurface estates. Too often in the past we have, I think, encouraged the separation of the surface and the mineral estate, and I think that is bad—I think that is bad public policy to have individuals owning land without owning the minerals, although I realize that in some instances in the course of development it may become desirable to do it.

As long as the development takes place I can see the necessity of doing it, but when there is no development it would seem to me that you ought specifically to provide here and in all other conveyances of this kind that the purchaser of this title does acquire the minerals held by the United States directly from the Secretary of Agriculture. I think I would prefer this be done by the payment of the appraised value of the minerals at any time before production occurs in the vicinity. I suppose that "vicinity" might be defined as something like the area within 10 miles of the land, but without having to go to the Department of the Interior and being faced with the situation so very often embraced by the Federal Government of keeping everything it can.

I think that we should make some provision in this bill to the effect that the purchaser of this title, either the University of Maine or the purchaser from the University of Maine, should have the right to acquire these minerals from the Federal Government at any time before there is development in the community by paying the appraised value of the minerals. I am sure that we might even say that the value would not be less than \$1 an acre or something of that kind, but, obviously, \$1 per acre is something.

Mr. HATHAWAY. In the clean bill that is covered in paragraph 3 on page 2, where it says at the end thereof, "may be conveyed to the University of Maine by the Secretary of the Interior upon the payment of an amount equal to the fair market value of such interests as determined by appraisal or otherwise."

Mr. POAGE. As I read it, in the first place, the Secretary of the Interior is not going to convey any minerals under that provision, if I know the Secretary of the Interior.

Mr. KLEPPE. Will you yield?

Mr. POAGE. Yes.

Mr. KLEPPE. It seems to me, Mr. Hathaway, that section 3 here, subparagraph 3 only pertains to those tracts that have already been deeded back in 1955 and I think that Chairman Poage is talking about a general policy.

Mr. POAGE. I am talking about that, but in addition in this instance I do not think that this mineral right should necessarily be conveyed until the U.S. Government conveys the land and that as the U.S. Government conveys the land to the University of Maine or releases the rest of it so that the University of Maine can sell the land. This land is not available for sale now, and, therefore, it makes no difference as I see it, about the minerals, but the minute that it passes into private hands it seems to me that the private purchaser should be allowed to buy the minerals. I am not suggesting that the United States necessarily give the minerals to the purchasers, but let them buy them at their appraised value. We could well say that it should not be less than \$1 an acre. This provision, however, is that the Secretary of the Interior may convey them if he sees fit. He is not going to see fit. He never has.

Mr. HATHAWAY. I would be willing to say that "shall" be.

Mr. POAGE. Make it "shall." You will have to make it "shall." I think there should be some wording in here providing that he should convey it to the University of Maine or to the university's successor in title, because, after all, these people who are interested in minerals would be a private person.

Mr. HATHAWAY. That is correct.

Mr. POAGE. And that it should be conveyed at the fair market value, which is actually to be determined. They could appraise themselves as to the value of these lands or of these minerals and I would be perfectly willing to say in here that in no event shall it be less than \$1 an acre. I do not think that the Government ought to have to do this without at least getting enough to pay for the cost of writing the deed.

Mr. PRICE. If you will yield?

Mr. POAGE. I just said \$1 an acre as a minimum.

Mr. PRICE. In one instance I know of the Federal value was conceived to be the current value because it had not had development on the land. If there had been no development then by the Federal or the State, in this situation it would not establish it that it had any value. You can put a value of \$1 an acre on it. If you do that you will have something.

That is all.

Mr. POAGE. You are in more of a mineral area than I am.

Mr. PRICE. Yes.

Mr. POAGE. I just would like to encourage these estates to merge.

Mr. PRICE. Yes, definitely, to keep the minerals with the land.

Mr. POAGE. That is right.

Mr. PRICE. To keep the minerals with the surface.

Mr. POAGE. I think that the Federal Government in trying to reserve the minerals has worked in such a way as to keep the surface

and the mineral estates separated in so many instances. And then some poor fellow who has a farm in an oilfield and thinks he has something finds that he has not anything at all.

Mr. HATHAWAY. That is correct.

Mr. PRICE. What about the water rights, too? They are not considered as mineral rights now.

Mr. POAGE. If you mean western water rights, such as under the Colorado water code, and the like? The water rights move with the land, of course, but I don't suppose such rights exist in Maine.

Mr. PRICE. In other words, you could convey the mineral rights with the surface rights. We should probably also stipulate that the water rights would be conveyed because water, if I am not mistaken, has never been determined that it was mineral.

Mr. HATHAWAY. It goes with the fee, unless you have especially made an exception. And the only exception made in this deed is with respect to the mineral rights. That is, the only exception that is pertinent to this.

Mr. PRICE. Could we make it "shall be"—do we have that authority?

Mr. DE LA GARZA. We have the authority to make anyone do anything we say.

Mr. PRICE. They should be brought together. Why could we not put in there that it shall be conveyed?

Mr. POAGE. I think that whole paragraph should be rewritten. The University of Maine is not going to buy the mineral rights, I would not think, unless it is for the purpose of selling them.

Mr. HATHAWAY. I suppose that they would be so low in value that it would not make any difference.

Mr. POAGE. I would think so, too.

Mr. HATHAWAY. I would think so.

I would be glad to redraft that last paragraph, if you wish.

Mr. DE LA GARZA. The subcommittee will soon be in executive session and working on the bill and we will try to see that the recommendation of the Department and that of our chairman and your own recommendations are put into the final version of the bill.

Mr. HATHAWAY. Thank you.

Mr. DE LA GARZA. The draft of a clean copy of the bill you have submitted will be made a part of the record at this point.

(The document referred to follows:)

A BILL To direct the Secretary of Agriculture to release on behalf of the United States conditions in a deed conveying certain lands to the University of Maine and to provide for conveyance of certain interests in such lands so as to permit such University, subject to certain conditions, to sell, lease, or otherwise dispose of 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 lands designated pursuant to section 2 hereof, the conditions, contained in a deed, dated March 4, 1955, conveying certain lands in Penobscot County, Maine, to the University of Maine, which require that the lands conveyed be used for public purposes and provide 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 conditions 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 University in which

the University, in consideration of the release of such conditions as to such lands, agrees—

(1) that all the proceeds from the sale, lease, exchange, or other disposition of such lands shall be used by the University for the acquisition of lands to be held permanently for University purposes, or for the development or improvement of lands of the University.

(2) that all the proceeds from the sale, lease, or other disposition of lands covered by any such agreement shall be maintained by the University in a separate fund and that the record of all transactions involving such fund shall be open to inspection by the Secretary of Agriculture.

(3) All the mineral interests contained in such deed dated March 4, 1955, of the United States in any parcel or tract of land released pursuant to this Act from the said conditions as to such lands may be conveyed to the University of Maine by the Secretary of the Interior upon the payment of an amount equal to the fair market value of such interests, as determined by appraisal or otherwise.

MR. DE LA GARZA. We appreciate your offer of cooperation. Do you have any further questions, Mr. Kleppe?

MR. KLEPPE. I would just like to make a statement here for the record that kind of follows through on what Chairman Poage said a little bit ago and, that is, I would kind of like to see this transfer take place. Certainly the provisions of the Bankhead-Jones Act provide for it, but above and beyond that, the reason that I like it is that it looks to me as though we are going to get some previously publicly held lands into the hands of private owners and get it back on the tax rolls. This just looks to me like a stroke of good business.

MR. DE LA GARZA. Are there any further questions, Mr. Price?

MR. PRICE. No.

MR. DE LA GARZA. Thank you for your appearance here.

MR. HATHAWAY. Thank you.

MR. DE LA GARZA. We thank you, Mr. Grover, for standing by.

MR. GROVER. Thank you.

MR. DE LA GARZA. Do you have any further statement that you would like to make, Mr. Grover?

MR. GROVER. Mr. Chairman, I indicated before that the amendment along the lines that Mr. Hathaway has suggested would be in accord with the departmental policy in other instances and I think that it would be in this instance, too. But I would like to respectfully suggest that the Department have an opportunity to comment on the final language and to place their comments in the record. It is not included in our official report.

MR. DE LA GARZA. We would be very happy to accommodate you in that respect. And without objection the record will stay open to include any further statement of the Department.

MR. GROVER. Thank you, sir.

MR. DE LA GARZA. Thank you again very much, gentlemen.

The next piece of legislation we have before us is H.R. 3632 by Congressman Udall of Arizona. The witness on behalf of the Department is Mr. Russell P. McRorey, Director, Division of Land Adjustments of the Forest Service, U.S. Department of Agriculture.

We will be very happy to hear from you at this time, Mr. McRorey.

First we will make as a part of the record at this point a copy of H.R. 3632, together with the Department's report dated June 9, 1967.

(H.R. 3632 by Mr. Udall and the Department's report dated June 9, 1967 follow:)

[H.R. 3632, 90th Cong., 1st sess.]

A BILL To provide for the conveyance of certain real property of the United States situated in the State of Arizona

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall convey to the Patagonia Union High School District, Santa Cruz County, Arizona, without monetary consideration therefor, all right, title, and interest of the United States in and to the real property described as follows:

All of block B, lots 1 through 12 in block C, lots 24, 26, 28, 30, 32, 34, 36, 38, and 40 of block F of the east side addition to the Patagonia townsite including that portion of Sonoita Avenue extending from First Avenue to the line between the northeasterly corner of lot 11, block C, and the southeasterly corner of lot 12, block G, that portion of Walnut Avenue extending from Main Street to the northerly edge of Sonoita Avenue; the alley bisecting block B and that portion of the alley bisecting block C which extends from Walnut Avenue to the line between the northeasterly corner of lot 12, block C, to the southeasterly corner of lot 11, block C; all according to the map or plat of the said east side addition to the Patagonia townsite filed in the office of the county recorder of Santa Cruz County, State of Arizona, under date of September 17, 1919.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 9, 1967.

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

DEAR MR. CHAIRMAN: In response to your request of May 25, 1967, here is our report on H.R. 3632, a bill "To provide for the conveyance of certain real property of the United States situated in the State of Arizona."

We recommend that H.R. 3632 not be enacted.

This bill would direct the Secretary of Agriculture to convey all right, title, and interest of the United States in certain described lots to Patagonia Union High School District, Santa Cruz County, Arizona. The conveyance would be without monetary consideration therefor.

The lots involved are in the town of Patagonia, Arizona. The Forest Service of this Department acquired them as part of a 36 acre tract for an administrative site. Subsequently, the Forest Service issued a special use permit to the Patagonia Union High School for use of a portion of the tract. The balance of the area is used for administrative purposes by the Forest Service. The area under permit is occupied by the high school and related improvements which represent a sizeable investment. We understand other school improvements are planned. The School Board now desires to obtain title to the tract.

This Department recognizes the School District's need for this land. At the present, it is not needed in connection with the Forest Service's administrative facilities adjacent thereto. Therefore, the Forest Service has offered to exchange the land occupied by the school for other lands within the Coronado National Forest. This can be accomplished under the Act of October 23, 1962 (76 Stat. 1157).

This Department believes that donation of Forest Service lands to States and local governments is undesirable in that such donations endow a specific unit of local government or a particular State with Federal assets of material value on a basis not available equally to all local governments or States. Several school districts have under similar circumstances completed land exchanges with the Forest Service in the last few years. Several other school districts are working presently to acquire needed tracts by exchange with the Forest Service. The grant without compensation of lands to one local government would establish a precedent and could lead to demands from other local governments for similar privileges. The grant of public properties of value to particular communities could result in inequities, both to the owning public and to other communities.

The Forest Service has encouraged the Patagonia school officials to arrange for the acquisition of lands within the boundaries of the Coronado National Forest which can be exchanged for the land presently under special use permit. We understand that a local rancher has offered a suitable area of patented land to the School Board at a reasonable price. Favorable action by the School Board on this offer would open the way for an exchange.

The school is currently operating under the special use permit and may continue to do so. Relations between the Forest Service and school officials have been and are most amicable and cooperative. Therefore, we envision no problems to school administration during negotiation of the exchange.

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. DE LA GARZA. Mr. McRorey, you may proceed.

**STATEMENT OF RUSSELL P. McROREY, DIRECTOR, DIVISION OF
LAND ADJUSTMENTS, FOREST SERVICE, U.S. DEPARTMENT OF
AGRICULTURE**

Mr. McROREY. Mr. Chairman and members of the committee, I am Russell P. McRorey, Director of the Division of Land Adjustments of the Forest Service, U.S. Department of Agriculture. I appreciate the opportunity to appear before this committee on H.R. 3632.

This bill would direct the Secretary of Agriculture to convey all right, title, and interest of the United States in certain described lots to the Patagonia Union High School District, Santa Cruz County, Ariz. The conveyance would be without monetary consideration.

In its report on H.R. 3632, the Department recommended that it not be enacted.

The lots involved are in the town of Patagonia, Ariz. The Forest Service of the Department of Agriculture acquired them as a part of a 36-acre tract purchased for an administrative site. Subsequently, the Forest Service issued a special-use permit to the Patagonia Union High School for the use of a portion of the tract. The area under permit is occupied by the high school and related improvements. The balance of the area is used for administrative purposes by the Forest Service. We understand that other school improvements are needed and planned.

The Department of Agriculture believes that the donation of Forest Service lands to States and local governments is undesirable in that such donations endow a specific unit of local government or a particular State with Federal assets of material value on a basis not available equally to all local governments or States. The grant of lands without compensation to one local government would establish a precedent and could lead to demands from other local governments for similar privileges.

Under similar circumstances in the last few years, several school districts have completed land exchanges with the Forest Service. Presently, several other school districts are working to acquire needed tracts by exchange with the Forest Service. In this case, also, the Forest Service has offered to exchange the land occupied by the Patagonia Union High School for other lands within the Coronado National Forest. This can be accomplished under the act of October 23, 1962 (76 Stat. 1157).

The Department recognizes the school district's need for this land. At the present, it is not needed in connection with the Forest Service's adjacent administrative facilities. The school district is currently using the land under the special use permit. It may continue to do so

until it can obtain suitable lands for exchange purposes and an exchange is completed.

Thank you very much. I will be very happy to answer any questions you may have.

Mr. DE LA GARZA. Mr. Poage.

Mr. POAGE. Do I understand that the school now owns a part of this tract which is in the town of Patagonia?

Mr. McROREY. The school occupies lands of the United States under permit from the Forest Service.

Mr. POAGE. And that it could stay there forever, so far as you are concerned?

Mr. McROREY. That is correct.

Mr. POAGE. About how much of the 30 acres in that whole tract is the school using?

Mr. McROREY. It is 36 acres. The school is using 15 of the 36 acres. They have 15 acres.

Mr. POAGE. Now, do they need more land or are they just wanting to acquire this?

Mr. McROREY. They have asked to have the title to the land.

Mr. POAGE. Merely the title to the land which they are located on—it is not more land that they need?

Mr. McROREY. Yes, sir.

Mr. POAGE. And what you are suggesting, if I understand it, is that they go and buy some land somewhere else and then exchange that land for this?

Mr. McROREY. Yes, sir.

Mr. POAGE. In other words, if they would go out and buy some land adjoining the national forest—they can buy some of that land—then they can exchange with you and you will give them the land in Patagonia in return for an equal value of land that they have purchased for the national forest.

Mr. McROREY. Within the exterior boundaries of the national forest.

Mr. POAGE. What?

Mr. McROREY. Within the exterior boundaries of the national forest. There are private lands there.

Mr. POAGE. Actually, somewhere I noticed, not in your statement, there is a deal right now to buy a tract of land from some rancher.

Mr. McROREY. It is in the Department's report, sir.

Mr. POAGE. Do you know how much is involved there?

Mr. McROREY. In terms of land?

Mr. POAGE. Yes, about 15 acres is what they have now. Do you expect them to give you more than 15 acres if they went out 10 miles from town—would you not?

Mr. McROREY. Yes, sir. On the basis of equal value. Land in the outward area would be of less value.

Mr. POAGE. Do you have an idea of what the 15 acres in Patagonia would be worth?

Mr. McROREY. It has been estimated to be in the neighborhood of \$20,000.

Mr. POAGE. \$1,330 an acre in that little town?

Mr. McROREY. These are preliminary estimates furnished by the local field people.

Mr. POAGE. What do you figure that this land out in the forest is worth?

Mr. McROREY. On an acre basis?

Mr. POAGE. Yes.

Mr. McROREY. It varies, depending upon what character of land it is.

Mr. POAGE. What I am trying to get at is this, what are you asking them to buy out there?

Mr. McROREY. It would be on the basis of equal value, sir. Under the provisions of the act of the Congress authorizing exchanges it goes to the point of the value rather than acreage.

Mr. POAGE. I do not find any fault with that. Frankly, that is what it should be. I do not see any point in giving it away to a school, or to a jail, or to a church, or to anybody else. The Federal Government should receive what the value is. I was just trying to find out what you really expected them to give you in the alternative.

Mr. McROREY. It is a little difficult to bracket it in. The value of land in the boundaries of the national forest in that particular area at present probably vary from \$45 to \$50 an acre to several hundred dollars per acre. The location of the land enters into it, too.

Mr. POAGE. Thank you. That is all.

Mr. DE LA GARZA. Mr. Kleppe.

Mr. KLEPPE. No questions.

Mr. DE LA GARZA. Mr. Price.

Mr. PRICE. Has the school any facilities on the 15 acres or is it using it for an athletic field or what?

Mr. McROREY. They have both school buildings and an athletic field.

Mr. PRICE. On the 15 acres?

Mr. McROREY. Yes, sir.

Mr. PRICE. Do you have an agreement with them for any length of time?

Mr. McROREY. At the present time we have what is known as an annual permit, a renewable permit annually.

Mr. KLEPPE. Would you yield?

Mr. PRICE. Yes.

Mr. KLEPPE. Did they build a school building on that property with only an annual permit?

Mr. McROREY. Yes, sir. It is terminable annually.

Mr. KLEPPE. So that they built a school building in that situation?

Mr. McROREY. Yes.

Mr. KLEPPE. I would consider this is a highly unusual situation unless they had an awful lot of confidence in the people that they were doing business with.

Mr. McROREY. We have a number of such situations throughout the National Forest system. This is not an isolated case.

Mr. KLEPPE. I must say that they have a lot of confidence in the Forest Service to build a school building on a piece of property on which they have only an annual renewable permit.

Mr. POAGE. I can understand their building the school, but I cannot understand those who loaned them the money for it.

Mr. DE LA GARZA. I think that is the reason for this bill, a bond issue or something like that.

Mr. McROREY. There are two types of permits that are issued—the term and terminable permit. The term permit extends over a period of years. In this particular instance it is the renewable permit—a terminable permit. We do have both types.

Mr. PRICE. Do they have the option or do you have the option to renew it every year?

Mr. McROREY. The option is with the United States.

Mr. PRICE. With the United States?

Mr. McROREY. Yes.

Mr. PRICE. Do you have any plans in the foreseeable future for the use of this land?

Mr. McROREY. The total administrative site area is 36 acres which, of course, was purchased for administrative facilities, for the management of that particular area of the national forest system. And looking at the overall picture, of course sufficient land was acquired to meet what was determined to be the ultimate goal. Presently we do not need the area that the school is occupying.

Mr. PRICE. Do you see anything personally in the foreseeable future where you would need more than the 15 acres that you presently occupy?

Mr. McROREY. Within the next several years, no, sir.

Mr. PRICE. Within the next 20 years—I mean is that something that you would have to answer in the future?

Mr. McROREY. I would answer this way, in the last 20 years the demand and the uses on these public lands have increased tremendously. We have found it necessary to increase our facilities. I would think that within the 20-year period that we would undoubtedly probably need to extend our administrative facilities in that area.

Mr. PRICE. In other words, in the next 20 years you would need the 15 acres which this school is occupying at the present time if you did not get other land?

Mr. McROREY. We would need additional acreage, yes.

Mr. PRICE. Does the Forest Service property adjoin the acreage that you are now administering?

Mr. McROREY. This particular site, this administrative site of 36 acres does not adjoin the National Forest system lands. This site was acquired for administrative buildings and an administrative area other than as a part of the National Forest. It does not adjoin the National Forest, no, sir.

Mr. PRICE. Thank you.

That is all, Mr. Chairman.

Mr. DE LA GARZA. Mr. West, our assistant staff consultant, would like to ask you a question.

Mr. WEST. Mr. McCorey, I notice that in your statement you say, "We understand that other school improvements are needed and planned."

Does the school want to acquire any additional land in this particular site, other than the 15 acres they now have?

Mr. McROREY. Not to my knowledge. The report from our field office does not indicate that they intend building or need any additional land.

Mr. WEST. Thank you.

Mr. DE LA GARZA. So it is your recommendation and the recommendation of the Department that you oppose H.R. 3632 as presently

written, but you are willing to negotiate with them for an exchange of land, if possible? Is this correct?

Mr. McROREY. This is correct. We stand willing at any time to extend our full services to furthering an exchange.

Mr. DE LA GARZA. Thank you very much for appearing before us this morning. We appreciate it.

We will now hear from Congressman Udall, the author of the bill.

**STATEMENT OF HON. MORRIS K. UDALL, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF ARIZONA**

Mr. UDALL. Mr. Chairman, and members of the subcommittee, thank you.

I appreciate the willingness of your subcommittee to consider today my bill, H.R. 3652. In the total scheme of things, this is a very minor bill, but I can assure you it is one of great importance to my constituents residing in the vicinity of Patagonia, Ariz.

All this bill seeks to do is to transfer a school site, now in use under a special use permit from the Forest Service, to the Patagonia Union High School District of Santa Cruz County, Ariz. The value of the land is about \$20,000.

The need for this legislation arises from the difficulties faced by this school district in financing school improvements. At present this country school is housed in an old Army surplus building and some adjoining structures. A new school is needed, but the impermanent nature of the school's use permit makes the financing of improvements exceedingly difficult. Title to the site would solve this problem.

The Department of Agriculture has a policy against the donation of property to specific units of local government on the grounds that this takes an asset belonging to all the people and transfers it to just some of the people. I agree that this is a sound general principle, but I believe an exception can and should be made in this case.

We are not talking here about forest land, as such. There is not a tree on it. While this site is near the boundaries of the Coronado National Forest, it is not forest land. It has no particular scenic value. In fact, the site was acquired originally as part of a 36-acre tract for administrative buildings of the Forest Service. Subsequently, the Forest Service found it did not need all of the site for this purpose, and a use permit was issued to the Patagonia Union High School for use of a portion of the tract. The remaining area is now in use for Forest Service administrative purposes.

The Forest Service has indicated that it has no present use for the school site, and for this reason it has indicated its willingness to exchange the land for other lands within the Coronado National Forest. Unfortunately, the school district has been unable to find or purchase an exchange tract, and the matter has been left unresolved for several years. Since the only issue involved, as far as the Forest Service is concerned, is the transfer of an asset—in this case one of modest amount—I think we well can consider whether it is absolutely necessary to adhere so religiously to the principle on which the Department of Agriculture has stated its opposition to this transfer.

Through various Federal programs the U.S. Government is attempting today to upgrade education in this country, particularly in depressed or rural areas. This school district already is receiving some

such help under the antipoverty program, for more than one-third of its students are in the poverty class—many of them Mexican-Americans. A grant of this school site, while no more than a paper transaction, might well do as much to help this school as any Federal program now in operation. I think such a practical consideration should carry at least as much weight as the arguments of the Forest Service against any transfer of property, however small, to local units of government.

Although it is isolated, although much of its area is Forest Service land without tax revenues, although its facilities are inadequate, Patagonia Union High School is doing a good job of providing opportunity to the children of that area to advance themselves. I don't think we will bring down the Federal Government or destroy any great principles of equity by making a grant of a few acres so that school district can build improvements—and do an even better job for those children.

Mr. Chairman, this is a case where I think the great and mighty U.S. Government can afford a simple act of generosity. I urge that your subcommittee look with favor upon my bill to transfer this small site to an impoverished school district having no other ready means of obtaining it.

This concludes my prepared statement. I will be very happy to respond to the kind of penetrating questions that this great committee always has.

Mr. DE LA GARZA. Thank you very much for your appearing here. Mr. Poage.

Mr. POAGE. I have no questions. I wonder if you think that this land is worth \$233 per acre in the town of Patagonia?

Mr. UDALL. I think that this is a rather generous estimate. As the chairman of the full committee knows, I always try to err on the side of fairness so that I do not mislead my colleagues. This is a growing area. It is not a particularly large, prosperous area. I am not an appraiser. I think that this is on the generous side.

Mr. POAGE. I think it is very generous. It does seem to me that they ought not to have to put up \$20,000 to get the land.

Mr. UDALL. I appreciate that observation. I agree with it.

Mr. DE LA GARZA. Mr. Kleppe, any questions?

Mr. KLEPPE. No questions.

Mr. DE LA GARZA. Mr. Price, any questions?

Mr. PRICE. Mr. Udall, you say that the Department of Agriculture has a policy against the donation of property to specific units of local government on the grounds that this takes an asset belonging to all the people and transfers it to just some of the people?

I think that you and I in fact know of many millions of examples where we have taken money from all of the people and have put it into places for just a few.

Mr. UDALL. I certainly agree with that.

Mr. PRICE. And that this is not an uncommon practice.

Mr. UDALL. I would agree with you.

Mr. PRICE. We grant more overseas every day in 30 minutes.

Mr. DE LA GARZA. Chairman Poage and I have a little difficulty in placing Patagonia in the State of Arizona. Will you kindly tell us where it is located?

Mr. UDALL. As luck would have it, I just happen to have with me a map of that great and noble State of Arizona. And I am now circling on this map the city of Patagonia.

Mr. POAGE. How far is that from the Douglas area?

Mr. UDALL. From the Douglas and Bisbee area—it is about 100 miles from the Bisbee-Douglas area—and about 15 miles from Nogales.

Mr. POAGE. Where is it in relation to Nogales?

Mr. UDALL. It is north and east of Nogales. It is quite close to the Mexican border. It is between Fort Huachuca on that road that goes to Nogales.

Mr. DE LA GARZA. Mr. Udall, do you have any figures at all as to what the assessed valuations are of this Patagonia school district?

Mr. UDALL. Yes, sir; I do.

Mr. DE LA GARZA. And as to their financial condition, as to what it is at this time?

Mr. UDALL. The district has one of the highest tax rates of a high school district in Arizona. Currently the tax rate just for the district is \$3.90 for every \$100 valuation. This, of course, is in addition to the elementary school rate which is another \$3 or \$4. The county rate and the State rate are on top of these. So I would guess that the total rate of the taxpayer in that district for high school, elementary, State and county levies would be in the range of \$8 to \$10.

The total assessed valuation of the school district is \$1.8 million and this is all of the property in the district. It is a very low total valuation. A great proportion of the land in the district is forest reserve on both sides.

Mr. DE LA GARZA. In comparison to the annual expenditures as related to the resources of the funds collected by the school district, are they going into debt?

Mr. UDALL. I do not want to pour too much. The taxpayers are burdened pretty heavily. I cannot say that the school district is bankrupt. They have done a pretty good job. And with or without this bill they will keep it open, but they are pretty hard pressed so far as school taxpayers go.

Mr. DE LA GARZA. Is the Forest Service contributing any income to your district or do they make any contribution whatsoever?

Mr. UDALL. Unless there are some of these Federal payment revenue sharing propositions where income from the Forest Service land is paid to the local, county, and State, I am sure that there must be some, but I am sure that they are very low. There is an anomaly in this situation, because this is Federal land. Some of the schoolteachers, for example, who have children in the schools come under a provision which pays \$600 per year to the school district if the parent works on Federal property. And the schoolteachers are in the anomalous situation where they are working in the schools on Federal property so that you get \$600 for each one of those children they have. There are a few of them.

I guess that we participate in some of the other Federal-aid programs, but the Forest Service itself is the only one I would know of.

Mr. DE LA GARZA. Thank you very much, Mr. Udall. We appreciate your appearance and your fine presentation before the committee.

Mr. UDALL. I thank the subcommittee for taking up this bill.

Mr. DE LA GARZA. Having concluded the hearing of all of the witnesses, and if there are no other witnesses to appear on this legislation the subcommittee will now go into executive session for further consideration of these bills.

(Whereupon, at 11:15 a.m. the subcommittee proceeded into executive session.)

MISCELLANEOUS LAND TRANSFERS

WEDNESDAY, AUGUST 9, 1967

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON DEPARTMENTAL OVERSIGHT OF THE COMMITTEE ON AGRICULTURE, *Washington, D.C.*

The subcommittee met, pursuant to notice, at 10 a.m. in room 1302, Longworth House Office Building, Hon. Eligio de la Garza (chairman of the subcommittee) presiding.

Present: Representatives de la Garza (presiding), Jones of Missouri, Kleppe, and Price.

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

Mr. JONES. The subcommittee will come to order. This is a meeting of the Departmental Oversight Subcommittee. The chairman of the subcommittee, Mr. de la Garza, is down at the White House and has asked me to open this hearing. He expects to be here shortly.

We want to apologize for getting started late, but we have two meetings going on and every member of this subcommittee is also a member of another subcommittee with the exception of Mr. de la Garza.

Mr. Price from Texas is here with me. My name is Paul Jones.

The first bill that we will consider this morning is H.R. 10442 by our colleague from California, Mr. Sisk, to facilitate exchanges of Forest Service land for use for public schools.

We also have for consideration today H.R. 11527 by our colleague, Mr. Hathaway, of Maine, a bill to direct the Secretary of Agriculture to release on behalf of the United States conditions in a deed conveying certain lands to the University of Maine and to provide for conveyance of certain interests in such lands so as to permit such university, subject to certain conditions, to sell lease, or otherwise dispose of such lands.

(H.R. 10442 by Mr. Sisk, and H.R. 11527 by Mr. Hathaway, and the reports of the Department of Agriculture and the Department of the Interior, follow:)

[H.R. 10442, 90th Cong., second sess.]

A BILL To facilitate exchanges of land under the Act of March 20, 1922 (42 Stat. 465), for use for public schools, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever an exchange of land is proposed by a public school district or other public school authority under the Act of March 20, 1922 (42 Stat. 465), as amended (16 U.S.C. 485, 486), or other authority under which the Secretary of Agriculture is authorized to exchange national forest lands or other lands administered by the Forest Service, if the public school authority proposing the exchange has insufficient land to offer, the exchange may be completed upon deposit with the Secretary of Agriculture of a portion or all of the

value of the selected land. Any amount so deposited shall be available to the Secretary of Agriculture for the acquisition of lands in the same State as the selected lands and which are determined by him to be suitable for the same purposes as the selected lands. Lands so acquired shall have the same status and shall be subject to the same laws, regulations, and rules as the selected lands.

The provisions of this Act shall not be applicable to the conveyance in exchange of more than eighty acres to any one public school district or other public school authority.

DEPARTMENT OF AGRICULTURE,
Washington 25, D.C., August 9, 1967.

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

DEAR MR. CHAIRMAN: As you asked, here is our report on H.R. 10442, a bill to facilitate exchanges of land under the act of March 20, 1922 (42 Stat. 465), for use for public schools, and for other purposes.

We recommend that H.R. 10442 be enacted.

H.R. 10442 would provide for cash equalization of certain land exchanges proposed by public school authorities under laws authorizing the exchange of National Forest or other lands administered by the Forest Service. In these transactions, if the school authority has insufficient land or has no land to offer in exchange for the selected land, the bill would authorize completion of the exchange upon deposit with the Secretary of Agriculture of a portion or all of the value of the selected land. Any amount so deposited would be available to the Secretary of Agriculture for acquisition of lands in the same State which are suitable or the same purposes as the selected lands. Lands so acquired would have the same status and would be subject to the same laws, regulations, and rules as the selected lands. No more than 80 acres could be conveyed to any one public school authority under the provisions of the bill.

In the administration of the National Forest System we have had and continue to have a number of proposals by public school authorities for lands needed by them for school purposes. In many cases, we find that exchanges of lands desired and selected by school districts would be consistent with our objectives of consolidating National Forest System management areas and making logical boundary adjustments to facilitate administration of these areas.

Such exchanges may generally be carried out under one of the four basic exchange authorities available to the Secretary of Agriculture for exchange of National Forest System lands. These are:

1. The authority for exchange of National Forest lands in forests established from the public domain (Act of March 20, 1922, 42 Stat. 465, as amended).
2. The authority for exchange of National Forest lands which have been acquired (Section 7 of the Act of March 1, 1911, 36 Stat. 962, as amended by the Act of March 3, 1925, 43 Stat. 1215).
3. The authority for exchange of Bankhead-Jones lands (Section 32 of the Act of July 22, 1937, 50 Stat. 525, as amended).
4. The authority to exchange acquired lands under jurisdiction of the Forest Service that are being administered under laws which do not otherwise contain exchange authorization (Act of October 23, 1962, 76 Stat. 1157).

The provisions of these four exchange authorizations relate directly to the types of lands and the programs in response to which they were enacted. They contain provisions, criteria, and guidelines particularly applicable to the organic laws which they implement. In general, they have proven satisfactory vehicles for achieving landownership adjustments and consolidations in connection with National Forests and within the land utilization projects and National Grasslands.

H.R. 10442 contains an additional authorization not now included in Department of Agriculture authorities which would facilitate the exchange of lands to be used for public schools. Our exchange authorities require that the value of the lands granted the exchange proponent not exceed the value of the offered lands. Many of the public school authorities which propose exchanges have inadequate acreage or no acreage to offer the United States. The problem of acquiring suitable additional lands to balance out values is difficult and often causes inordinate delays. The problem is sometimes aggravated because of lack of authority for the school authorities to acquire lands and exchange them. It also requires additional effort by way of assistance on the part of the Forest Service.

In cases where the school authority has insufficient land to offer, H.R. 10442 would allow the exchange to be completed upon deposit by the authority with the Secretary of Agriculture of a portion or all of the value of the selected land. The amounts deposited could be used by the Secretary to acquire lands in the same State that are suitable for the same purposes as the selected lands. Thus, the Secretary could balance the transfer of National Forest System lands to other uses with the acquisition of similar lands valuable for public use and needs. Often, this Department is in a better position than public school authorities to find and acquire lands suitable for National Forest System purposes. Use of the deposits in this manner permits a more deliberate acquisition of lands used to balance an exchange. This would be helpful to both the exchange proponent and to this Department.

We recognize that a special need exists with respect to making available suitable lands for use for public schools.

We have one amendment to recommend. Strike the words "available to" in line 3 on page 2 and insert in lieu thereof the following: "covered into a special fund in the Treasury which when appropriated shall be available until expended by".

In view of the time situation, we have not received the advice of the Bureau of the Budget as to the relationship of this legislation to the Administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary*.

[H.R. 11527, 90th Cong., first sess.]

A BILL To direct the Secretary of Agriculture to release on behalf of the United States conditions in a deed conveying certain lands to the University of Maine and to provide for conveyance of certain interests in such lands so as to permit such university, subject to certain conditions, to sell, lease, or otherwise dispose of 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 lands designated pursuant to section 2 hereof, the conditions, contained in a deed dated March 4, 1955, conveying certain lands in Penobscot County, Maine, to the University of Maine, which require that the lands conveyed be used for public purposes and provide 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 conditions 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 university in which the university, in consideration of the release of such conditions as to such lands, agrees—

(1) that all the proceeds from the sale, lease, exchange, or other disposition of such lands shall be used by the university for the acquisition of lands to be held permanently for university purposes, or for the development or improvement of lands of the university.

(2) that all the proceeds from the sale, lease, or other disposition of lands covered by any such agreement shall be maintained by the university in a separate fund and that the record of all transactions involving such fund shall be open to inspection by the Secretary of Agriculture.

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 conditions as to such lands shall be conveyed to the University of Maine or their successors in title by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, 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.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., August 8, 1967.

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

DEAR MR. CHAIRMAN: As you asked, here is our report on H.R. 11527, a bill "To direct the Secretary of Agriculture to release on behalf of the United States

conditions in a deed conveying certain lands to the University of Maine and to provide for conveyance of certain interests in such lands so as to permit such university, subject to certain conditions, to sell, lease, or otherwise dispose of such lands."

H.R. 11527 would authorize and direct the Secretary of Agriculture to release, on behalf of the United States, certain conditions contained in a 1955 deed conveying certain described lands to the University of Maine. The conditions require that the lands conveyed to the University of Maine be used for public purposes and provide for a reversion to the United States if the lands cease to be so used. H.R. 11527 would also provide for the conveyance of the mineral interests reserved in the 1955 deed in any lands released.

Except for the provision in H.R. 11527 relative to minerals, the bill is substantially the same as H.R. 2097. On June 9, 1967, we forwarded to your Committee a report on H.R. 2097. Also on June 9 a representative of this Department presented a statement on H.R. 2097 to your Subcommittee on Departmental Oversight. We recommended certain amendments to it.

In addition to providing for the release of the public use requirements of the 1955 deed, which will permit the University to sell portions of the land, H.R. 11527 would provide that proceeds from the disposition of the lands shall be used by the University (1) to acquire lands to be held permanently for University purposes, or (2) for the development or improvement of lands of the University. In our report on H.R. 2097 we recommended that if the proceeds were not used by the University to acquire lands, they should be used to develop, improve, or otherwise further the projects established on the lands originally conveyed to the University in 1955. We would still prefer the adoption of that recommendation. However, if your Committee decides that the language of H.R. 11527 relative to this should be retained, we would interpose no objection.

Section 3 of H.R. 11527 would authorize the Secretary of the Interior, upon application, to convey to the University of Maine or their successors in title all the undivided mineral interests of the United States in lands with respect to which the Secretary of Agriculture releases the public use conditions pursuant to the bill. The deed to the University of Maine of the lands involved contained a reservation to the United States of an undivided three-fourths interest in all minerals in such lands. Under the provisions of section 402 of Reorganization Plan No. 3 of July 16, 1946 (5 U.S.C. 133y-16), functions relating to the mineral deposits in these lands are performed by the Secretary of the Interior. We believe the Department of the Interior would be in a better position to make a recommendation regarding section 3 of H.R. 11527.

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.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 8, 1967.

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

DEAR MR. POAGE: This responds to your request for our views on H.R. 11527, a bill "To direct the Secretary of Agriculture to release on behalf of the United States conditions in a deed conveying certain lands to the University of Maine and to provide for conveyance of certain interests in such lands so as to permit such university, subject to certain conditions, to sell, lease, or otherwise dispose of such lands."

We have no objection to enactment of the bill, if amended.

The bill authorizes the Secretary of Agriculture to release certain conditions in a deed which conveyed lands in Penobscot County, Maine, to the University of Maine.

The lands are subject to the provisions of subsection (c) of section 32 of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(c)), and the deed, dated March 4, 1955, conveyed the lands subject to the condition that they be used for public purposes and that the lands revert to the United States if at any time they ceased to be so used.

Section 2 of the bill provides that the Secretary of Agriculture shall release these certain conditions only with respect to lands covered by and described in an agreement between the Secretary and the University whereby the University agrees that the proceeds from the disposition of such lands shall be used by the University for the acquisition of lands to be held permanently for University purposes, or for the development or improvement of lands of the University. The University must agree that all proceeds from disposition of the lands involved in H.R. 11527 shall be maintained by the University in a separate fund which shall be open to inspection by the Secretary of Agriculture.

Section 3 of the bill provides for conveyance to the University, or their successors in title, of mineral interests in the lands involved. In areas of the lands where the Secretary of the Interior determines there is no active mineral development or leasing in land covered by a single application, the mineral interests would be sold for \$1. In other areas where the land covered by an application did have a mineral lease or mineral development, the mineral interests would be sold at the fair market value as determined by the Secretary of the Interior after taking into consideration such appraisals as he deemed necessary or appropriate.

Although the lands involved in H.R. 11527, having been Bankhead-Jones lands, are primarily the responsibility of the Department of Agriculture, we are of the opinion that H.R. 11527 should be amended to adequately protect the interest of the government. The fact that there is "no active mineral development or leasing" does not mean there is an absence of mineral value. Categorically, providing for a sale price of \$1, in those circumstances, might deprive the United States of a valuable mineral interest without adequate compensation.

Whenever there is an application for conveyance of the mineral interest, as provided for in section 3 of the bill, we recommend that the Secretary of the Interior make an appraisal of the interest to be conveyed.

When the Secretary of the Interior determines the land has only nominal value for minerals, the mineral interest would be conveyed upon the payment of a sum equal to the administrative costs of making the conveyance, including the cost of appraisal.

Where the Secretary of the Interior determines the mineral interest to be valuable, conveyance would be made upon payment of a sum equal to the fair market value of the mineral interest plus the administrative costs of making the conveyance, including the cost of appraisal. Provision should be made for advance payment to the United States for the cost of determining the mineral values.

The following amendments would carry out our recommendations:

On page 3, line 5, before the word "the" add "and that the lands have no mineral value".

Add three new sections to the bill to read as follows:

"SEC. 4. Each application made under the provisions of this Act shall be accompanied by a non-refundable 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."

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,

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

**STATEMENT OF HON. B. F. SISK, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF CALIFORNIA, ACCOMPANIED BY JACKSON
T. CARLE, EXECUTIVE SECRETARY**

Mr. SISK. Thank you.

If it is all right, I would like to have Mr. Carle of my staff with me because he is the expert on this subject.

Mr. Chairman, I appreciate very much this opportunity to appear in support of H.R. 10442 which I introduced in an effort to provide a fair and equitable solution for one of the serious problems confronting school districts operating in national forest areas. In some cases, the best interest of the children and the district can be served through school sites centrally located which may be on national forest lands. I might say parenthetically in California we do have quite a bit of this. In some instances, these schools are operated under special permits with title to the land remaining in the national forest. These school districts experience financing problems and other uncertainties arising from the limited tenure allowed by permits, the lack of assurance in regard to fees, and the problem of financing buildings and other facilities on lands not owned by the school district. Under present law, as an alternative, school districts may endeavor to acquire title to school sites by exchanging the land for other non-Federal land of equal value, which the Forest Service is willing to accept. The great difficulty which arises is that in some areas it is almost impossible for a district to acquire acceptable exchange lands now in private ownership, because owners of these lands frequently demand purchase prices far higher than the appraised valuation fixed by the Forest Service. In other instances, there are simply no acceptable private holdings in the immediate area which would be available for purchase negotiations by the school district.

H.R. 10442 is, I believe, a simple and direct solution for this problem, which will provide the school sites needed, and at the same time preserve the integrity of our national forests. The bill would permit a school district to deposit the appraisal value of the school site land with the Secretary of Agriculture, who would be authorized to convey the land to the district. The money so deposited would be available to the Secretary of Agriculture for acquisition of equivalent land in the same State to be added to the national forests.

The bill also provides that such exchanges could be made on the basis partially of exchange land offered by the school district, and partially by deposit. The bill limits the exchange of any one public school district to no more than 80 acres.

As the committee may know, there have been numerous private bills offered in the past to enable specific school districts to acquire schools sites on forest lands. These bills have been refused passage. In some instances they involved donation of the site and in other cases would have required some measure of payment. I think the Congress has rejected these private bills because they created what might turn out to be undesirable precedents and all of them tended to diminish the national forest holdings; of course, contrary to national policy. The bill now before your committee was worked out through numerous conferences with national forest people. I am advised that it will have the recommendation of the Department of Agriculture and the clearance of the Bureau of the Budget. It has the virtue of

setting up a general public policy and avoids the necessity of dealing with individual district problems on a piecemeal basis. I think it also preserves both the integrity of our forest lands and requires the equivalent of payment at full appraisal values, thus insuring against discrimination either for or against school districts operating in national forest areas, in comparison with those outside forest areas.

As you may know, this legislation would not involve a large number of districts although it is of great importance to those affected. I have made a preliminary survey of the districts possibly affected in California. In our State, approximately 50 percent of all of the land in the State is in Federal Government ownership. Much of this land is interspersed with private holdings on which families reside and where educational facilities must be provided. My survey discloses that this legislation would be of significance in at least five of California's 58 counties. These counties, and perhaps others, have school districts in national forest areas which are facing school site problems. I am sure that an equivalent situation exists in other States in which national forests are situated.

I sincerely trust and hope that the committee will find this approach to this problem acceptable and in the best interests of both the Federal Government and the concerned school districts, and that H.R. 10442 will be noncontroversial and worthy of enactment, based on the wisdom of this committee.

Mr. Chairman, that concludes my statement. I will attempt to answer any questions that the committee might have with reference to it.

Mr. JONES. Thank you, Mr. Sisk.

While we know this is general legislation and there may be other instances where it would be applicable, as you indicated, at the same time was there some specific school district that brought about the introduction of this bill?

Mr. SISK. Yes, Mr. Chairman. I have this problem in my district. In fact, I have one specific school, North Fork Elementary School, in my district. We have other schools in my district that are at the present time on national forest lands. This problem came about with reference to the North Fork Elementary School. We have been working with them now for quite some time. Under present laws, as you know, Mr. Chairman, the Forest Service in essence said to the North Fork School Board that if they could acquire private lands of equal value then they could work out an exchange. As you know, a public body such as a school district has problems in the acquisition of lands. What this bill would do, would make it permissible for North Fork to pay the cash value, whatever value the Forest Service placed upon the lands, pay for these lands, and then the Forest Service would acquire lands of equal value to add to the forest system. Therefore, as I indicate, this would maintain the integrity of the forest. At the present time this school sits on Forest Service lands and, of course, they are paying a fee. The fees have gradually been going up. As we all know, the school boards are faced with uncertainty of what the fees will be from year to year because, under law, the Forest Service has a right to increase these fees. Secondly, you come to the problem of financing, when you are financing on lands not owned by the

school district. That was the reason that led a study of this situation by myself and my staff people, and it is something we have given a great deal of thought to for a number of years because it has been a problem for a number of years. As I said, I know that there are other similar problems.

Mr. JONES. I should have mentioned before that we do have a favorable report from the Department of Agriculture in which they recommend H.R. 10442 be enacted. I have not had an opportunity to go through all of this letter because it was just shortly before this meeting was convened that I knew I was to be here.

I am reading from the bill. It says:

Whenever an exchange of land is proposed by a public school district or other public school authority under the act of March 20, 1922, or other authority under which the Secretary of Agriculture is authorized to exchange national forest lands or other lands administered by the Forest Service, if the public school authority proposing the exchange has insufficient land to offer, the exchange may be completed upon deposit with the Secretary of Agriculture of a portion or all of the value of the selected land.

Now, the evaluation of that land, would that be left up to the Secretary of Agriculture or the national Forest Service?

Mr. SISK. Yes. The appraisal, the determination of value would be left up to the Forest Service, or the Department of Agriculture, of course, as the administering agency. That is the way it is now, I might say, Mr. Chairman.

We have been involved from time to time, as I am sure you can imagine, in land exchanges for a variety of other purposes because we have thousands of acres of national forest land in my district. As I indicated, 50 percent of all California is owned by the Federal Government. It is either in BLM or Forest Service or National Park Service. So this is a problem in California and, of course, other States, even to a greater degree. In some cases the Western States are owned 85 percent by the Federal Government. These are problems that we are constantly confronted with. In all cases the Forest Service, or the Department of Agriculture through the Forest Service, are the determining agency as to the value of the lands to be exchanged.

Mr. JONES. Then it proposes that the Secretary of Agriculture is given the authority to use that money to purchase other land in the same State?

Mr. SISK. That is right.

Mr. JONES. That might be suitable for the national forest system, that is.

Do you have any questions, Mr. Price?

Mr. PRICE. I am just wondering, if we pass this bill over, of course it would be the same for every other State?

Mr. SISK. That is right. This is general legislation. It has no specific bearing on California.

Mr. PRICE. I am just wondering if the restriction put on it that it would have to be bought back in the same State is necessary. I can see the reasoning behind it, but I am just wondering if there would be such a case in another State, perhaps some time where maybe there wasn't comparable land or available Government land which they can purchase. Can you think of any situation where we might be restricting the Department by that wording?

Mr. SISK. If I can just comment here, as far as I am personally concerned, I know of no specific reason why you should necessarily restrict it to a State except for the fact that, as you know, States or local counties receive certain "in lieu" tax benefits from accrued earnings of the forest. Where you are on a sustained yield basis in timbering, for example, there is a setup under law where the local areas receive a percentage of that, I think some 20 percent of the revenues.

Of course, if this was any substantial amount of exchange and you diminish, let's say, the forests in Nevada and increase them in Idaho, it might create some problem. My own opinion is that in view of the fact that we limit to any school district a maximum of 80 acres that could be acquired under this program and, secondly, in view of the fact that there are, of course, a limited number of school districts operating in national forest land, I question that it would be any real problem.

Now, if I could, I would like to have Mr. Carle comment as to the reason why we provided it within a State.

Mr. CARLE. I think the basic reason that this provision was put in and was agreed to as desirable by the Forest Service was to avoid any shifting of forest lands between States for the reasons outlined by Mr. Sisk.

I think, frankly, it was thought that this would be more acceptable to the Members of Congress as protecting the integrity of the forests and the size of the forest holdings in the individual States.

Mr. JONES. Mr. Price, if you will permit me, I might mention the fact that we do have a representative from the Forest Service, Division of Land Adjustments. I think he can probably answer these questions better. He will be the next witness.

Mr. SISK. Mr. Chairman, if I could just comment further, this bill was worked out rather carefully with the advice of the Forest Service and other experts in the field. I am not saying they wrote the bill, but certainly what we were attempting to do here was to do something that would have some rationale. I am sure they would have some comments which are more pertinent on the subject than I have, but this would seemingly be the rationale for that limitation.

Mr. PRICE. The only other question I might have, and perhaps it would be best for the other gentleman to answer it when he testifies, and that would be: Why would they limit it to 80 acres? My thoughts there are that there are many new small junior colleges that are cropping up all over the country, agricultural colleges perhaps, that would require more than 80 acres. Would this ever be a problem in your mind?

Mr. SISK. I suppose that we could contemplate a situation where 80 acres might be too limiting. At the present time in most cases that we have knowledge of where schools are on forest lands, they are generally elementary schools. Naturally, you have a limited population using these areas, usually in the mountainous areas or high-level areas, where there is not a substantial population. Now, with the tremendous growth, in my State of California, and the fact that many people are moving into the mountains, I could contemplate the time when colleges may be more desirable and available. I think in that case, of course, it might have to have some special consideration. At the present time, as I say, in most cases these are elementary schools

and 80 acres would be ample. In fact, even a small amount would be ample. I think in the case of North Fork we are only talking of about 20 acres and we simply went ahead and extended it up to 80 acres to give us a sufficient amount of flexibility. For example, there are some high schools that are in the mountains. I have one mountain high school, a very fine high school. Of course, as they grew they need more room. Eighty acres, we believe, at least in the foreseeable future, would be ample.

Mr. JONES. Are there any other questions?

(No response.)

Mr. JONES. Thank you, Mr. Sisk.

The chairman of the subcommittee, Mr. de la Garza, has come in and I will turn the chair over to him.

Mr. DE LA GARZA (presiding). The Chair would like to call Mr. Russell P. McRorey, Division of Land Adjustments of the Forest Service, to present whatever statement he has on this legislation. Mr. McRorey, we are happy to have you.

**STATEMENT OF RUSSELL P. McROREY, DIRECTOR, DIVISION OF
LAND ADJUSTMENTS, FOREST SERVICE, U.S. DEPARTMENT OF
AGRICULTURE**

Mr. McROREY. Thank you, Mr. Chairman. I am glad to again appear before your committee.

I am also glad to have this opportunity to make a statement on H.R. 10442.

The bill would provide for cash equalization of certain land exchanges proposed by public school authorities under laws authorizing exchange of lands administered by the Forest Service.

In the administration of the national forest system we receive from time to time proposals by public school authorities relating to lands needed for school purposes. In many cases, we find that exchanges of the lands desired by the school authorities would be consistent with the objectives of our exchange program. Basically these objectives are (1) consolidation of national forest system management areas, and (2) making logical boundary adjustments to facilitate administration of these areas.

Our exchanges are generally carried out under the four basic authorities available to the Secretary of Agriculture for exchange of national forest system lands. We have cited them in our report to your committee.

These authorities require that the value of the lands granted by the United States to the exchange proponent not exceed the value of the offered lands. Many of the public school authorities which propose exchanges have inadequate acreage or no acreage to offer the United States. Long delays often occur while the schools seek to acquire suitable additional lands to balance out values. The problem is sometimes aggravated because the schools do not have the authority to acquire lands and exchange them. It also requires additional effort by way of assistance on the part of the Forest Service.

H.R. 10442 meets this problem by allowing school authorities having insufficient land to offer to deposit with the Secretary of Agriculture a portion or all of the value of the selected land. With the amendment recommended by the Department, the amounts

deposited could be used, when appropriated, by the Secretary to acquire lands in the same State that are suitable for the same purposes as the selected lands. Thus, the Secretary could balance the transfer of the national forest system lands to other uses with the acquisition of similar lands valuable for public use and needs. Often, this Department is in a better position than public school authorities to find and acquire lands suitable for national forest system purposes. Use of the deposits in this manner permits a more deliberate acquisition of lands used to balance an exchange. This would be helpful to both the exchange proponent and to this Department.

We recognize that a special need exists with respect to making available suitable lands for use for public schools. The provisions of H.R. 10442 would facilitate national forest land exchanges with public school authorities.

The Department of Agriculture recommends that the bill be enacted, with the amendment suggested in our report.

Thank you, Mr. Chairman. I would be most happy to respond to any questions you or the members of the subcommittee may have.

MR. DE LA GARZA. Thank you. Are there any questions?

MR. KLEPPE. No questions, Mr. Chairman.

MR. PRICE. No questions.

MR. DE LA GARZA. I see in the report of the Department that there has been no recommendation from the Bureau of the Budget on this legislation. Do you have any more recent information on that, Mr. McRorey?

MR. McROREY. No, I do not, Mr. Chairman. The Department, of course, submitted its report to the Bureau of the Budget. The Bureau is aware of the position and the views of the Department. It has given no indication so far as I am aware that it objects to the legislation.

MR. DE LA GARZA. Thank you very much, Mr. McRorey. We appreciate your appearance today.

Is there any other witness who might wish to appear in support of the legislation?

(No response.)

MR. DE LA GARZA. Mr. Sisk, I think that the committee would recommend, as I am sure you are already well apprised, that a word to the Bureau of the Budget might expedite this legislation.

MR. SISK. Thank you very much, Mr. Chairman. I appreciate it very much.

MR. DE LA GARZA. We will now consider H.R. 11527 by Congressman Hathaway.

I might inform the committee that Mr. Hathaway is in a very important committee meeting in the markup of other legislation in his committee. I told him that if anything should arise where we might need him that we would notify him.

With that, we will pass to Mr. F. W. Grover, Director of the Land Classification, Forest Service, USDA.

Mr. Grover, we will be very happy to hear from you further on this legislation.

STATEMENT OF F. W. GROVER, DIRECTOR, DIVISION OF LAND CLASSIFICATION, FOREST SERVICE, USDA

Mr. GROVER. Thank you, Mr. Chairman. I do not have a prepared statement because H.R. 11527 is a revision of the bill that the committee discussed on June 9.

The report of the Secretary of Agriculture has been delivered to the committee. The Secretary raises no objection to H.R. 11527. He does note that in section 2(1) of the bill the language is somewhat different from that recommended by the Department for inclusion in H.R. 2097, the preceding bill. The difference is that under the Department's language any moneys received from the sale of these lands by the University of Maine would be used either to acquire lands for the university or to improve lands conveyed to it by the Department in 1955.

Under H.R. 11527 the proceeds would be used to acquire lands or to improve or develop any lands of the university.

The Department would prefer the language which it recommended in the June 9 report on H.R. 2097, if that would meet the approval of the committee.

Mr. DE LA GARZA. Is it your statement that section 2(1) does conform, then, generally to the recommendations of the Department?

Mr. GROVER. Substantially so, but it differs in that one respect, Mr. Chairman.

The difference relates only to the last——

Mr. DE LA GARZA. Or for the development or improvement of lands of the university?

Mr. GROVER. That is right; the last phrase in section 2(1). That differs somewhat from our June 9 report in which we recommended that this reads "to develop or improve or otherwise to further the project established on the lands conveyed by the deed referred to in section 1," which is the deed of 1955.

The reason for the preference is we think the recommended language would better further the purposes of title III of the Bankhead-Jones Act. However, as the Secretary states, if your committee decides that the language in H.R. 11527 is the referable one, the Department makes no objection to it.

Mr. DE LA GARZA. Are there any questions?

(No response.)

Mr. DE LA GARZA. Thank you very much.

Mr. GROVER. I might add one more brief statement.

Section 3 of H.R. 11527 authorized the disposal of minerals by the Secretary of Interior. That, of course, was not in the previous bill. In regard to that section, we feel that comments should be more appropriately made by the Secretary of the Interior.

Mr. DE LA GARZA. Thank you, sir.

The next witness on this legislation is Mr. O'Callaghan, Chief, Office of Legislation, Bureau of Land Management, Department of Interior.

Mr. O'Callaghan, we will be very happy to hear from you. You have heard the last statement of Mr. Grover, and if you wish to comment on that we would be very happy to hear from you.

**STATEMENT OF JERRY A. O'CALLAGHAN, CHIEF, OFFICE OF
LEGISLATION, BUREAU OF LAND MANAGEMENT, DEPARTMENT
OF INTERIOR**

Mr. O'CALLAGHAN. Mr. Chairman, with your permission, I would like to direct my comments to section 3 of the bill having to do with the mineral estate.

Mr. DE LA GARZA. Right.

Mr. O'CALLAGHAN. With some few exceptions, the Secretary of the Interior administers the mineral estate of the United States, no matter what department administers the surface estate.

In a policy that goes back some 60-odd years the practice has been for the Government of the United States, as provided by law, to divide the surface and mineral estate and provide for their development by different parties. There is a separate system of mineral disposition. However, over the years there have been intensive developments encroaching on what were at one time rural lands; that poses a problem when these mineral interests are discovered by attorneys and others as intensive developments are contemplated.

The general Department stance on this—and it has been acted on in numerous instances by the Congress—is, if the existence of the mineral estate precludes intensive development and it appears that intensive development is the highest use of that land, the Government will sell that mineral estate.

We have here some proposed amendments. They are amendments substantially the same as we use on all bills of this nature. We have quite a few of these bills going through these days, most of them heard by another committee of the House.

I direct your attention, then, to section 3 of the bill. You will note section 3 says:

Upon application all the undivided mineral interests of the United States in any parcel or tract of land released pursuant to this Act—

Is broken down into two categories—

in areas where the Secretary of Interior determines that there is no active mineral development or leasing, the mineral interests covered by a single application shall be sold for a consideration of \$1.

Now, the Department here suggests that we add a further test; the absence of active mineral development or leasing, of course, is not completely inclusive as to the presence of minerals or the value of minerals in place. Therefore, we are suggesting that on page 3, line 5, before the word "the" add "and that the lands have no mineral value." So under our bill if there is no active mineral development or leasing and it is determined that the lands have no mineral value, then that mineral estate will be conveyed for \$1.

Mr. KLEPPE. May I ask a question?

Mr. DE LA GARZA. Yes.

Mr. KLEPPE. Who is going to determine whether there is any mineral value at the time?

Mr. O'CALLAGHAN. Do you mean legally or actually?

Mr. KLEPPE. Actually and legally, both.

Mr. O'CALLAGHAN. Well, it is a determination of the Secretary of the Interior and he will be assisted by the Geological Survey and the Bureau of Land Management.

Mr. KLEPPE. OK. Then there are no charges involved other than what is going to be the administrative Government costs of making this determination. You are not going to have an outside geological firm do this that you would have to pay a fee to?

Mr. O'CALLAGHAN. No. This will all be done by Government people.

With respect, though, to tracts where there are mineral interests we have a series of amendments here that add sections to the bill that call for, in addition to the fair market value of the mineral estate, the Secretary of the Interior to collect the administrative costs of determining the mineral character of the land and the fair market value of the mineral interests to be conveyed. It also provides for a nonrefundable deposit on the part of the applicant. This nonrefundable deposit, of course, is an advance on the administrative costs.

Mr. DE LA GARZA. Then your answer to Mr. Kleppe's question would be "Yes"?

Mr. O'CALLAGHAN. His question, if I grasped it correctly, would be dealing with outside people.

Mr. DE LA GARZA. His question was: Would there be any expense for any geological survey made?

Mr. O'CALLAGHAN. Yes, there will be, the cost of determining the mineral character and then the value of the mineral interest, if the mineral character is established.

Mr. KLEPPE. All right. Now, that being the case, then, the Secretary of the Interior determines this and requires a nonrefundable deposit to be made to cover these administrative costs?

Mr. O'CALLAGHAN. Yes.

Mr. KLEPPE. That is the question that I was really pointing toward.

Mr. DE LA GARZA. Is this your standard procedure, and has it been heretofore?

Mr. O'CALLAGHAN. Yes, sir. The present status of this language represents refinements and things that we have worked out over the years and is the latest language that we are recommending in these kinds of bills.

Mr. DE LA GARZA. Have you made available to the committee staff copies of your recommended amendments?

Mr. O'CALLAGHAN. Yes, sir; they are here, sir.

Mr. DE LA GARZA. Fine. Are there any other questions of Mr. O'Callaghan?

(No response.)

Mr. DE LA GARZA. Thank you very much.

Mr. O'CALLAGHAN. I am pleased to be here.

Mr. DE LA GARZA. Is there any other person that wishes to be heard on H. R. 11527 by Mr. Hathaway?

(No response.)

Mr. DE LA GARZA. I understand that Mr. Fay, of Congressman Hathaway's office, is here for any questions that you might have of the

author. If there is no questions, we will just make his presence known and thank him for appearing in behalf of Mr. Hathaway.

Without objection, we will include in the record the statement submitted by Mr. Hathaway.

(Mr. Hathaway's statement follows:)

STATEMENT OF HON. WILLIAM D. HATHAWAY, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF MAINE

Mr. Chairman and Members of the Committee, like Sisyphus, I begin again with my bill—formerly numbered H.R. 2097 and now H.R. 11527—to convey certain lands to the University of Maine. Since this is the second hearing on substantially the same bill, I fear that most of my testimony will have a *deja vu* quality. With that warning to the Members of the Committee, I shall describe briefly what this bill entails and its major provisions.

H.R. 11527 relates to about 1,748 acres of land acquired by the United States under Title III of the Bankhead-Jones Farm Tenant Act. These lands are located mainly in the vicinity of the communities of Orono, Old Town, and Stillwater, Maine, and the University of Maine near Orono. They consist of 20 separate parcels varying in size from 2 acres to 419 acres. The area in which the 1,748 acres are located is being increasingly urbanized as Old Town, Orono, Stillwater expand. Title III of the Bankhead-Jones Act authorized the Secretary of Agriculture to convey lands to public agencies under terms and conditions he deems will best accomplish Title III purposes, on condition that the property conveyed is used for public purposes. In 1955, the Secretary conveyed the tracts to the University subject to the required public use condition.

Most of the lands conveyed to the University of Maine are now used either as part to a University forest or in connection with the University beef-cattle, dairy, and other Agricultural projects. They are predominantly forest or pasture and grass lands. Some of the granted tracts, however, lie along principal avenues of the communities or main arteries of travel between the communities. There is a demand for additional suitable land for residential development in the area and some of the tracts granted to the University are favorably situated and suited to that use. The University has received inquiries as to the possibility of local groups or individuals purchasing some of these tracts for either residential use or community facility developments.

This bill will be of benefit to the University of Maine and to the nearby communities. It will allow the University of Maine to dispose of lands on the outskirts of its campus and buy additional land closer to the center of the campus.

As was stated by Mr. Francis S. McGuire, Director of the Department of Physical Plant of the University of Maine in a letter dated June 12, 1966 addressed to whom it may concern:

"The President and the Board of Trustees * * * expressed a strong desire to receive Federal approval to convey for selected community or residential use the entire strip of land bordering Stillwater Avenue * * * we desire to do this so as to permit orderly and attractive growth of the city of Old Town. The funds received from this sale of land approximately 32.3 acres, more or less, would be used by the University for the purchase of other lands in Orono, or Old Town nearer to the campus center and most urgently needed for expansion purposes."

Section 1 of H.R. 11527 authorizes the Secretary of Agriculture to release from the public used requirement of the 1955 deed specific tracts or portions of tracts as agreed upon with the University. The University then could exchange or sell such land.

Section 2 provides not only that the proceeds from such sale be maintained in a separate fund but that the University would use the proceeds for the improvement of University lands or for the acquisition of lands for University purposes. I believe that this section is in accord with the purposes of the original conveyance to the University and consistent with the recommendations of the Department of Agriculture June 9, 1967 report to the Chairman of this committee on my previous bill H.R. 2097.

