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HEARINGS

BEFORE THE

COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

ON

THE NOMINATION OF JOHN C. WHITAKER TO BE
UNDER SECRETARY OF THE INTERIOR

JANUARY 16 AND 18, 1973

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Printed for the use of the
Committee on Interior and Insular Affairs

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1973

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PREFACE

The first part of the book is devoted to a general survey of the history of the subject. It begins with a brief account of the early attempts to explain the phenomena of life, and then proceeds to a more detailed consideration of the various theories which have been advanced from time to time. The second part of the book is devoted to a critical examination of the most important of these theories, and to a discussion of the evidence in support of each of them. The third part of the book is devoted to a consideration of the present state of the subject, and to a discussion of the prospects for the future.

CHAPTER I

The first chapter is devoted to a general survey of the history of the subject. It begins with a brief account of the early attempts to explain the phenomena of life, and then proceeds to a more detailed consideration of the various theories which have been advanced from time to time.

NOMINATION OF JOHN C. WHITAKER TO BE UNDER SECRETARY OF THE INTERIOR

TUESDAY, JANUARY 16, 1973

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met, pursuant to call at 10 a.m., in room 3100, New Senate Office Building, Senator Henry M. Jackson (chairman) presiding.

Present: Senators Fannin, Hansen, Hatfield, Buckley, McClure, Bartlett, Haskell, Abourezk, Metcalf, and Church.

The CHAIRMAN. The committee will come to order. The purpose of this morning's hearing is to consider the President's nomination of Dr. John C. Whitaker to be Under Secretary of the Department of the Interior.

Dr. Whitaker brings an impressive record in science, in business, and in public service to the important position of public trust and responsibility to which he has been nominated. He has a Ph. D. in geology; he has served as vice president and consultant to businesses and industries engaged in natural resource studies and development; since 1969 he has worked in the White House, first as Secretary to the Cabinet, and since November 1969, as Deputy Assistant to the President for Domestic Affairs. As Deputy Assistant to the President, Dr. Whitaker has played an important role in coordinating and developing administration policy in the areas of energy, natural resources, and environment.

Dr. Whitaker, the committee welcomes you and looks forward to this opportunity to review your qualifications for this important position.

We are delighted to welcome you, Dr. Whitaker, to the committee for your first appearance.

First, I should like to call upon the senior Senator from Maryland, Senator Mathias.

STATEMENT OF HON. CHARLES McC. MATHIAS, JR., A U.S. SENATOR FROM THE STATE OF MARYLAND

Senator MATHIAS. Thank you very much, Mr. Chairman, members of the committee. I think my principal function here this morning is to reassure the committee that there is no Maryland conspiracy to take over the Interior Department.

The CHAIRMAN. You are not on the Interior Committee, but just short of that, why, it is pretty close. Go ahead.

Senator MATHIAS. It is just that the very great amount of talent and deep dedication and the sincerity of purpose of both the Secretary and the Under-Secretary-designate have come to the fore at the time when they can be most usefully employed in this great Department, which has as its trust, management of our great natural wildlife, park resources, natural resources that are there committed. While much of this area rests in the magnificent western States, I think that these appointments on behalf of the President do reflect the fact that the management of these resources has an increasing national impact.

It is a very great pleasure for me to join with my colleague, Senator Beall, in presenting John Whitaker to this committee.

He has had a distinguished career, he is an exploration geologist, and natural resources analyst in the private sector as well as in the public service. He brings to this post a perspective of an earth scientist and I think he has a considerable sensitivity to complexity and to the global dimensions of the task which is committed to the Department of the Interior.

I am proud that he is, like Secretary Morton, a Marylander. I hope the committee does not hold that against him.

I would like permission, Mr. Chairman, to submit a biographical sketch which includes a list of his publications, his academic achievements, and the history of his efforts in resource management.

Chairman JACKSON. Without objection, so ordered.
(The biographical sketch of Dr. Whitaker follows:)

BIOGRAPHICAL SKETCH OF JOHN C. WHITAKER, UNDER SECRETARY DESIGNATE,
DEPARTMENT OF THE INTERIOR

Dr. John C. Whitaker brings to this challenging post a sound record of achievement in environmental and natural resource programs that spans almost two decades.

A graduate of Georgetown University, Dr. Whitaker received his Ph. D. in geology from Johns Hopkins University in 1953, and has had extensive experience cataloging and evaluating natural resources for the private sector, industry, and the United States and foreign governments.

Dr. Whitaker's intense concern for the relationship between man and his environment has had a profound influence on his career.

Prior to his appointment as Secretary to the Cabinet in 1969, Dr. Whitaker was the Vice President of the International Aero Service Corporation of Philadelphia and headed numerous studies of natural resources in the fields of land use, mineral, petroleum, timber, and soil evaluation.

While a member of the White House staff, Dr. Whitaker served as a Deputy Assistant to the President coordinating inter-departmental task forces to develop executive initiatives announced in the President's Messages on the Environment and the President's Clean Energy Message.

A member of the American Association of Petroleum Geologists, the Geological Society of America, the Society of Exploration Geophysicists, the American Congress on Surveying and Mapping, and the American Institute of Mining and Metallurgical Engineers, Dr. Whitaker is married to the former Elizabeth Bradley and resides in Bethesda, Maryland with their five sons.

BORN

December 29, 1926 at Victoria, British Columbia, Canada, of U.S. citizen parents.

EDUCATION

Graduated Loyola High School, Baltimore, Maryland—1944.

Bachelor of Social Science, Georgetown University, Washington, D.C.—1949.

Ph. D., Geology, Johns Hopkins University, Baltimore, Maryland—1953.

Special Courses: United States Navy Aerographers School (weather data compilation and forecasting); Lakehurst, New Jersey—1945.

Massachusetts Institute of Technology, Cambridge, Massachusetts, summer course in photogrammetry and aerial photograph interpretation—1958.

FAMILY

Married to the former Elizabeth Bradley; five children: John Clifford—13 years; Robert Carroll—11 years; Stephen Bradley—9 years; William Burns—7 years; James Ford—4 years.

Residence: 8013 Greentree Road, Bethesda, Maryland 20034.

POSITIONS

1947: Summer employment while in college—with the United States Coast and Geodetic Survey performing topographic mapping in the City of Philadelphia.

1948-49: Summer employment while in college—with the United States Geological Survey field party in Alaska investigating potential mineral deposits.

1951-53: Instructor, college level geology at Johns Hopkins University, Baltimore, Maryland while attending graduate school.

1953-55: Geologist for Standard Oil of California—performing exploration field petroleum geology—Utah, Nevada, California, Washington States.

1955-57: Manager—Geophysical sales—Lundberg Exploration, Ltd. Toronto, Canada (airborne and ground geophysical contracting).

1957-59: Manager, Geophysical sales, Hycon Aerial Survey, Inc., Pasadena, California (aerial mapping, photo interpretation, air and ground geophysical contracting).

1959-66: Vice President, International Aero Service Corp. (Litton Industries), Philadelphia, Pa.—airborne and ground geophysics; aerial mapping; aerial photographic interpretation for soils and forestry inventories; land use mapping; reconnaissance preliminary design.

1966-68: Private consultant, Washington, D.C. Natural resource sales and development of loan programs representing the Aero Service Corporation of Philadelphia and T. Ingledow & Associates, Ltd. of Vancouver, Canada.

1968: January 20th until November—Cabinet Secretary. Preparation of agenda for Cabinet meetings; assisted in domestic policy coordination for the in-coming Nixon administration Cabinet.

1969: November until present—Deputy Assistant to the President for Domestic Affairs. Assisted in interdepartmental coordination for the President in the areas of natural resources and the environment. Coordination of the preparation of the President's three environmental messages to Congress (February 1970, 1971 and 1972) and the President's energy message to Congress of June 1971.

PROFESSIONAL PUBLICATIONS

Geology of Catoctin Mountain—Maryland and Virginia (Ph. D. Thesis) Bulletin of the Geological Society of America, 1955.

Cross-bedding in some lower Cambrian clastics in Maryland Bulletin of the Geological Society of America, 1955.

The Proton Nuclear Precession Magnetometer for Airborne Geophysical Exploration—Oil and Gas Journal, 1957.

(The below listed are private reports for commercial companies or clients.)

Geological and Petroleum Exploration Analysis of the Filmore Range, Utah.

Geological and Petroleum Exploration Analysis Clark County, Nevada.

Geological and Petroleum Exploration Analysis of Mohave Desert, California.

Geological and Petroleum Exploration Analysis of Olympic Range, Washington.

Airborne Geophysical Survey and Mineral Exploration Loan Application for the Government of Ghana to the Agency for International Development.

Aerial Photographic Airborne Geophysical Mapping Loan Application to the Agency for International Development for the Government of the United Arab Republic.

Airborne Magnetic Survey for Mineral Exploration Loan Application for the Government of Turkey to the Agency for International Development.

Air and Ground Mineral Exploration Program Loan Application for the Government of Surinam (Dutch Guiana) to the United Nations Special Fund.

Air and Ground Mineral Exploration Program Loan Application to the United Nations Special Fund for the Government of British Guiana.

Natural Resource Inventory and Preliminary Road Location and Engineering Resource Development Loan to the World Bank for the Government of Paraguay.

Natural Resources Inventory Loan Application to the Inter-American Development Bank for the Government of Chile.

Natural Resources Inventory Loan Application to the Organization of American States for the Government of Ecuador.

Federal Working Committees.—White House staff inter-departmental coordination for the President's three environmental and one energy message to Congress.

Other Professional Activity.—Member—American Association of Petroleum Geologists, American Congress on Surveying and Mapping, Geological Society of America, Society of Exploration Geophysicists and the American Institute of Mining and Metallurgical and Petroleum Engineers.

The CHAIRMAN. Thank you very much, Senator Mathias. Senator Beall, we are delighted to have your statement.

STATEMENT OF HON. J. GLENN BEALL, JR., A U.S. SENATOR FROM THE STATE OF MARYLAND

Senator BEALL. Thank you, Mr. Chairman. Members of the committee, I don't want to be repetitious and repeat what my senior colleague said. We are just happy that our State is able to be in a position to offer the services of such fine gentlemen to the Nation as we have in Secretary Morton and Dr. Whitaker.

The chairman has pointed out Dr. Whitaker's background and my senior colleague, Senator Mathias, has talked about his experience in the field of natural resources in the environment. I think he brings some rare talents to the position at a time when we are all concerned about the environment and man's ability to meet the problems of the environment.

I am happy to be here with Dr. Whitaker this morning because I think he is eminently qualified to fill the position in the Department of the Interior to which he has been nominated and I wholeheartedly second the endorsement received from Senator Mathias and look forward to his nomination receiving a favorable consideration from the committee.

The CHAIRMAN. Thank you, Senator Beall. I appreciate your fine statement. Both yours and Senator Mathias'.

Mr. Secretary, we are always delighted to have you before the committee, both as a Member of the House and as Secretary, and we would be pleased to have your statement.

STATEMENT OF HON. ROGERS C. B. MORTON, SECRETARY OF THE INTERIOR

Mr. MORTON. I would like to submit for the record a prepared statement that I have, and, Mr. Chairman, before speaking of John Whitaker, I would like to just make one comment and say I have been highly privileged in having served with Dr. Pecora.

Bill Pecora is one of those rare people who came through the ranks to the position of Under Secretary. We miss him a great deal, and I just think this would be an appropriate place in the record to make that comment.

When I first was designated to become Secretary of the Interior, I asked the President at that time if John Whitaker would be available as Under Secretary. I felt that the knowledge he had gained as far

as the work of Government is concerned would be very valuable, along with his professional competence in the Department. And I think for probably good reasons, since I was the first really eastern Secretary of the Interior appointed, that his appointment or designation at that time may have been inappropriate. I know he thought a lot about it himself, and we both concluded that we would not press the matter.

When the opportunity came again to select an Under Secretary, particularly in the face of what we are attempting to do at the Department in terms of meeting the situations that confront us, such as the projected energy supply situation, such as all new organizations and programs for our native Americans, and the development of new ethics for the management of our public lands, I couldn't think of any person who is better qualified to become involved in this challenge than John Whitaker.

I am excited that the President has designated him, and I know that both Senators Mathias and Beall are proud of his origin, but John Whitaker is indeed a national person. He has had experience in working with not only our Department but with the Department of Agriculture, of course, with the President as a close adviser and counsel to the President.

I think he will bring to the Department a national stature that in its challenge will be very effective.

And so, I conclude, Mr. Chairman, by saying that John Whitaker is a person that I wanted very badly for this job and I feel very lucky that the President has complied with my wish and designated him for this responsible position.

(The prepared statement of Secretary Morton follows:)

STATEMENT OF HON. ROGERS C. B. MORTON, SECRETARY OF THE INTERIOR

Mr. Chairman, I would like to begin by expressing my appreciation to the distinguished gentlemen from Maryland, Senator Mathias and Senator Beall, for their warm introduction and support for Dr. Whitaker. I am further deeply gratified that the President has forwarded Dr. Whitaker's name to the Senate for confirmation as Under Secretary of the Interior.

I believe that Dr. Whitaker can provide spirited leadership within the Interior Department and heighten the effectiveness of our management of the Nation's resources. This is the reason why I asked the President to place his name before this Committee in nomination as Under Secretary.

He brings to this post an outstanding record of involvement and understanding of our natural resources. As a trained earth scientist, he has devoted his life to understanding the principles and laws of physics, chemistry, matter and motion, but in seeking to establish a synthesis—a balance—between the laws and principles which control nature and the dimensions of the relationships between man and the biosphere.

A graduate of Georgetown University, Dr. Whitaker received a doctorate in geology from John Hopkins University and is a member of the American Association of Petroleum Geologists, the Geological Society of America, the Society of Exploration Geophysicists, the American Congress on Surveying and Mapping and the American Institute of Mining, Metallurgical and Petroleum Engineers. His list of publications in hydrology, minerals, land use, and timber and soil evaluation is quite extensive. Although a resident of Maryland, Dr. Whitaker has spent a good deal of his professional career in the Western States, including California, Utah, Washington and Oregon, as well as Alaska. While serving as Vice President of International Aero Service of Philadelphia, he participated in natural resource surveys for the Agency for International Development (AID), United Nations Special Fund, the Organization of American States, the World Bank, and overseas developing countries.

While a member of the President's staff, he served as Secretary of the Cabinet, and as Deputy Special Assistant to the President, and has coordinated task forces that produced Presidential Messages to the Congress on the Environment, Clean Energy, and Rural Development.

The challenges of the environment before this Committee, the Congress, and the Executive are, I believe, the most absorbing issues in the mainstream of contemporary American life.

Our ability to maintain secure and stable quantities of clean energy to meet the demands of continuing socio-economic progress without impairing the delicate character of the biosphere—the challenge of providing greater access to our park and recreation areas without despoiling the character of the parks themselves—and other problems facing my Department will impact on the quality of life shared by future generations of Americans.

The solutions to those problems will require as much new technology and research and development as they will conscientious planning, and unimpassioned analysis.

It is in this capacity and in this role that I intend to rely upon Dr. Whitaker, to assist me in deriving an adequate information base upon which to base our decisions, to isolate our alternatives, and when necessary, to implement new programs to manage our natural resources in a fashion that is responsive to the American people, the Congress, and this Committee.

In conclusion, Mr. Chairman, I have the highest level of personal confidence and trust in Dr. Whitaker and the greatest enthusiasm to begin working closely with him as Under Secretary of the Interior.

Thank you.

The CHAIRMAN. Thank you, Mr. Secretary, for your very fine statement. I think the work of this committee is national in scope. There was a time when it was primarily western, but the problems that we deal with, the environment, the parks, and energy, and all of these things transcend State boundaries in my judgment, and in view of the mobility of our people, 40 percent of them moving to another State every 10 years, I think a lot of preconceived ideas about mandatory geographical representation is no longer a viable creed.

May I say that we are delighted, Dr. Whitaker, to welcome you to the committee. You certainly come here with impressive qualifications, both from the private sector and the public sector, and we would be delighted now to have your statement. I know the Senators have other committee meetings and there is no reason why, I don't think anyone here wants to interrogate you, I don't believe—

Senator MATHIAS. We are open to questions.

The CHAIRMAN. There is only one question, can you assure us that you don't plan to move the Department out over the line into Maryland? I mean propose. We just want to be sure.

Senator MATHIAS. We would like to reserve our answer on that.

The CHAIRMAN. Senator Beall is not up for election. Maybe he could give a more candid answer. You are excused.

Dr. Whitaker, you do have a prepared statement and you may proceed now in your own way, before we ask you a few questions.

STATEMENT OF DR. JOHN C. WHITAKER, NOMINEE TO BE UNDER SECRETARY OF THE INTERIOR

Dr. WHITAKER. Thank you, Mr. Chairman and members of the committee.

Frankly, we did consider the option of moving the Department to Baltimore. We are looking for places west of there now, and maybe, perhaps, Hagerstown and Cumberland. I don't think that it is going to work.

Chairman JACKSON. Don't forget the Eastern Shore.

Dr. WHITAKER. I am particularly honored by the gracious remarks of the two esteemed Senators from Maryland, Senator Mathias and Senator Beall, and personally value the opportunity to appear before this distinguished committee as the President's nominee for the position of Under Secretary for the Department of the Interior.

I am further honored by the comments Secretary Morton has made, and by his trust and confidence in me to have asked the President to place my name before this committee as the nominee.

By profession, I am a geologist. Since earning my bachelor's degree from Georgetown University in 1949 and being awarded the degree, doctor of philosophy in geology at Johns Hopkins University in 1953, I have spent much of my professional career seeking to understand, to interpret and gain insight into the dimensions and array of our natural resources. This pursuit and other enterprises have led me on natural resource inventories, as well as geophysical surveys in the western United States and the developing countries. From my very first experience as a geologic assistant for the U.S. Geological Survey in Alaska while an undergraduate, I have had an intense admiration for the tasks and responsibilities of the Interior Department.

Actually, when I first went to Alaska, I was in college and very happily and proud of my title as a geological assistant. When I got out of the Bureau I realized what I truly was: a two-legged packhorse, so when I say I have admiration for the task of the Department of Interior, I know of what I speak. I have much more to learn about the responsibilities.

I feel, like Dr. Pecora, that as an earth scientist I have much to contribute to the Department of the Interior's role of managing natural resources. As an individual, however, I realize that there will be much to learn, and many new avenues of trial and experience in the task ahead. I nevertheless welcome that challenge and am indeed honored to be here today.

While serving in the last 4 years as Assistant Director of the Domestic Council Staff, and as Secretary of the Cabinet, much of my effort was devoted to the task oriented assessments and coordination of our natural resources policies in several departments and agencies within the Federal Government.

This experience has given me familiarity with some of the most demanding natural resources issues, in the environment and in the energy areas. There are still others, however, that I must learn. During that period I became increasingly impressed with the need to derive a balance, both in the presentation of information leading up to decision, and, ultimately, in all decisions themselves that affect the relationship between man and the dimensions of his environment.

There is, I believe, no greater task facing society today than to achieve an equilibrium between the needs and demands for preserving our natural world and continued socioeconomic progress. I am committed personally to striving toward achieving that balance by supporting and assisting the Secretary in the formulation of natural resource policy. I further am committed to continuing to be responsive to this committee, the Congress, and the American people.

I further subscribe to the belief that we must extend the scale of dialog between all facets of the ideological, political, and economic

spectrum in decisionmaking affecting our natural resources. The problem of clean air, clean water, and unscarred earth is not a problem for "environmentalists" or "industrialists" or "developers"—it is a problem for all Americans. It is a problem for our national livelihood today, and if left untended, can threaten land and impinge upon our design for the future. In this respect I hope to work with the Secretary in providing greater access to the public in the evolution of natural resource policy decision.

It is my hope, in conclusion, Mr. Chairman, that I will be able to meet the expectations and trust of this committee and Secretary Morton in every capacity as Under Secretary.

Thank you for permitting me to make this statement.

The CHAIRMAN. Thank you, Dr. Whitaker, for a very fine opening statement.

As you know, many Members of the Congress have expressed concern over the lack of responsiveness of some executive branch officials in agreeing to appear to testify at committee hearings. Your predecessors in the position of Under Secretary appeared frequently before this committee and the same, of course, goes for Secretary Morton and other Secretaries. And I believe communications, generally, have been good.

We have, however, noticed a tendency for the Department to downgrade the importance of hearings. Assistants, deputies and acting officials have frequently been substituted for assistant secretaries and bureau chiefs. Can you assure the committee of your own intentions to maintain, open, free, and responsive communication with the committee and to improve the record of your subordinates?

Dr. WHITAKER. Yes, sir, I can. Mr. Chairman, I will make every effort not only to testify whenever I am asked to testify before this committee and, for that matter, any committee of Congress, if requested, and I will do my very best to make sure that top-level Presidential appointees are here in attendance, and with them, when required, any specific backup they need of other members of the Department.

The CHAIRMAN. You will be available, then, after reasonable notice, to appear before this committee or any other committee, of course that is appropriate, to present departmental and administrative positions on pending legislation and on subjects which the committee may be investigating?

Dr. WHITAKER. Yes, I will.

The CHAIRMAN. In view of the widespread public concern and interest in the *Watergate* case, and the fact that you have served on the White House staff for the past 4 years, I want to resolve at the outset a question which may be raised on the Senate floor or elsewhere.

Will you please state for the record whether you were at any time in the past in any way involved in the case concerning the wiretapping of the Democratic Party office in the Watergate Building, or any other aspect of that particular matter which is now in court?

Dr. WHITAKER. Mr. Chairman—

The CHAIRMAN. I am not inferring by the question that I have heard rumors or had any indication you are involved. It is just a statement for the record.

Dr. WHITAKER. Mr. Chairman, I am not now nor have I in any capacity ever been involved in the *Watergate* case.

The CHAIRMAN. Were you aware in any way of this activity at any time before the arrest of those currently charged in this case?

Dr. WHITAKER. No; I was not.

The CHAIRMAN. I have a question with reference to the Bonneville Power Administration. In early December, the Pacific Northwest, as you may know, suffered serious curtailments in electric power supplies. As you know, the Federal Columbia Basin power system, including the Federal hydroproject and the Bonneville Power Administration's transmissions, is a major and essential part of the region's energy supply. Are you aware of the critical importance of maintaining the scheduled completion date for the hydroelectric project now under construction?

Dr. WHITAKER. Mr. Chairman, I have a great deal to learn about Bonneville. I have had one quick briefing from Mr. Hodell, the Administrator of BPA. I understand the basic dimension of the problem to be that somehow we have to get Bonneville and other public and private utilities coordinated in one long term program, to make sure these power shortages do not occur. Rates in the Bonneville area, as I understand it, are going up next year. There are many options to be considered. One of these options might be, for example, to consider if there might be, in the long term, some financing mechanism, some TVA-like mechanism. I repeat this is only one option under consideration.

I hope to get out to Bonneville very soon and learn more about it.

The CHAIRMAN. Thank you very much.

As you know, the committee is engaged in an important study of natural fuels and energy policy. Completion of this study has been delayed by the failure of many executive agencies to respond to questionnaires and policy issues propounded by the committee.

For example, the committee has been waiting 6 months for the Interior Department's responses to the questions asked at the two hearings held last summer on mineral leasing policy and oil and gas supplies.

What do you think can be done to expedite responses to the committee on requests for background information?

Dr. WHITAKER. I am not aware of the two requests, but, in general, to answer your question, I will make every effort to make sure the Department is responsive to requests of this type. That takes two disciplines, sir, it takes the discipline of getting our own homework done in the Department, and clearing this homework in an expeditious way with OMB. I intend to do my very best to make both of these things happen.

The CHAIRMAN. Senator Bible regrets that he is unable to be here this morning due to a previous commitment, and asks me to raise the subject that has been one of his longstanding interests, the geothermal energy program.

Senator Bible is concerned over what seems to him to be a lack of sense of urgency in the Interior Department in moving ahead with the exploration and development of geothermal resources on the public lands in the West.

This committee and the Congress, as you know, passed the Geothermal Steam Act in 1970 and have been waiting more than 2 years for the Department to get the geothermal lease program underway.

Also, last September a Department of Interior Panel on Geothermal Resources submitted a report to the Federal Council for Science and Technology recommending expanded research to develop the technology needed to harness the resource. It is not at all clear what happens to such recommendations. Nor is it yet clear when the leasing program will begin.

This is Senator Bible's statement that I am reading, and I will appreciate your addressing yourself to this with emphasis on the kind of program you think the Department should be undertaking; the kind of program you will be prepared to encourage and support if your nomination is recommended.

Dr. WHITAKER. With regard to the implication of the first question, why has it taken so long, I am not quite sure of the answer. Since the Geothermal Act was passed, I believe, in December, 1970, there has been a classification program going on with the USGS and BLM to classify those lands into potentially known geothermal areas as opposed to known geothermal areas. The basis for that classification is because, as I understand it, the bidding system would vary between the two classifications of land.

There are approximately 58 million acres, I believe, of potential geothermal areas and about 1.8 million acres, almost ready for leasing.

To answer the question of when will that go forward, I believe a National Environmental Policy 102 statement, a draft statement, has been prepared and I think a final statement is near ready. It will be up to the Secretary to review that statement, and if he, at that point, under the National Environmental Policy Act, wants to go forward, then we would be in a position from a legal point of view to proceed with the geothermal leasing program.

With regard to the implication of the question on Federal R. & D., I have noticed, for example, former Secretary Hickie's report at the University of Alaska on that subject. Mr. Chairman, he calls for funding of the order of over \$600 million over a 10-year period. In the world of tough choices, I would tend to think that is probably too much money too soon. I would rather see the leasing program get started, see what private industry can do with it for a year, then we would be in a better position to talk about Federal funding, if required.

On the one hand, this program, people call it more or less Buck Rogers and way out. But I suspect when oil seeps were first discovered, when we drilled where we could see the surface manifestation of it, that people didn't realize how much oil there was under the ground.

I think the same could be very true of geothermal. I am rather excited about it. I think we are looking at the tip of an iceberg and it has a great future.

The CHAIRMAN. Mr. Secretary, I do hope you will give it the kind of urgency that I think it demands, along with the R. & D. effort that should be made in coal and oil shale, to provide us the additional options and leverages that we need in light of the world situation that we have to face as a nation that is deficient in energy resources at this time because of a lack of development, not that we do not have alternative solutions. I do think that this sense of urgency is essential.

Secretary Morton addressed himself to this when he asked questions about it the other day in connection with our energy hearings, and I am sure that you will give it that attention, will you not?

Dr. WHITAKER. Yes; I will.

The CHAIRMAN. No one really knows what we can do with geothermal resources. I think you described it quite well, a Buck Rogers type of approach, and certainly there needs to be an aggressive sense of inquiry about it to find out what can really be done. I believe all of us are responsible, in a sense, for not pushing some of these efforts as aggressively as we should. That is going to be one of the major parts of our energy effort, because geothermal resource developments appears to offer some environmental solutions to our supply problems. Geothermal energy will cause some environmental problems that will have to be solved, but it is a clean source of power just like the conversion of coal to natural gas. It is the manner of extracting and converting geothermal products, which will determine, of course, the environmental impact, but the end product is a clean source of power.

I want to say to Secretary Morton, too, that we are planning land use hearings the first week in February. We hope to make these very short. I trust the Department will be prepared to act at that time and appear.

Secretary MORTON. I see no reason why we shouldn't be able to.

The CHAIRMAN. We want to get that legislation through as the first order of business. We have strip mining and power facility siting to consider as well. We are going to move these right along so if both you gentlemen could be prepared for appropriate testimony from the Department the first week in February.

Secretary MORTON. Mr. Chairman, while you are addressing me, is there any reason the committee would like for me to stay?

The CHAIRMAN. No, sir. Do any of my colleagues have a question for Secretary Morton? No? Thank you, Mr. Secretary.

Secretary MORTON. Thank you.

Senator FANNIN.

Senator FANNIN. Thank you, Mr. Chairman, and Dr. Whitaker. We are very pleased to have you here with us this morning. It is quite a team—between you and Secretary Morton and the two Senators from Maryland.

We are very glad to know of the interest that you have in the development of our natural resources along with the protection of the environment. I am very impressed, Dr. Whitaker, with your statement.

On page 2 of your testimony, you state:

There is, I believe, no greater task facing society today than to achieve an equilibrium between the needs and demands for preserving our natural world and continued socioeconomic progress. I am committed personally to striving towards achieving that balance.

And you go on to expand their point. I would say that this is exactly the way I feel and that if we can achieve this attitude throughout this country, many of our problems will be resolved.

We have some great problems in the energy field and you know very well what has been happening. In this regard, as a geologist, you are eminently qualified on earthy matters, as they say. You stated that you were involved to some extent in geothermal power

generation, have you been involved in any of the Western States in this regard?

Dr. WHITAKER. Geothermal power generation?

Senator FANNIN. Have you visited any of the sites?

Dr. WHITAKER. No, sir, I have not. I want to go to Geysler, Mono Lake, and Imperial Valley, but I have not.

Senator FANNIN. I hope you will take the opportunity to go to Phoenix because today or tomorrow a project will be announced in which the Arizona Public Service, Tucson Gas & Electric and Salt Water Project are starting a project. They are drilling for a geothermal steam reservoir just a short distance to the southwest of Luke Air Force Base. We will give you all the details on it as the operation develops. They are very optimistic about it, their exploratory work is very encouraging. This is being done without any Federal funds. So, I think they are to be commended highly.

But I do feel when we are talking about millions of dollars for importation of products the energy problem is so great due to importing from other countries of the world petroleum products in these amounts that I don't think that \$600 million over a 10-year period is even sufficient for the exploration work that will be done or should be done in geothermal steam activities.

I notice that you stated that you thought this was more than necessary and I like the attitude that you would be frugal in this regard, but with this tremendous opportunity facing us, do you really feel that \$600 million would be too much? Shouldn't we start out with a program that would try to achieve the goal of developing the resources?

I note that you mentioned the Hickel report. There are other reports that have come out recently. Some of them federally funded. In fact, I think the Hickel report was partially federally funded.

Don't you think we should do more in that regard in at least starting out with a program?

Dr. WHITAKER. I would hesitate to commit myself to a \$600 million fund without knowing more about it. The thrust of what I was trying to say, Senator Fannin, is I think we are going to learn a great deal in this first year of the geothermal leasing program and at the end of that period we will know a lot more. There is a point where you never know enough and you have to bite the bullet on what the size of the program should be. I would simply like to reserve judgment on the size of any Federal program.

Senator FANNIN. With the great opportunity that seems to exist in generating this power without damage to the environment of course. With the realization of noise factors, and problems of disposal in geothermal, at the same time compared with other solutions it seems to offer the greatest of opportunities. I would hope that you would visit some of these sites which we have mentioned. I will endeavor to get you detailed information on what is being done in Arizona. As I said, the release will either come today or tomorrow, so we will first await it.

Naturally, in the West we are concerned with mineral development. We have some great problems, as you know, but in the area of mineral law, what is your position as to amendment, repeal or any change in the 1872 Mining Act?

Dr. WHITAKER. I would have to get into that in detail. I remember, Senator, that the President proposed last year, I believe, in his Environmental Message, a modernization of the old mining act. I would favor strong environmental consideration relative to that act. I would favor, I think I would, I will have to get into it in more detail, some leasing approach so that, so that we are sure of protecting the public land values. I am not too acquainted with it, but I promise to get into that area.

Senator FANNIN. Whenever we talk about natural resource development, we must realize that, for instance, over 50 percent of the copper produced in the United States happens to come from my State. I am vitally interested, and I hope you will look into the problems that we have.

Do you feel that environmental concerns can be met if the present basic structure is retained and proper actions are taken?

Dr. WHITAKER. I feel this way. As I understand the present law, the burden is on the Department of Interior in each individual's effort to make sure as you go from prospecting to mine development, that proper environmental concerns are taken care of. As I understand the law, the legislation we are talking about now that was introduced last year, would include the necessary environmental protections. I think that in turn would tend to reduce the amount of administrative burden on the Department and so to speak automatically produce a better product. That is why I spoke in favor of a modernization of the law.

Senator FANNIN. One problem we have, in land exchanges is that so often that little consideration is given to the plans of land developers for the land they acquire from the Federal Government. For example, we have problems in many of the western States where the land developers of slopes, foothills and some mountainous areas are doing far more damage than the mining operations. I hope, as we go along, we can develop techniques to better examine the effects of exchanges since there have been several large exchange programs in the West. We should set standards in this regard, because it is about the only place in which the Federal Government can take a stand. It is very important to us, I know that this is an area in which we have not given full consideration.

As a geologist, you probably are very familiar with the problems of salinity, especially in the long-fought battle over the Colorado River. The matter is also of concern to other Basin States in which the problems of the Colorado as far as quality of the water entering Mexico and its handling although the problem has been assumed as a Federal obligation. Will you support the program of salinity control which has been outlined by the Bureau of Reclamation?

Dr. WHITAKER. I am not familiar with the report, Senator.

Senator FANNIN. We hope we can discuss this subject with you because I think we can do a great deal with regard to handling this matter beneficially, both to Mexico and to the United States. It is going to take some action by the Congress first, consequently the handling of this problem by the Department will be of support to us.

Dr. WHITAKER. I am aware of not the contents but the general concerns in this area of salinity in the lower and upper basin and

former Attorney General Brownell's report which will soon be forthcoming to the President on the various options to reduce the salinity of the Colorado and the salt water going into Mexico.

Senator FANNIN. We are very concerned and involved, the seven western Basin States that we carry through our contract or our treaty with the Mexican Government while still protecting the Federal Government's and State's positions in regard to the salinity problem.

On another issue, what is your position on royalty requirements as far as the mineral development?

Dr. WHITAKER. I am not sure. I think, generally, I favor them. That may be too crisp an answer. I feel this way, that we have to arrive at a good balance. On the one hand I do not want to inhibit in any way development in the western lands for mineral potential, provided environmental safeguards can be found to do that in each case. On the other hand, those lands belong to all the public, not just the mining company that wants to use them and, therefore, I think we have to strike a balance.

Senator FANNIN. I agree with you on striking that balance but I think the important matter of striking the balance is how you would calculate the royalties, the gross and net values. I feel we should get into that at a later time, since it is quite a complex problem.

We do have, as you know, problems in the western States that are not prevalent in any other parts of this Nation, that is the degree certainly is not prevalent in the other parts of the country.

One other item and then I will be through. We have heard a great deal about grazing fees and we have had some rulings and goals which have been set by the Department. First, I would like to ask what you would feel would be fair. The request for a 1969 grazing fee hearing concerning the validity of the formula, whether Udall's formula is the only proper approach, is something I think we have to explore as well as the attitude that would be taken by the Department. Do you feel that this also comes under the category of reaching a balance?

Dr. WHITAKER. Yes. I do. I have had some involvement in that, Senator. In general I am in agreement with Secretary Udall's formula of reaching a fair market value over, say a 10-year period. We could argue about what's fair market value. I guess we can argue about the schedule. It seems to me that 10 years is designed to increase the fees for the use of those properties, but not at such a rate that we would do any undue harm to the livestock interests who use them. The record of the administration in that area has not been a continuous line like Secretary Udall had originally suggested. As I recall the history, we stopped the first year for review of the Public Land Law Review Commission on that subject. Then we jumped 20 percent the next year to make up for waiting that year. Then, because of inflation, a year after that, as I recall we cut it down to about 3 years, and this year we have gone back on the 10 percent schedule.

Senator FANNIN. Are you familiar with the Public Lands Law Review Commission's record on this matter?

Dr. WHITAKER. No, sir, I am not.

Senator FANNIN. I hope you will check. It is important. It was determined after a long study. I know that going back to the 10 percent has been very unsatisfactory with many of the ranchers. It was assumed that they would continue the lower percentage and, of course, the OMB ended that. We do have a problem in that regard

and I hope you will check on the recommendations of the Public Land Law Review Commission.

Thank you very much.

Dr. WHITAKER. I will, thank you.

Senator RANDOLPH. Thank you, Senator Fannin.

Senator CHURCH. Dr. Whitaker, I missed the repartee concerning the State of Maryland when you first arrived this morning. I don't want you to think I hold anything against the State of Maryland.

As a matter of fact, I think it was Maryland, if my memory serves me, that first proposed the compromise concerning the concept of public lands as distinct from State-owned or colonial lands.

However, as you know, most of the public lands are located in the western States, the intermountain West, and so the West has a special stake in the work of the Interior Department.

I am concerned about the representation of the West in that Department. How many assistant secretaries are there now in the Department?

Dr. WHITAKER. Six, I believe, a total of six plus the solicitor, I believe. Five or six. I am not sure.

Senator CHURCH. How many of these assistant secretaries come from western States?

Dr. WHITAKER. You mean current ones? Right now we virtually do not have assistant secretaries with the exception of Nat Reed who is from Florida. I understand your concern, what you are saying.

Senator CHURCH. My concern is that among those who are presently positioned who have not been dismissed on the latest go-around, are there any westerners?

Dr. WHITAKER. Yes, among the immediate past assistant secretaries.

Senator CHURCH. At the assistant secretary level. I mean among those that are still in the Department that are not leaving.

Dr. WHITAKER. No.

Senator CHURCH. There are no westerners among those who are not leaving, in high posts in the Interior Department; are there any westerners?

Dr. WHITAKER. I don't think so, no.

Senator CHURCH. I call this to your attention. I don't know to what degree you will determine the choices among the assistant secretaries, but to the extent that you may exercise influence, it seems to me very important that the West be fairly represented due to the great stake the western States have in the work of the Department.

I was interested in your comment about geothermal steam because in a way we are just rediscovering that potential.

I live in a house in Boise that is heated by natural hot water and we were developing that resource at the turn of the century in Boise and I think it has been overlooked, the possibilities here have been overlooked.

I am glad that we are going to renew the inquiry into the potential.

Dr. Whitaker, this committee, as you know, has long been concerned about the effective application of the Wilderness Act. It was in this committee that the original bill originated.

Members of this committee, the chairman and I and others, were deeply involved in the passage of that legislation.

The implementation of the act is far behind schedule and I would like to have your views first with respect to the act itself, and, secondly, with respect to its implementation. Not only as regards the Forest Service and the primitive areas within the national forest, but also as regards the Park Service which has done very little to implement wilderness within the national parks.

Dr. WHITAKER. First, Senator, I strongly favor the Wilderness Act. I have been involved to some extent in my previous job in the White House of trying to grind out each of those proposals, get them down here.

As I understand it, there are about 70-odd wilderness proposals and Congress has acted on 35 or so. I am not sure if my figures are precise.

With regard to your question about the Park Service, I believe since the administration began, we have proposed 20-odd wilderness areas in national parks. I believe Congress has acted on four.

Senator CHURCH. There is a reason for that, as you know.

Last May the National Park Service came up to this committee, to my Subcommittee on Public Lands with a series of proposals relating to wilderness in the national parks, and the difficulty with those proposals was that they simply did not, in our judgment, conform to the act.

The Park Service seemed to be writing a new act in terms of the proposals that they made.

There were two difficulties, as I remember.

One was that they were filling the wilderness areas with holes so that they looked like swiss cheese. These holes were excluded from the wilderness for reasons that seemed to us to be insufficient and unjustified and that had to do with the so-called purity concept. That seemed to indicate that no land that was not virgin, that is to say, never had been occupied by man or had never been altered by man, only such land was eligible for inclusion in wilderness, and our view, certainly on the committee, has been that the standard set up in the Wilderness Act is a different one, that land even if it may have suffered some impact from the works of man in the past, may qualify if the area is now generally wild in character and no longer has been affected by the impact of man's work.

In other words, the National Forest Service has intended to restore the land to its virgin character and this dispute has been the roadblock that has prevented congressional action on many of these park proposals.

So, if we are going to remove that roadblock and get on with the work of implementing the Wilderness Act, this committee needs to know your own views with respect to that doctrinal dispute.

Dr. WHITAKER. I am not sure I am schooled enough in it to be sure of this.

As I recall, for example, the Shenandoah National Park has a wilderness area in it. That area was certainly used for farming back in the 1930's, late 1920's before it became a park.

I don't think I personally see any objection to taking an area that can be grown back up and using it for a wilderness area.

I understand that this thing goes deeper than that and I certainly want to get into it and get it resolved.

The gut question we get down to, I think, frankly is whether the Agriculture Committee on the other side of the aisle is involved in it. I think there is a lot of cycling and maneuvering going on here.

Senator CHURCH. I agree with you.

Dr. WHITAKER. I don't know the answer, but I certainly intend to get into it because we are at a stalemate, and I think we better get it resolved as soon as we can.

Senator CHURCH. I am in full accord with that position, and I do think our problem is not only the National Park Service, but the Forest Service, too, that would like to set up a different system under a new statute for eastern areas upon the theory that none of them could qualify under the Wilderness Act and I just don't think that there is anything in the act or anything in the legislative history relating to the act that will justify such a position.

In fact, we are already incorporated into the wilderness system areas that had previous alterations by man, but which nature has restored and I think that any close study of the legislative history would demonstrate that these areas do qualify and can be included within one national wilderness system.

We set this act up to establish a national wilderness system and we must not let the agencies of Government interpret the act in such a way as to relegate it just to the western States.

There are areas of the East as well that surely qualify under the terms of the act. So I hope we will have your cooperation in trying to resolve this stalemate and to get on with the objective that Congress had in mind when it proposed this national system.

Dr. WHITAKER. I will be glad to work with you in that respect, sir.

Senator CHURCH. Last year this committee approved and the Congress enacted the first bill, I think, authorizing the reconstruction of a Government dam which was found to be a hazard to the public safety due to the defective nature of construction.

We have in Idaho another such dam, the American Falls Dam. I don't know whether or not you are familiar with the case as yet, but the Bureau of Reclamation has found this structure to be defective and the reservoir which is terribly important to Idaho farmers because it is the largest reclamation reservoir in our State cannot now be filled by virtue of the danger.

It may be that there is some alternative to the rebuilding of this dam by the Government. We are looking at the possibilities that the power company in combination with the irrigators might find a way to replace the dam, but if that does not prove feasible, then we are going to be faced with the urgent need to do something about this hazard.

And the Bureau itself recommends that the Government replace the dam, which may be the course we will have to follow.

What I would like to know from you is this: If we do have to follow that course, to remove the hazard, will we have your cooperation in giving it proper priority consideration?

Dr. WHITAKER. Yes, you will. I will certainly look into the matter. I know nothing about the dam, the cost of it or what lies behind it, Senator, but I will give it high priority.

Senator CHURCH. You can appreciate the nature of the problem and if we have to go the Government route, we have to have this matter brought to the top of the pile because we are in a very serious situation, and if we had 2 or 3 dry years, we might find that the farmers would lack the necessary water for their crops.

Dr. Whitaker, are you familiar with the preliminary report of the National Water Commission?

Dr. WHITAKER. No, I am not. I just read a brief article about it in the New York Times. That is the report chaired by Mr. Hughs of Consolidated-Edison, isn't it?

Senator CHURCH. Yes.

Dr. WHITAKER. I know that comments are coming in on that, and we are within about a month of making final reports on that matter.

Senator CHURCH. The final report of the Commission is due to come up to the Congress within the next few weeks and the preliminary report contains some very disturbing recommendations on water matters and one of those recommendations is that the Federal reclamation program be terminated.

What are your own views concerning the future of reclamation under Federal aegis?

Dr. WHITAKER. Well, I think what has been going on, seeing it from afar and not being involved as I obviously will be, that there is an awful spread between the promises made and the actual putting in of municipal water projects, irrigation projects, flood control projects and so on. The difference between what we have in authorization and what we have in appropriations is a long stretch.

I think we have to come up with realistic financial mechanisms to handle this. I think this ultimately resolves itself into less water projects, but of those that are financed, we try to do a quicker job of getting them done. That is exceedingly tough to do.

Senator CHURCH. I take it from your answer that you would not favor then an end to Federal reclamation. You mentioned Federal financing.

You do not take a position in opposition to water reclamation or to its continuation within the framework of the possible as far as budgetary considerations are concerned?

Dr. WHITAKER. Yes.

Senator CHURCH. One final question. Last year under an Executive order the use of predator control poisons were banned from the public lands. Since that time many many charges have arisen from among the sheepmen in the West to the effect that this order has caused some of them to go out of business and has resulted in such an attrition on the lands that its continuation will be a very serious impediment to the sheepmen and to the industry.

I don't know whether this is factually the case or whether it is not. But I do think we need to find out and then make whatever determination follows from the facts.

My correspondence with the Interior Department on this matter has been far from satisfactory. I think it could only be characterized as obfuscation and delay.

I think if these charges are true, then there is no justification for obfuscation and delay. We want to find out if they are true or not true and the sooner the better.

Would you cooperate in that effort?

Dr. WHITAKER. Yes, I certainly would. I have no knowledge on the question that you are asking about. Has there been an undue hardship on livestock interests in this area?

I do, Senator, generally think, I have had a quick briefing on the statistics on sheep kills and I think the bottom line on it is that when you compare the last year which poisons were used, 1971, and the first year when they were not, 1972, the statistics so far are meaningless, I think, and the jury is still out.

As I understand it, for example, sheep kills are down in Colorado and Arizona. They are up in Wyoming, I believe, and several other States. I am not sure of your State.

I think in addition there has been an intensive program of the Interior in the Bridger National Forest area, I believe that is correct, and the change in sheep killed is up slightly, but I think the main conclusion is that it is up slightly over the last 4 years but the amount it is up is statistically insignificant.

So I think the jury is still out on this and we have to give it more time.

Senator CHURCH. I would hope, too, that the Department undertake to survey the situation pretty thoroughly because this is becoming a matter of considerable moment in the Western States and there is a feeling of urgency about it.

So I think we need the help of the Department in trying to ascertain whether these changes are well based and just what is going on, so we can develop some guidelines for this program in the future.

Dr. WHITAKER. Senator, I can assure you I will get what statistics the Department has on sheep and cattle kills to you with regard to whether livestock interests are going out of business. I don't know the answer. I will go over to Secretary Butz and work that side of the circuit and try to get something.

Senator CHURCH. Fine. I just solicit your assistance. I think that is all, Mr. Chairman.

Thank you very much.

The CHAIRMAN. Thank you, Senator Church.

Senator HANSEN.

Senator HANSEN. Thank you very much, Mr. Chairman.

Let me join with those others in welcoming you here this morning, Dr. Whitaker. I am enthusiastic about your appearance before the committee.

I think you can very likely bring some fresh new ideas that are needed at this time and we certainly look forward to working with you.

Senator Church touched upon an area that is of great interest and concern to me. I am the ranking minority member of the Parks and Recreation Subcommittee and I have had occasion during the short time of my service in the Senate to introduce several proposals that included, among other things, the establishment of wilderness areas.

I would reread from that portion of the Secretary's statement that directs itself to my next question.

Secretary Morton spoke earlier this morning; he said, "Our ability to maintain secure and stable quantities of clean energy to meet the demands of continuing socioeconomic progress without impairing the delicate character of the biosphere," and then he said, "The challenge

of providing greater access to our park and recreation areas without despoiling the character of the parks themselves."

That last statement I read to focus upon the point that I would call to your attention. In your judgment, in what areas is park authority now insufficient to implement the kind of management policy most likely to serve the public interests?

Dr. WHITAKER. I am not sure that park authority itself is lacking. In general, Senator, I might answer your question this way.

I think we have come to a period where we have to realize that we are degrading the environment of the parks. At the same time, we are degrading the users experiences in those parks. That starts to get down to the gut question of whether automobiles should be allowed in parks and things of that sort.

The Department, as I understand it, has several programs going on on the use of other kinds of vehicles and automobiles and the testing. We are doing a lot on ticketrons and reservations in parks.

We have a pollution abatement program going on. I presume you were addressing the question of any statutory authority needed. I think in this sense, there seems to be a trend toward, from the conservation report on this, more talking about it, to more development outside of the parks. That is fine. I think there is going to be a problem, though, that in doing that the States in which these parks are located, have to have strong land use laws to watch the development.

I know land use has been a subject the President has expressed here and this committee has stressed and done a lot of work on. I would hate to see us make our parks more pristine and make a tourist milky way right outside of them. I want to make sure we don't fall into that trap as we proceed.

Senator HANSEN. I appreciate that response.

Let me ask you then more precisely, and I do refer directly to the line of questions asked by the distinguished senior Senator from Idaho, Mr. Church, what specifically in your judgment would be accomplished by the legislative statutory designation of wilderness areas within the parks themselves without any recourse. I assume you might agree with me that outside the park areas, the National Park Service, aside from the input that it may have in trying to reach overall land management programs with other Federal agencies, has actually little authority outside park areas.

Would you not agree?

Dr. WHITAKER. Yes.

Senator HANSEN. My question is, What specifically will be accomplished by the legislative statutory designation of wilderness areas within parks? Is there a need for it.

Dr. WHITAKER. I am not sure of the answer to that, Senator. I was under the impression that the Wilderness Act already gave you the authority to have wilderness areas within parks.

Senator HANSEN. That is true.

Dr. WHITAKER. The issue, therefore—I presume your question is, Is new legislation required for that purpose? I am not sure it is. I think the gut question that we are really getting at here is a geographical one of east and west. I think there is concern on the part of timber

interests that if you have wilderness areas in the East, in areas that have been used in the past, then that is going to spread to the West and there is going to be a problem out there.

I really have to learn more about this. I can't in my own mind decide whether we are dancing on the head of a pin or we have a real problem here. I did not frankly realize until Senator Church made his statement that many of the wilderness proposals we have sent down here have been hung up on this precise interest.

Senator HANSEN. Let me be sure that I understand you.

It is not your feeling that there has been, or will be, any timbering within national park areas, is it?

Dr. WHITAKER. No, sir; not parks.

Senator HANSEN. Then I really don't follow you.

Dr. WHITAKER. I agree; yes. I understand you. With regard to parks, no. But I think you have wilderness areas that can be carved out of areas not in parks, or not in national parks.

Senator HANSEN. I meant to direct my question to the management of national parks and monuments and in that context.

Dr. WHITAKER. In that context, I don't offhand, without further exploration of it, see what the problem is within the parks. If I understand the Wilderness Act to already say that you can have wilderness areas within parks. Is there a question of whether that authority is within the Wilderness Act? I was under the assumption it was.

Senator HANSEN. No, may I say it is my understanding that the authority clearly is within the Wilderness Act to permit the designation by the Congress of wilderness areas within national parks.

But, my question to you was in what specific areas now do park managers lack authority to implement the kind of land use program that you think would best serve the public interest and then corollary to that question is, would the public interest be better served by the Congress taking steps to set aside areas within national parks as wilderness areas in your judgment.

Dr. WHITAKER. I am not aware that any new legislation is required to have a wilderness area in a national park nor that the Interior Department lacks any authority to implement that.

I could be mistaken, but that is my impression without more homework.

Senator HANSEN. Then let me say—I will ask one more time. Do you think that the goals with respect to land use management that might be secured or obtained through the creation of part of national parks into wilderness areas serve a purpose that now could not be achieved by action on the part of the National Park Service, without congressional action setting up wilderness areas within parks?

Dr. WHITAKER. Senator, I am still not sure I am being responsive to you. Are you referring to the question of enclaves within wilderness areas in national parks?

Senator HANSEN. Let me be specific. There have been a number of studies made with respect to national parks. They have made them with respect to Yellowstone, Grand Teton. I think perhaps Senator Church may have been referring to this when he implied, as I recall his statement, that we were behind schedule.

The Federal agencies were, and I think he probably suggested that by his statement, that the Park Service was behind schedule in getting on with the job of recommending for possible inclusion as wilderness areas, certain parts of national parks. I thought that that was what he was saying.

There have been studies made with respect to Yellowstone, with respect to Grand Teton and my guess is probably most of the other national parks as well have been studied.

I live in an area where we see more people coming every year and the typical visitor out there, I think could be accurately described as a family man who has focused upon this 2 weeks vacation with his family as their high point of the year insofar as recreation.

I wonder what your ideas are with respect to the ability of the Park Service now to manage its resources if the typical American would be better served by creating wilderness areas within national parks, which as I understand the act, means that you will intrude into them either on foot or on horseback or by canoe and in no other fashion.

Do you think that the Park Service would better serve most Americans if the Congress were to set aside more areas within national parks as wilderness than might otherwise result in the use of these parks under the typical park management concept that we have seen exhibited?

Dr. WHITAKER. If I understand you now, you are getting at the percentage of a wilderness park within a national park. I believe we should try to get a balance.

I have a little bit of a hangup with the idea that the wilderness area as a practical matter, can only be for the backpackers. We have to somehow design our national parks so that the family unit is taken care of.

I think you are alluding to the possibility that the family unit, the common denominator here where the most people use the parks, could be squeezed out of the parks by making too much of a wilderness area. I don't think that is going to happen. I have much belief that you can set aside part of the park for a wilderness experience and you can leave enough development in that park to take care of the average American who, as you say, is taking his 2 weeks vacation.

The nitty-gritty gets down to the description of each particular park.

Senator HANSEN. I can understand why you might draw the inference that is implicit in your statement, but I didn't mean to get into the question of trying to strike a balance between wilderness areas or backpackers in parks as opposed to persons who tour them by auto, but rather as we look at park management, I think the Park Service says that, maybe 90 percent of it for the most part justifies the designation of pristine wilderness in almost every respect, though there has been, to my knowledge, as yet set aside, no wilderness area in Yellowstone. The Park Service has just said this is the way we are going to manage it.

My question is, "Is there anything inherently wrong or are there any inherent shortcomings in a continuation of that policy as you take a broad overview of all national parks that would incline you to think it is now necessary for the Congress to set aside statutable areas

designated as wilderness within parks that would require further action by the Congress in order to change that designation in any way?"

Dr. WHITAKER. No: I don't think so. If I understand your question correctly, I think we have only until 1974 to go to finish the wilderness classification. That is areas of 5,000 acres or more. They are roadless and there should not be any change in the park policy.

I think what you are saying is de facto, they become wilderness areas because in fact no roads are put into those areas until a decision is finally reached by Congress as to whether they become wilderness areas.

I think we have a short time left, and I was under the impression, we were on schedule, to making our September, 1974 deadline with the caveat that the Alaska Native claims bill might change that slightly. But I see no reason to change our policy and have big legislative battle to solve it when we are moving very quickly between now and September 1974, anyway.

Senator HANSEN. There has been a lot in the papers recently about the energy shortage. Earlier this week, I believe it was, one of the dailies here in Washington, indicated that the administration was contemplating moving from the burning of cleaner fuels, specifically natural gas and perhaps more volatile liquid fuels as well, to solid fuels in firing plants that generate electricity, and so forth.

My question is, "Recognizing the difference in topography between the several States, the differences in rainfall as you compare one with the other, the east coast with the Rocky Mountain areas, for example the thickness of coal seams, the amount of overburden, the climate, the sulfur contents in coals, as well as area employment patterns; in your judgment should the States take the leadership in spelling out the specifics contained in land reclamation laws?"

Dr. WHITAKER. I believe there should be a Federal strip mining bill. I do not believe, however, from what I have seen on this, that the bill should unduly restrict the decisionmaking. I refer particularly now, getting I hope into the nitty-gritty of this, that under the strip mining legislation proposed last year in the House bill, I believe there was a restriction of strip mining in areas over 20 degrees, as I recall.

The CHAIRMAN. Fourteen, I think it was. The final version I think was 14, as it passed the House.

Dr. WHITAKER. My main point is whether the 14 degrees, whether that should be a restrictive judgment in legislation or whether the 14 degrees means one thing one place because of the topography and something else somewhere else. I know the chairman has written, which I thought was an extremely good letter, to Russell Train of CEQ on this subject and we are studying it right now, as to, for example, what might be the loss in jobs, the loss in coal, the loss in low sulfur coal if we were restricted to various degrees of slope.

We don't have those answers yet, but I will indicate some preliminary answers I have received to the 20 degrees. These are not hard figures whatsoever. But I understand we are talking about total coal production on the order of 600 million tons a year and if we were to restrict strip mining to areas of under 20 degrees, excluding over 20 degrees, we might limit by 50 to 100 million tons the amount of coal you could mine in this country, and of that amount, maybe half of it

might be low sulfur coal—so you can't have your cake and eat it, too. There is also an environmental punch in terms of clean coal.

So we have to be very careful about how this law is put together and not substitute by Federal legislation professional judgment as to how to handle it.

Senator HANSEN. Do you believe that the specifics, the details, that would satisfy the various regions of the country can be incorporated into one overall Federal law?

Dr. WHITAKER. Yes, I think they can in terms of a strip mining law which would give assistance to the States and have some method where they would set up their own laws. The name of the game ought to be to build some pressure for the States to create their own laws more quickly.

Senator HANSEN. It may be that I wouldn't question it at all, but you are far more familiar with the temper and feeling around the country than I am, but my guess is, if I could venture a personal opinion, that the sort of law that might satisfy a number of people in Wyoming or in Montana, would put West Virginia out of business.

That is only my personal feeling, but I don't think that the kind of reclamation law that would suit some of our people would do less than to result in the shutting down of many of the mines in the Appalachian area for a number of reasons.

No. 1, the topography of the country is entirely different. It is hills and valleys. The sort of reclamation program that we hope can be obtained in the West would be so costly in the East, considering the variances in coal thickness that I am just sorry, I don't happen to agree with you, but for whatever it is worth, that is my two bits worth. I don't think you can write all of the specifics in a national strip mining law that will satisfy all parts of the country.

If we get that sort of law, I hope you are right. I must say that I don't think your views are shared, at least by some people in the West.

Dr. WHITAKER. Yes, I agree with you that when you get into the specifics—

Senator HANSEN. That was my question.

Dr. WHITAKER. No, I think my answer was that I do not agree, for example, that all production on certain degree slopes should be prevented because the situation is different from place to place. I do feel, however, that the Federal Government must do what they can to make sure that each State passes its own law and has some acceptable minimal criteria. I think what we have to argue out is what those criteria are.

Senator HANSEN. Are you concerned about the national security implications of increasing dependency upon foreign sources of energy?

Dr. WHITAKER. I am very concerned about that. As I understand it, we are now in the position where we import approximately 26 percent of our oil. We could well get to importing half of our oil.

That is giving us a net balance-of-payments problem where we are now on the order of \$4 billion a year, it could go to as high as \$20 billion a year.

I think the word national security tends to get a little balled up and there are two types of national security.

One is economic security. That is the one that concerns me the most. However, I do have a concern about national security in the straight military concept.

There are all options available with our oil supplies. They could be cut off and we have to build a policy against it.

Senator HANSEN. Do you favor early action to make available blocks of the Outer Continental for oil and gas exploration?

Dr. WHITAKER. Provided we can show that it is environmentally sound to do it, yes. We have to find a mechanism, I think probably some market free mechanism, where we get expanded drilling in this country. There is no shortage of oil. There is no shortage of gas in the ground here and under the Continental Shelf. I think we have 450 billion barrels of potentially oil reserves, that is 80 times our 1971 production.

Our potential gas reserves are 80 to 100 times our gas production in 1971. I think it makes sense that we should explore for that rather than rely on foreign sources.

However, we have to make sure it is done on an environmentally sound basis. In response to the National Environmental Policy Act, the Government goes to a lot of agonies in getting out environmental statements. But I think it is a good process.

The Government is getting a little smarter, learning how to do it a little better each year.

Senator HANSEN. It is my understanding that we have had about 20 times as much pollution of coastal waters and estuaries from spillages as we have had from seepages and accidents in drilling on the Outer Continental Shelf.

Are these figures essentially what you heard?

Dr. WHITAKER. If my recollection is correct, I heard something like 28 percent of ocean pollution from tankers did on 2 percent drilling. Probably 30 percent from people dumping crank case oil in the ocean.

The CHAIRMAN. Senator Abourezk.

Senator ABOUREZK. Mr. Whitaker, Are you familiar with President Nixon's July 8, 1970, policy statement on the Government's relations with American Indians?

Dr. WHITAKER. Yes, Senator, I read that statement a couple of years ago.

Senator ABOUREZK. Do you agree with the statement?

Dr. WHITAKER. Yes, I do. I think, Senator, that the main thrust of that statement is to try to put the management of Indian affairs more in the hands of Indians and less in the hands of the BIA, and I generally favor that sentiment. I think that we are moving in the right direction. The contract authority, I know we personally discussed a matter in that area, I think is a good thing. I think it is the right direction.

Senator ABOUREZK. I guess you know we will be dealing later this year with legislation that will try to implement that policy and, of course, we hope that you will cooperate at that time.

Dr. WHITAKER. I certainly will be glad to.

Senator ABOUREZK. With regard to the cost benefit ratio that includes the discount rate on reclamation projects, how do you feel

about the proposal to raise the discount rate up to 7 percent from the existing rate?

Dr. WHITAKER. I think it should go up. I am not sure. One extreme is 10 percent and the other is about 5 percent. I would like to see it go up. I have no particular qualms with 7 percent. I think it really gets down to what I said earlier. If we are going to finance these projects, we have to find a viable way to finance them. It is obvious that the cost of money is going to be on the order of 7 percent over the next few years. To authorize projects on what in the long term are obviously not going to be viable cost benefit ratios, I think tends to get hypocritical.

Senator ABOUREZK. You mean with the existing rate?

Dr. WHITAKER. Yes, sir.

Senator ABOUREZK. In spite of the knowledge that an increase in the rate would not allow the feasibility of any future reclamation project, in spite of that, you still want to see it raised?

Dr. WHITAKER. I am not sure that is true. I really don't know, sir. Money costs 7 percent these days.

Senator ABOUREZK. What I mean is that figuring 7 percent in the cost-benefit formula would make it almost impossible to show feasibility on any reclamation project.

Dr. WHITAKER. Well, if that is true, then it seems to me we have to be more to the point about what we are really doing here. We are working in the area of subsidy and we should call it that or we should say we are working in the area of making these projects economically viable. That is about as far as I can go at this point.

Senator ABOUREZK. I appreciate your frankness on that. I presume your purpose in favoring an increase in the discount rate is not to put an end to these projects. It is simply to be more frank, I take it.

Dr. WHITAKER. Yes; that is correct.

Senator ABOUREZK. Would you support in your capacity in the Interior Department a proposal to just take out that part of the formula?

Dr. WHITAKER. I would like to reserve the judgment to look at it. I have never been involved in what percentages you picked before, and I will be glad to get involved, but to answer the question now, I am just not sure of the answer, Senator.

Senator ABOUREZK. That is all the questions I have.

Senator Hatfield.

Senator HATFIELD. Dr. Whitaker, before I get into the questions I have for you, I would like to go back and just make one point of information available as far as the geothermal power is concerned.

You indicated that there was some reluctance to accelerate the activity of the Department, at least this was the implication, beyond the present schedule of action. I would like to indicate to you that there is today in use a plant heating an educational institution, heating a hospital and 10 percent of the homes of one of the communities in my State, which constitutes about 350 homes, by geothermal power. This is acquired by putting a pipe down into the ground and getting this kind of free energy to heat these institutions and these private homes, so that actually, in a very primitive and perhaps unsophisticated technological manner, geothermo is proven practical as of today in this type of activity, and I would like to have you avail

yourself of the invitation of this community to come and observe this type of thing already in action.

Dr. WHITAKER. I would be glad to.

Senator HATFIELD. A while ago, when your chairman was questioning you, you made some reference to the idea of a TVA concept being applied in the Pacific Northwest. I would like to have you spell that out a little bit because personally, I would like to get a clarification that we not get into a matter of semantics.

Relating back to the concept expressed by Senator Glenn Taylor of Idaho in 1957, I relieve it was, when he produced a Columbia Valley Authority, CBA, which I think would be considered as fully repudiated by the people of that area during the period of debate that followed up through 1953. And, therefore, I would not want people back home reading the transcript of this testimony, unless this is your view, thinking that you are advocating the installation of a CBA straight jacket for the Pacific Northwest.

The CHAIRMAN. Senator, I was the culprit who asked this question. I think it was in context of financing. It was not in the context of establishing an agency.

Senator HATFIELD. I want him to spell it out, because we do have this legacy that hovers over us. In remembering these specific proposals, I think it grew out of No. 1, a philosophical discourse written by Mr. David Lillienthal in the middle forties in which he entitled this the New Regionalism, in which he foresaw 12 basic regions of the United States displacing the old system. It was Secretary Ickes who came along and developed the concept of 12 authorities, that the national resources development and financing would be established as in the image of the TVA, as the basis for Lillienthal's New Regionalism. With that kind of heritage, and perhaps I am one of the only ones who recalls this, and, therefore, no one else is going to be concerned about it, I would just like to get it spelled out clearly, what you meant when you indicated the possibility of a TVA type in the Pacific Northwest?

Dr. WHITAKER. The words, TVA type, came from a statement by Mr. Radin of the American Public Power Association who made that statement, I believe. All I know about it at this point is that Mr. Hodel had mentioned the possibility, one option of self-financing. No description of what self-financing meant, precisely, how you would get into that, or even whether self-financing was per se the goal, was ever discussed.

Senator HATFIELD. So you are not committed to that?

Dr. WHITAKER. I am not committed at all to any form of financing this early in the game. That is for sure.

Senator HATFIELD. I just wanted to make sure the record was clear on that, because we do have this particular historical evolution of this concept of TVA when applied to the Pacific Northwest. I think we thoroughly reject the whole concept.

In this matter of financing, are you familiar, have you had a chance to read the National Water Commission report?

Dr. WHITAKER. No, sir; I have not, Senator. I have seen it alluded to in the New York Times, but have not read the report yet.

Senator HATFIELD. Because, in this report, one of the main thrusts which related back to Senator Abourezk's question a little while ago on the discount, relates to the proposal made that these projects should be in effect financed basically by the users. In this concept, of course, they base their recommendations solely on economic values rather than on social values that my occur or accrue to the general community from these projects.

My question to you is, do you view these projects purely and solely as an economic measurement or through economic eyes or do you see social benefits that accrue from some of these projects to the whole community?

Dr. WHITAKER. I see three elements, economic, environmental, and social. All three of which usually run contrary to each other. What I am saying is belief—the gut question, I think, is should we continue to pay for irrigation of land. There is a point which you reach when it is not economically viable. But at the same time it is socially justifiable. I believe that is the sort of area you are working in.

Again, as a philosophy, I think you should put in the social benefits that can be derived from this, but I think clearly when you do that, then we ought to say what we are talking about and what we are talking about is subsidy, and I think we should call it that rather than to play around with these words of cost-benefit ratios, or explain exactly what benefits we are talking about. Generally when the words cost-benefit ratio are used, they apply simply to economic costs and benefits.

Senator HATFIELD. Let me present to you a very realistic situation. In this same water commission report, it was recommended that the inland waterways, locks, canals, dredging and so forth, operation and maintenance of such waterways should be borne by the user groups. As you would look upon this whole program as purely an economic venture, and yet we know that in the earlier days that such people and groups had full access to these free-flowing rivers such as in my part of the country, the Columbia River. But because of the action of the Federal Government of putting dams upon that river and thereby reducing the accessibility of that river for a waterway and the free-flowing character of that river, do you feel that the user groups now, as it relates to the inland waterway system, should bear full responsibility for economic operation of that system, or do you think the Federal Government, as an agency of all the people, has some responsibility here, too, because there are social benefits to the entire community?

Dr. WHITAKER. I don't know, Senator. I would have to check into that. I have no knowledge of the place, what it relates to, or what is generally called the user.

Senator HATFIELD. I just want to basically reiterate your point that in looking at any of these formulas it is very easy to spell these formulas out purely on the basis of economics and you can come up with a totally different picture than if you look at the environmental impact, environmental values and social values that a use not to a particular group as an economic venture but a use to the entire community and the Nation as a whole, and that any formula should have that cranked into it, in my opinion.

Dr. WHITAKER. Yes; I have no quarrel with that.

To answer your first question, I believe there should be a social value cranked into these estimates.

Senator HATFIELD. Dr. Whitaker, for the record I have to revert to a local provincialism. You are familiar with the O. & C. lands?

Dr. WHITAKER. Yes, sir.

Senator HATFIELD. And you are supportive of the formula that has set these lands forth in this special category at this time?

Dr. WHITAKER. Yes; I am, Senator.

Senator HATFIELD. You pass, no matter what else.

A while ago, when you responded to Senator Church on the Wilderness Act—I made a request of Senator Church when he was chairman of the subcommittee on public lands, and I shall now make the request of Senator Haskell who has replaced Senator Church as the chairman of that subcommittee. The oversight area on the Wilderness Act, without any necessary predetermined views or proposals, one thing that comes up to create problems for us frequently is this particular loophole that was built into the Wilderness Act relating to the mining in wilderness areas which shall be up until the date of 1984 and after that date that so-called loophole or exception shall no longer prevail.

Do you have any views as to whether or not there should be a review taken of that particular exemption before 1984?

Dr. WHITAKER. I think generally, I think there should be a review of it. As I understand the problem here, I think it has been the feeling of Congress that mineral surveys in potential wilderness areas should be done. It has been the sense of appropriation committees not to pay for these. So we have something to work out here. In general I believe the concept that we should, in all our land use studies, know what we are dealing with, and we don't precisely know what we are dealing with here. There is a limit to how much money you can spend in doing that.

The CHAIRMAN. Senator Haskell.

Senator HASKELL. Dr. Whitaker, today and in previous days at Interior Committee hearings, the energy crises has been alluded to and I just wondered what your philosophy was on the long term problem. I am not talking about the short term—imports versus development of domestic hydrocarbons, but what is your long term view on how we should go about solving the energy crisis?

Dr. WHITAKER. Senator, my view is as follows: We have to distinguish between long and short term here. We first have to talk about a reasonably short term problem.

Between now, say, and 1985. There, it would seem to me, no matter what research dollars we involve in new types of energy sources, absent the miracle of a Salk vaccine type breakthrough, that we have to deal with our old standbys: oil, coal, and gas.

My short term philosophy is how do you solve the short term problem. In addition, we have to make hard choices as to how many Federal dollars to put after each of the various potential energy possibilities, coal gasification, liquid natural gasification, solar, geothermal, et cetera.

That takes some considerable judgment to work that out. This has been the subject of one energy message by the President, and will likely be the subject of another energy message.

In general what I would define as my philosophy is simply to produce the cleanest energy possible at the lowest possible cost and with concern for our balance of payments and our national security interest.

Senator HASKELL. To be more specific, my understanding is that the Interior Department spent roughly \$2 million on R. & D. in geothermal in the fiscal year just past, and nothing on R. & D. in solar energy.

Because there is a finite amount of fossil fuels you mentioned the need for a Salk vaccine type breakthrough in energy lest we run out of fuel. Does it bother you that we are not as a nation making an effort to get a Salk vaccine type breakthrough in the energy field?

Dr. WHITAKER. I am not sure we are not, Senator. We could say x million dollars would convince somebody that we were attempting to make a major breakthrough and x minus \$1 million would convince somebody we are not.

That is that professional judgment of how many dollars you put to get a result. To try to define that, I can use the figures I used earlier. We have 80 times our 1971 production in oil available on land and under our Continental Shelf. Maybe a hundred years worth of gas if we develop it.

We are talking, let's say, as a minimum, 50 years before we would run out, potentially run out of fossil fuels.

As a geologist, I am not even convinced of that. A lot of money has been put against these problems already.

The President's first energy message proposed a rather massive R. & D. and pilot demonstration plant in the breeder reactor area as one of the most promising things.

More money for coal gasification and liquid natural gasification was included.

Again, how many dollars would give us the answer?

Senator HASKELL. Take the breeder reactor as an example. It is my understanding we spent something over \$200 million in R. & D. for nuclear fission last year. It is further my understanding that safety in nuclear fission depends upon containments of long-lived radioactivity.

As a geologist, but more as an engineer, does it bother you that we are putting this massive effort into the nuclear fission field whereas we apparently are neglecting the geothermal and solar fields?

Dr. WHITAKER. You can't build a demonstration plant without going to very large bucks, very large dollars, and to compare, I think, the level of financing of, say, coal gasification and geothermal with a breeder reactor is not a fair index.

The dollars would be much higher when you get into that type of breeder because you are getting into advanced technology, when you reach that point.

Senator HASKELL. What I was referring to, however, was that nuclear fission for safety depends upon containment of radioactivity.

I see you are an engineer and I have been around engineers long enough to know that they have a saying that if anything can go wrong, it will.

Therefore, if the containment in our nuclear fission program should go wrong, we have real problems. Does it bother you that we are putting

our fiscal effort in an area of potential danger whereas there are other areas not being funded that are not dangerous?

Dr. WHITAKER. It is not a safe world, Senator. I believe, at least I am told, I have no personal knowledge of this, that the AEC is doing everything imaginable to make sure the breeders are safe.

Certainly I have concerns, yes, because the way they describe the problem, it could be a very serious problem.

I am not sure though that we are in the world of choices where, if we are willing to spend \$200 million in one area, that means we should spend the equivalent in dollars in another area. These are luxury choices.

That is not the world I have at least had the opportunity to live in.

Senator HASKELL. Maybe I should ask this: As Under Secretary of the Interior, would you recommend substantial research in the two areas that I mentioned, the geothermal and solar?

Dr. WHITAKER. I would personally. Through the window I can look at that problem, say yes. We need to do considerable more work in those areas and more financing would always help.

I am not in the position of the President; I can just look at part of the spectrum. He has to look at the whole cafeteria at the end, sir, but I personally have concerns that we do good work in those areas and adequately finance it.

Senator HASKELL. Would you, as Under Secretary, recommend that we substantially increase our R. & D. in the geothermal and solar?

Dr. WHITAKER. I think I have to have a fair chance to look at that before I would absolutely commit myself to that.

Senator HASKELL. On an entirely different subject, Dr. Whitaker, when Senator Church and you were talking, I believe you mentioned we should examine alternative methods of financing reclamation projects.

Could you be more specific?

Dr. WHITAKER. I am afraid I can't at this point, no. Not until I learn more about it.

Senator HASKELL. I thought you made the statement that we should examine alternate methods of financing. Possibly you didn't, and obviously I will withdraw the question.

Dr. WHITAKER. I don't recall whether I used that term. I am not aware of all the options of alternate methods of financing of reclamation.

Senator HASKELL. I thought you had something specific in mind.

Dr. WHITAKER. No.

Senator HASKELL. That is all.

Senator METCALF. I know my colleagues have asked most of the questions about which I am concerned, and interested in and also interested in the Bureau of Land Management and their activities, and we had before us an organic act for BLM and not very much help from downtown after they sent it up.

Is it your intention to send up another organic act for the Bureau of Land Management?

Dr. WHITAKER. I think it is, Senator. I haven't checked into it. The BLM Organic Act was sent last year. To my knowledge, it did not pass this committee. I at this point have no reason to think we won't send it up again.

You referred to a lack of cooperation. I personally will agree to cooperate in every way I can on the legislation.

Senator METCALF. I feel that is an area that is very needed to make the BLM comparable to the Forest Service and we need an organic act.

I only have another question. I have read in *Electrical World* that with this new administration we might just as well give up on any research.

I know that Senator Haskell has been inquiring about that, any research from Interior on anything other than nuclear energy.

Is there anything down in your Department that you know of that would justify that statement from *Electrical World*?

Dr. WHITAKER. I am not sure I understand the question, that Interior would do nothing in the nuclear area?

Senator METCALF. In any other area other than nuclear energy.

Dr. WHITAKER. We would be glad to do research in the other areas. That is one of the problems of fragmentation of energy action all over town. That is why the President is interested in the Department of Natural Resources where various forms of energy could be brought under one roof and one Cabinet officer reporting to the President directly on that matter.

Senator METCALF. I would hope that and I know my other colleagues have gone into this while I had to go back to my office, I would hope that we would look into other areas of research than spending most of our money, most of our time on an area that has all at once, just as some of the exploration we have in pesticides and so forth, has proved that there are more dangers inherent in further development than there are in the development itself.

So let's go back to some of these pure and nonpolluting sources of energy.

I don't want to give up on any source of energy. Certainly coming from a coal State, I hope that we do something about more efficient burning of coal. We haven't had very much support downtown.

I don't want to belabor this, Mr. Chairman, but these are things that I will work out with you when you become Under Secretary.

The CHAIRMAN. Thank you, Senator Metcalf.

I just want to say I think most of us on the committee, I haven't talked to all of the colleagues, but I think you made a very important point. We should exploit in a proper way, the other alternatives such as oil shale, coal and geothermal and nuclear and some other proposals that I believe will require a massive R. & D. effort in all areas, so that we will not become completely dependent in the 1980's for petroleum from abroad.

I think we have the know-how to do it, and after discussing this with the Secretary before the meeting got under way, I believe he feels that an all-out effort should be made.

He was very frank, I think, in saying that it will be a question of dollars and I think we will have to do a little lobbying on that, but we will have the bills here on these 3 areas at least, geothermal, coal, and oil shale before the committee.

How much we can do will be a matter, I think, of how hard we push on this. I hope that we can get the funds to take advantage of the economic and environmental benefits offered by these resources.

Senator Buckley.

Senator BUCKLEY. Thank you, Mr. Chairman.

I, too, would like to welcome you to this hearing and especially to the Department of the Interior.

I note that Senator Church asked you to do what you could to establish a proper geographical distribution among the Secretaries of the Interior.

If you should not be able to do that, I hope you take comfort in the members of this committee.

I believe I am the first person east of the Mississippi on this committee in many years.

The CHAIRMAN. We have a southerner here now. He is on both sides of the Mississippi.

Senator BUCKLEY. One thing that concerns many people along the east coast is the environmental implications of offshore exploration.

There is rightly or wrongly a feat that the executive branch will come to a decision, then go through one or two proceedings, and then go forward with that original decision after having done away with the formalities.

I think I know enough about your own background to know that you don't subscribe to that, but the fears are there, and I wonder if you would believe it to be useful to have an early conference or symposium having the knowledge that is available on the biological hazards, the techniques of containing spills and so forth, if it would be useful to start early so that the public at large can have the benefit of current information and have time with which to come up with hard questions to advance at the time of these hearings.

Dr. WHITAKER. Yes, Senator; I think it would be useful. I think it is essential. There is a great deal to be learned in the offshore.

As I understand it, the Department is working at it very hard right now. I agree with you that there can be an essential hypocrisy in the process.

We can decide we are going to do that project, write a thorough enough 102 and that is the end of it. I agree that is not the way to do it.

With regard to offshore oil, I very much agree with you that the type of meeting you have in mind is good. We can argue about the specifics of it.

Secretary Morton has already had one meeting like that when he met with the Atlantic coast Governors on this question. That was about 6 months to a year ago.

There is a great deal of exchange of knowledge and facts that we have to go through in the process.

Senator BUCKLEY. Thank you.

It seems that everyone else has raised the questions about geothermal energy in this hearing. I would like to say that I like your instinctive response to the question of R. & D. funded by the Federal Government.

I suspect that once these lands are opened up to exploration we will see more sums of private money invested in not only exploratory drilling, but also in the R. & D.

Do I judge from that instinctive response of yours that you would favor a policy in which the Federal Government concentrated its

investment in every area of energy research to those areas where it is not likely the current economic incentives will challenge the private money?

Dr. WHITAKER. That is correct. That is my general feeling, that we should do just what you said, and in addition, where the Federal Government does put its dollars in, I think there is a much better chance that the country is going to succeed where you have a mix, for example, with private money.

For example, in the coal gasification program, it is two-thirds Federal, one-third American Gas Association. I think that kind of keeps everybody honest and everybody working so the Federal Government does not get itself in a position of financing a project that when all is said and done is not of interest to the private sector and there is no takeoff on it.

Senator BUCKLEY. Given the lateness of time, I will conclude my questions.

The CHAIRMAN. Thank you, Senator Buckley.

Senator McClure.

Senator McCLURE. Confirmation hearings ordinarily are prospectives to see where you are going, but occasionally they lead us to look backward as well as forward to find out where we have been.

They may also afford us some opportunity which has not been exploited here very much to lift the veil and look into the White House a little bit.

We are all aware of the fact that you have been occupying chair there, and some of the comings and goings and decisionmaking processes in the White House have been of some interest and speculation.

Some of my questions may deal with that, but not simply from curiosity, but also in an effort to see where we may be headed from here.

One of the basic problems, it seems to me, that seems to be of concern to us, is in terms of the basic policymaking mechanisms of our Government. There has been a rather historic shift in recent years from the policymaking role envisioned by the framers of the Constitution being vested in the legislative branch being more and more vested in the executive branch partly as a result of the failure of the Congress to come to grips with the problems themselves and probably also because they failed to define specifically well the objectives expected by the executive branch.

With respect to the policymaking function of the executive branch, how do you view that with respect to the legislative branch?

What do you feel is the proper role of the executive branch with respect to fundamental policies or changes in policy and administration of the laws passed by Congress?

Dr. WHITAKER. In administration of the laws passed by Congress? I feel it is the duty of the executive branch to work within the framework of those laws.

On the other hand, I don't feel the executive branch should be at all constrained in proposing any changes in those laws that they feel are beneficial.

Senator McCLURE. But there are some fundamental policy changes that have been made by executive interpretation, is that not correct?

Dr. WHITAKER. I guess—I don't know what specific area you have in mind.

Senator McCLURE. There are innumerable examples. For example, we touched on grazing fees. There is a very fundamental shift in direction in grazing fees without any direction from Congress that that shift be undertaken. Is that a proper role?

Dr. WHITAKER. Well, you will have to fill me in. I was not aware that there had been any law passed that would preclude the executive branch from the actions it has taken.

Are you referring to the Public Land Law Review Commission?

Senator McCLURE. I am interested in your answer, because I think it gives me a little idea of your feeling. You say there is no law passed that inhibited the executive, but, on the other hand, was there any law passed that empowered the executive.

Dr. WHITAKER. No; I don't know that there was.

Senator McCLURE. Or was there any indication by the executive branch that a change of direction was required?

Dr. WHITAKER. I am not aware.

Senator McCLURE. If there is the absence of that kind of action by the legislative branch, should the executive undertake that change?

Dr. WHITAKER. It depends what you mean by fundamental policy. I don't know that changing the grazing fee is fundamental policy.

I pledge to work with this committee to work out laws in whatever way I can, to be helpful in structuring good laws.

I found, frankly, that the law was not so much the problem but the regulation that the executive branch had to put out in response to that law was the problem. When you got down to the very toughest part of the question a lot of room was left in interpretation of that law.

That gets to be a very tough issue from my experience.

Senator McCLURE. Assume that a law is passed, and administration-wise those regulations are within the framework of their discretion. Does that framework of discretion also extend to a change of those regulations, which changes the direction within that statute?

Mr. WHITAKER. It is a question of whether it was in the guidelines or framework of the law. If it is not, then obviously not.

Senator McCLURE. I think you are right. Congress has passed laws that allow the executive a great amount of latitude and it has always appeared to me that in regulations adopted initially set in the context of the legislative purpose of that law and if regulations are to be changed fundamentally, then there ought to be a direction in the legislative branch and I am not sure that has always been true.

You have referred to regulations. How about the function of OMB in making policy decisions? Do you feel that OMB is properly involved in fundamental policy decisions that deal not with the allocation of resources or priorities between programs but that those programs should be?

Dr. WHITAKER. In spite of the way OMB gets kicked around, it is my candid experience that it is one of the most valuable branches of Government. They are in fact the devil's advocate.

A department will come over with a certain view of the world which is necessarily somewhat narrow because they are responding to a constituency. OMB does a very good job, I think, in being a devil's advocate in a policy decision.

In that respect, I hope, as Under Secretary, I can help to build a devil's advocate procedure within the Department of Interior itself, to always question those policies before we implement them.

As to the question of whether OMB sets policy, it sets policy in this sense. If the President decided on a certain budget level, you can hit a point where budget develops policy instead of policy developing budget.

Senator McCLURE. When you get down to things like predator control or pesticide on public lands, what would be your attitude? Do you feel that we have to limit the use and regulate the use of chemicals of all kinds on our public lands?

Dr. WHITAKER. Not in a blanket way. That way I don't, Senator. I think it is a case-by-case decision. Some of those decisions rest with Interior. Some with Mr. Ruckelshaus.

For example, with regard to predators, the President put out an Executive order banning the use of predators on public lands on the recommendation of the Secretary of Agriculture and the Secretary of Interior and the Chairman of the Council on Environmental Policy.

It is a case-by-case decision on every chemical involved on public land.

I think that is generally true of environmental decisions. I generally don't like to get into the ban business, ban or not ban business.

You usually find out with a professional judgment you can come up with a better solution.

Senator McCLURE. You used that system earlier with respect to strip mining regulations. You thought we shouldn't make arbitrary judgment, we should make professional judgments and I assume by that you are assuming somebody within government weighs professional advice and makes a decision within the framework of an overall policy enunciated by Congress.

Dr. WHITAKER. Yes, sir.

Senator McCLURE. The professional judgment then is the judgment of people who are professionals in the field which is being dealt with in that particular regulation.

Dr. WHITAKER. Yes, sir.

Senator McCLURE. That could be within the Federal Government or within State government, I would assume, is that correct?

Dr. WHITAKER. Yes.

Senator McCLURE. With respect to strip mining, do you follow the advice or have the feeling that is being urged by some people that all strip mining should be banned totally?

Dr. WHITAKER. No. I don't agree that it all should be banned totally.

As I spoke earlier, I believe we could have some alarming figures here if we were to ban it totally in terms of jobs, in terms of loss of low sulfur coal which in turn would defeat another environmental aim of clean air.

We have to again use professional judgment. I do favor a Federal mining law with regard to strip mining and I think the thrust of that law should be to keep the States pushing hard toward getting their own strip mining laws passed and Federal guidelines are what are involved here.

Now, it gets very tricky as to precisely what those guidelines should be and I would like to work with this committee on that subject.

Senator McCLURE. Do you believe the laws should state the goals

to be achieved in strip mining reclamation or the methods employed in strip mining?

Dr. WHITAKER. Both, I think. It is the area of methodology where you have to watch how far you go because the methodology can change so drastically from different geographic situations.

Senator McCLURE. Do you have an opinion at the present time with regard to clear cutting of the forest on public lands? Is it a practice that should be permitted?

Dr. WHITAKER. Again, my answer is pretty much the same as with regard to your question on strip mining. At one time the executive branch was thinking about a clear-cut ban. Again we would have had to substitute a law which would have given up any professional judgment as to how you would go about it.

As I understand it, I believe it is this committee which has put out general guidelines with regard to clear cutting which are being followed by the department. But I am concerned about the degree of specificity of guidelines when dealing with national resources.

Senator McCLURE. Some of the earlier questions went into the problems of user groups paying fees that cover the cost and not only the cost but also the benefits derived by those user groups.

I think one was with respect to the inland water ways, whether user fees should be charged.

Another was with respect to reclamation, whether or not the beneficiaries of the project should pay all of the cost.

I think that is implied also in grazing fees in the philosophy which is being followed, and I see a clear pattern having developed over recent years of projecting all of the direct cost and expecting the direct users to pay all of those costs.

With respect to grazing fees, do you feel that the capitalized cost of permit should be one of the factors involved in computing the return to the grazer?

Dr. WHITAKER. I am afraid I don't know about it to give you a straight yes or no answer to that.

Senator McCLURE. That is one of the real key points.

Dr. WHITAKER. The real fair market value.

Senator McCLURE. That is correct. The Government has always contended that since the permit is only—it can have no economic value which applies absolutely on the face of reality where 85 percent of the users have paid something for that permit and they have an investment in it and it yields a return and certainly if that is not considered in setting fees, then they have been deprived of some of their property.

Senator HATFIELD. Will the Senator yield?

Senator McCLURE. Yes.

Senator HATFIELD. On that point, I would like to point out another factor here showing the inconsistency of one Federal agency with another Federal agency. It is given value under a condemnation proceeding used by defense agencies and other agencies. It has been ascribed a certain value. Also it has been utilized for loan purposes.

So consequently here are other agencies using and recognizing it as an economic value whereas, and the IRS also constitutes a value, most important of all, in taxes to ranchers.

So I think it behooves the Federal agencies to talk to each other to establish some kind of uniformity of attitudes and policy on this permit that Senator McClure pointed up here.

It is a very important issue that you have brought forth here, not only as to the Under Secretary's attitude, but perhaps what leadership he might be able to give at the White House level to try to get some kind of uniformity of attitude.

Dr. WHITAKER. I will work toward that end.

Senator McCLURE. The Senator is exactly right and I am sure a great many of the ranchers would be grateful if they are not going to be allowed to capitalize the cost if they won't have to pay State tax on it.

Senator METCALF. I don't want to let this discussion go by without indicating there is a difference of opinion on that matter. Twenty years ago when I first came to Congress, my colleague from eastern Montana, Dr. Doors, had a bill to try to do just what Senator McClure is talking about, capitalize the value of a privilege for leasing land on public domain and that was defeated, but it has to be reckoned with every year when this discussion comes up, and I just want to underscore that it is a matter which the committee has and the Congress, both the House and the Senate have varying viewpoints.

Senator HATFIELD. Mr. Chairman, just in order to make certain that my comments are clearly understood in the record, the chairman will not disagree that there are these variations of approaches and attitudes and applications of philosophy by various Federal agencies.

Senator METCALF. I regret very much that we haven't any control over some of the Federal agencies that have this variation of policy and, of course, there is this variation of policy as far as the Senators right here on this committee and various Members of Congress.

Senator HATFIELD. I just want to make sure that we drew the distinction between what there is, the variation of opinion among members of the committee, but also the real problem is the various attitudes in the application of the permit by the Federal agencies.

Senator METCALF. I regret that the Department of Defense is outside the bounds of the jurisdiction of this committee.

Senator McCLURE. There has been evolving over at least the last 10 years an expression of the idea that if someone uses any of the public lands or resources and derives a profit therefrom, that somehow the taxpayers have been wronged and the profit ought to be taken from the operations and transferred to the Treasury.

Do you think the profits from the use of national resources ought to be held or are the people who have used the resources entitled to a profit?

Dr. WHITAKER. I believe the people who take a business risk are entitled to a fair profit. The issue really is, when we get into bidding procedures, leasing, to make sure that for the use of the public land and for the opportunity to develop that land to make a profit, that the public gets a fair shake for that opportunity. That is all. Once that issue is decided and it has to be, it has to be a delicate issue to protect the environment. On the other hand we must not make the constricture so tight that you can't get development in the area.

Senator McCLURE. I think I understand your answer. Do you believe that all user groups should pay a fee for the use of public resources?

Dr. WHITAKER. Yes, I think so. I think they should pay something for the use of public lands.

Senator McCLURE. Does that extend to the recreational uses?

Dr. WHITAKER. Yes.

Senator McCLURE. You think there should be a license required or fee paid for them by the use of a public land?

Dr. WHITAKER. Are you talking about use of a park? I don't think a fee to use public lands is required if there is no development of those public lands, no, but where there has been development in the form of a park; yes.

Senator McCLURE. You make a distinction that appeals to me, but some people don't. They would advocate a blanket use fee across the board.

Dr. WHITAKER. I don't advocate that in totally undeveloped public lands. You mean just for the right to walk on it or the right to develop it?

Senator McCLURE. The right to use it for recreational purposes without development. Not the person who is in the recreational business.

Dr. WHITAKER. I have no problem with that unless I get into the issue and see some things I don't see offhand.

Senator McCLURE. It reverses itself in some rather strange ways.

For instance, rock hounds are having a little problem with the mineral leasing, under which there are a great many people who desire to regulate the casual collection of stone and make a business out of it. There are those who make a business out of it.

Should a distinction be made or should that be extended to all people who enjoy the public lands, even if they happen to pick up some rocks in the process?

Dr. WHITAKER. If it is a going business, that is another issue. If you are talking about the man who walks on the public lands or goes somewhere to take a swim, I don't think he should be charged a recreation user fee for the use of those lands.

Senator McCLURE. That those people who in some way alter the use of the public lands should pay the full cost of that alteration, whether it is recreational or otherwise?

Dr. WHITAKER. Yes, I do. I think when you refer to the people and you are talking about business, that person may be the company itself or it may in fact be the consumer who deals with that product, but when you are dealing with reclamation of public land after it has been used, say, for strip mining, I think in some way the full cost of that reclamation cost, of the environmental damage has to be paid for.

Senator McCLURE. How about the administrative overhead? Is that something that must be recovered in every instance, both business and recreational use?

Dr. WHITAKER. I don't know in general. In answer to your question the only thing that specifically comes to mind is the question of the Alaskan pipeline, for example. There has been a tremendous administrative overhead with respect to the environmental impact statement.

There will be tremendous overhead involved in the land use, policing, so to speak, of that line and the integrity of the pipeline itself.

I think it has been the sense of Congress, and it seems fair to me, that the cost of those regulations did in policing them, to make sure they are done to protect the environment, should be borne by the companies who want the permit to start with.

The issue can also be, will those companies pass the cost to the consumer through the higher cost of oil, and I think that is fair.

I think the whole public has to pay for the cost of pollution, vapors, and environmental safeguards.

Senator McCLURE. About 4 years ago one of our Federal administrators in public lands estimated the administrative overhead of wilderness areas, on a user-day basis at that time as about \$1,000 per user day.

Assuming the use of wilderness areas has doubled, without a corresponding increase in administrative costs, that would reduce it to \$500 per day. Would you advocate that those people who use the area be charged \$500 per day?

Dr. WHITAKER. No. I don't think I would go that far. From the discussion we have had on it so far this morning, I can see how the overhead builds up considerably in that area.

Senator McCLURE. In other words, there are some distinctions in the kinds of use and the kinds of administrative overhead. Would I be fair in characterizing your response in that way?

Dr. WHITAKER. Yes. I want to take it case by case.

Senator McCLURE. You mentioned the Alaskan pipeline. I assume you agree with the decisions that have been made with respect to the leasing of the pipeline?

Dr. WHITAKER. Yes, I very much agree with the Secretary's basic decision to go ahead on the pipeline and, of course, we have to await the outcome of the court case which will be, I think, very soon.

Senator McCLURE. I assume, too, that you are in accord with the often expressed attitude of this administration to move parks near the population centers; move parks to the people?

Dr. WHITAKER. Yes, I am. The President has been very frustrated by the fact that well, when you come right down to it a man has to have a car and \$25 in his pocket to get anywhere near most of our national parks. That is why he was so strong on creating Gateway East and Gateway West and that is why he is so strong on taking as much public lands as we can find is in the use of the various agencies, most of these in Defense, and turning the areas over, because most of them are near population areas, to make parks out of them.

He has exceeded over 200 parks in 50 States. That is more than \$100 million worth of property. I think it is a very fine record. There is a lot more we can do to get more parks near the people downtown. We intend to go in that direction.

Senator McCLURE. There has been a tendency of the administrators in the past to concentrate their park proposals in the areas of public land, the Federal land held by public agencies.

Most of that land exists in the Western United States, and yet the majority of our population is in the East. Does this indicate a necessity for the acquisition of presently private lands for the national park system in the Eastern United States, the nonpublic land States?

Dr. WHITAKER. Yes, I think there would be a tendency in that direction. I don't know if it is so much East and West as it is near large population centers, like San Francisco in the West and New York in the East.

Senator McCLURE. You responded earlier to a question about geothermal energy, several questions, and expressed yourself, I think, quite correctly that you hope that industry would provide some of the capital for the development and experimentation with the recovery of the geothermal resources.

As one of those who was very much involved in getting the changes in the law which are now on the books to open the avenues for the exploitation of this resource, it has been a little, more than a little concern to me that the regulations by the Department of Interior have effectively throttled any industry interest in investment in that field by way of saying you can come in and explore, but if you develop anything you are going to have to competitively bid for it with everybody else who has made no exploration investment at all.

Under those circumstances, it seems to me to be almost a cinch that no massive non-Federal investment will be made.

Dr. WHITAKER. Well, I don't think that is the case, Senator. I think there has been a long delay in getting this geothermal leasing going because of the classification of potential known and unknown geothermal lands. It is about ready to go and should go this spring, I think.

I think the lease terms are such that when you have three or more people leasing in one area, it starts to become a known area, whether the geologist thought so or not.

You start to take your index from the economic competitiveness. It is always a close question as to when to put things up for bid. Whether it should be bids, whether you should allow just a finders-keepers sort of thing, to get that development going.

I would personally, in the case of geothermal steam, be on the side of let's move the development as quickly as we can. That goes back to the line of questioning earlier. Let's move it as quickly as we can to find out how much the action is in the private area and get this started.

Then I think we are in a better position to look at our long-term Federal financing and probably most important of all a possible mix between Federal and private financing.

Senator McCLURE. If the movement that you anticipate in the near future does not occur under the present regulations, would you be in favor of changing the regulations to make it more attractive for the investor of private capital?

Dr. WHITAKER. Yes, as long as I am convinced a real good faith effort has taken place on the bidding.

Senator McCLURE. Just a couple other lines here.

I have been very concerned about the helium conservation program and I am sure you have been aware of the history of that.

What role have you had in the way in which the program has been handled by OMB and the Department of Interior?

Dr. WHITAKER. I haven't had any direct personal involvement in that. As I recall, the decision was made by Under Secretary Russell at the time to terminate the helium and storage contracts. That issue is still before us in the courts.

Senator McCLURE. Do you have a position on the need to continue the conservation of helium?

Dr. WHITAKER. I would have to look into it. As I recall, the termination contract in the Helium Act requires that essential Government services be met.

It is not addressed to the question of a national need for helium, but the limited question of essential Government services being met.

On the one hand there seems to be, and I would have to check into this before I would commit myself, a listing of Federal needs for helium, particularly in the space program as technology changes.

There also seems to be some technology going on in the area of taking natural gases and getting helium out. You have to raise that against the propriety of spending, I think it is about on the order of \$40 million a year, to store this helium. It is a tough question. I will certainly look into it.

I think the Secretary has to come up with the answer to that question as soon as the court case is settled on the question of filing an environmental impact statement.

One of the several legal hurdles involved.

Senator McCLURE. Do you know if OMB dictated the end of that program?

Dr. WHITAKER. No, I don't.

Senator McCLURE. Was it done on a budgetary basis or some other basis, or do you know?

Dr. WHITAKER. I do not know. I do recollect discussions with the Secretary, then Secretary Hickel, long ago on that subject. That is all.

Senator McCLURE. Do you know if the Secretary of Interior or Under Secretary may have made the order, or did he have to have OMB sign off for continuation of the program?

Dr. WHITAKER. I believe the Secretary has the authority under the law to make that decision himself.

Senator McCLURE. Do you know, as a matter of fact, whether OMB was involved in the decision?

Dr. WHITAKER. No, I do not in the sense that they are involved in the way of all budgetary decisions. They are aware of them.

As I said, I believe it was Under Secretary Russell who actually signed that order. My recollection is not clear on that.

Senator McCLURE. If I understand your answer correctly, you indicated that the cancellation was on the need of Government basis, the needs of the Government were being met.

If that is true, who is to meet the future needs of all nongovernmental entities?

Dr. WHITAKER. I think the answer to that is private industry should be given a chance to provide this need. This presumes the Secretary would ask for termination. I am not sure of that.

Senator McCLURE. If we are going to say private industry will meet the future needs then that would presume that there is an economic incentive for them to do so. Where is the economic incentive when national production today is about five times the current demand—which one of those private concerns is going to preserve helium which is a wasted asset under the present conditions?

Dr. WHITAKER. I would have to look into that. If we have five times our demand, then I have to ask the question, what is the Federal Government in this business for.

I did not know we had five times the demand on the one hand. On the other hand, there is technology down the line. If there are uses we do not apparently foresee for the use of helium, then private enterprise should take up for those uses when and if they occur.

Senator McCLURE. That is presuming helium will be available at those times at the same economic cost they are available today, which simply flies in the face of all the facts.

The helium which is now in the rich gases, the rich helium gases, is being wasted in the atmosphere because of the cancellation of the conservation program.

The recovery of that helium from the atmosphere is a very, very costly process, both in terms of economic and in terms of energy consumption.

There are a great many people who question the wisdom of canceling the program and having contractors who are suing the Government feeding helium to the air, even though the helium has been separated and is there, and all the Government has to do to conserve it is to open the valve to the storage tanks.

If the Government loses the lawsuit and is ordered to pay under those contracts, they are going to pay for helium that has been vented.

Wouldn't they be wiser to come to an accommodation with that producer to hold that helium so in the event they lose the lawsuit they at least have the helium?

Dr. WHITAKER. Perhaps so, Senator.

Senator McCLURE. Out in my country we have the old saying, people don't like to pay for a headless horse. I think that situation is coming about here if I would judge the court decisions and have any kind of an idea of what the validity of that contract may be.

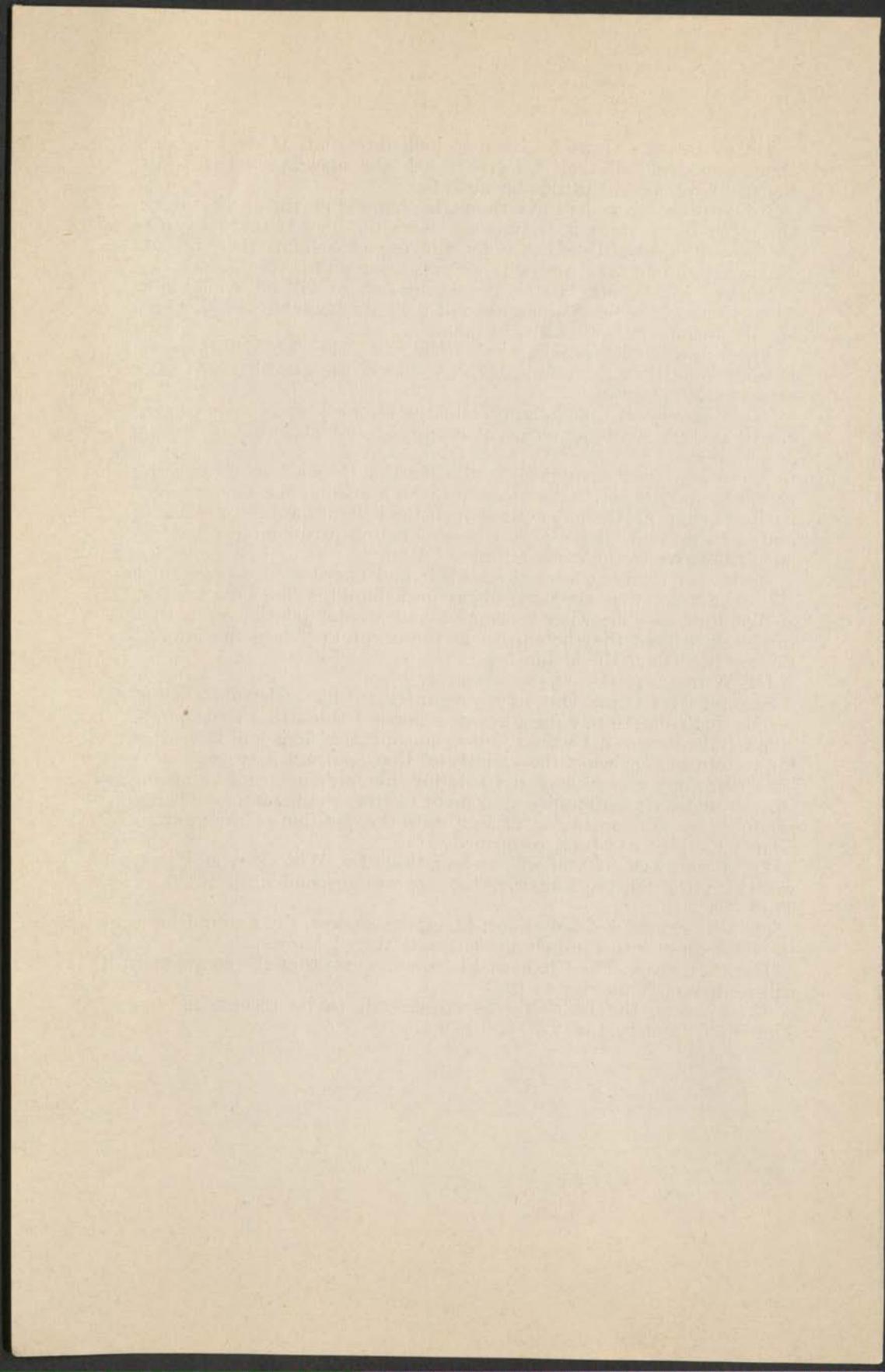
Is there any reason why the Interior shouldn't open its valves of storage under a no prejudice agreement to store the helium now being produced by this contractor, at least until the question of the government's liability has been confirmed?

The CHAIRMAN. If you will answer that, Dr. Whitaker, and then we will, after you have answered it, we will suspend until 10:30 on Thursday.

Dr. WHITAKER. I simply don't know the answer, sir. I would have to check more into the helium contracts than I know.

The CHAIRMAN. The Chair wishes to announce that the committee will resume on Thursday at 10:30.

(Whereupon, the hearing was adjourned, to be reconvened on Thursday, January 18, 1973, at 10:30 a.m.)



NOMINATION OF JOHN C. WHITAKER TO BE UNDER SECRETARY OF THE INTERIOR

THURSDAY, JANUARY 18, 1973

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met, pursuant to call, at 10:30 a.m., in room 3100, New Senate Office Building, Senator Henry M. Jackson (chairman) presiding.

Present: Senators Jackson (chairman), Haskell, Metcalf, Fannin, Buckley, McClure, and Bartlett.

The CHAIRMAN. The committee will come to order.

This morning's hearing is a continuation of Tuesday's hearing on the President's nomination of Dr. John C. Whitaker to be Under Secretary of the Department of the Interior.

Dr. Whitaker, we welcome you back to the committee and we will resume where we left off.

I believe Senator McClure was asking questions.

Senator McClure. Thank you very much, Mr. Chairman.

Just a couple of questions I want to ask and then I will let one of the other members take over.

One question that we had not reached was in regard to the saline water program. The report which followed the direction of the Congress to come up with a recommendation on the best opportunity for a large-scale prototype desalting plant, which direction was given in 1971, was followed up by a report in August of 1972, and that report was brief and almost entirely negative.

In view of the increasing environmental constraint upon the conventional water development projects and the increasing demand for water, how do you view the role of the Federal Government in desalting research and development?

Dr. WHITAKER. Well, Senator, I believe there should be a Federal role in saline water.

There are, as I understand it, about 800 desalting plants around the world, of which 300-some are American. I say that only because it means to me that there is a reasonably healthy industry involved.

So the degree of Federal involvement over the long run, like for many other things, I would like to see R. & D. in areas like this get into a mix of private and Federal research.

In addition, I would only comment that as I understand it, and I have a lot to learn in that area, the most promising areas are in the reverse osmosis area rather than the distillation area.

Senator McClure. I am concerned, as I think most of us must be, with the necessity for doing something to enhance and increase our water supplies and at the same time protect the water quality.

I think there are some techniques that can be provided in the upgrading of water quality and not necessarily simply providing distilled water.

I don't know that we have done all that should have been done in that area.

At the conclusion of the last meeting I had asked several questions about the helium program. I don't wish to belabor that subject. I know, as you know, that the Federal Government is involved in several lawsuits on the termination of that program and the cancellation of contracts, and I don't want to prejudice the part of the Federal Government or the other parties to that suit.

But, I am concerned about the fact that we are wasting in the atmosphere 600 million cubic feet of helium. And that is being wasted primarily because the Department of the Interior has shut the valve to the storage facility.

It is a very complex problem, interrelated in many, many different ways with the lawsuits that are pending and contractual rights of the parties.

But there is a substantial body of scientific expertise in this country that has decried the loss of helium and pointed to the necessity for the expanded use of helium in future technology.

The court has already found that the Government is liable for breach of contract and the Government may have to spend up to \$7 million annually for this helium which is now being vented into the atmosphere.

It just seems to me that it does not make sense for us to have to expose ourselves to that liability, possible liability, and still have nothing to show for it at the end of the lawsuit except the bill that is to be paid.

Have you had the occasion to discuss this any further with anybody in the Department? Would you have anything further you would like to add to the questions that I asked the other day? Why isn't it possible for the Government to just open the valve and under some arrangement with the parties store this so that the Government isn't in the all or nothing position it now is?

DR. WHITAKER. Well, Senator, I frankly haven't had any chance to explore it any further since we discussed it a few days ago.

All I really know is that it is a decision the Secretary has to make if the injunction comes off, following the injunction which was put on for the failure of the Government to provide an environmental impact statement.

As I understand it again, the termination clauses in the act itself deal specifically with the question of Federal needs for helium as opposed to getting into the subject of national good, national needs for helium.

I certainly promise to look into this matter. I certainly wouldn't want to say anything that would prejudice what is going on in the courts or preclude any options the Secretary may have, if cleared by the court, to make that decision.

SENATOR McCLURE. I would urge you in making that review to look at it from the standpoint not of the narrow construction of the contract, but also to consider the fact that helium is going to be needed in greater quantity rather than lesser quantity if scientific experts are correct. That the reduction in current demand because of the

reduction in the space program simply is a temporary phenomenon that is not going to be continued over the next half century but will be reversed by other technologies, that this is an asset which is currently available to us and we are simply dissipating it into the atmosphere.

I think it is a very, very penny-wise and pound-foolish attitude for the Government to take regardless of the terms of the contract.

When you look at the contract and the possible liability under the suit, I think it is a doubly foolish policy for us to follow.

Dr. WHITAKER. I will be glad to look into it, Senator.

Senator McCLURE. Thank you very much.

I have no further questions.

The CHAIRMAN. Senator Bartlett.

Senator BARTLETT. Mr. Chairman, members of the committee, Dr. Whitaker.

I will attempt to be objective in my questions.

I want you to know I am a geological engineer and I happen to think that geology as part of your background is a prerequisite to being a good Under Secretary.

I hope you feel that about the Senate.

Dr. WHITAKER. If I might interject, I think you have to have rocks in your head to be an Under Secretary or a Senator.

Senator BARTLETT. Being students of rocks, I guess that is true in both cases. You did indicate an interest in supporting a policy of more involvement with Indians in the Department.

It is a very specific question: Would this include a real desire on your part to have an actual increase in real numbers of Indians?

Dr. WHITAKER. You mean number of Indians in BIA?

Senator BARTLETT. In BIA and in the Interior Department.

Dr. WHITAKER. Well, no, I don't think it would. I am looking at this from the outside. I haven't been into it in any detail yet. I am under the impression if anything we ought to be going the other way, Senator, with regard to administration in the BIA. I mean in increasing the administration manpower in the BIA.

I have the impression that perhaps the other direction is best, that we go toward, as the President has indicated, a contract form of administration where the choice then becomes that of the Indians and the tribes rather than the BIA to decide how to administer that. It would be in that direction.

With regard to Indians in other parts of the Department of Interior, I would think if they qualify they have an opportunity to have a job just like anybody else.

Senator BARTLETT. As far as Indians in the BIA, the total employment, would you consider it important to have more than currently are involved, or the same, or less?

Dr. WHITAKER. I think less would be my—I am not too informed on it, but I think less would be the direction.

Senator BARTLETT. And more whites?

Dr. WHITAKER. No, just less people. That is what I mean.

Senator BARTLETT. Less percentage?

Dr. WHITAKER. Yes. Oh, percentages, no, I think that is fine if the percentage of Indians in the BIA were to increase. I find no problem with that. I thought you were talking about the total number. I am sorry.

Senator BARTLETT. In Oklahoma, at least there is an interest among the tribes, not only for more involvement and self-determination, as you indicated earlier, but at the same time more Indians employed of those who are employed in the BIA.

Mr. WHITAKER. Yes, I understand that since the administration has been in office, I think the area directors in the BIA were on the order of, I think 1 out of 11 was an Indian, and now I believe 7 out of 12 are Indians.

I wouldn't want to swear by the statistics, but there has been an increase in the number of Indians put in responsible positions in BIA.

Senator BARTLETT. A lot of the legislation passed in Congress has been passed and effective for reservation Indians only. Oklahoma and some other States do not have reservations.

Do you favor the beneficial programs including nonreservation as well as reservation Indians?

Mr. WHITAKER. Well, in my mind, again I have to look at it. I don't think the issue is so much whether urban and rural Indians should have an equal share of whatever rights there are and benefits from the Government.

I think it is just a question of administration. It is the old proverb that goes on forever: Should Indian affairs be in Interior where they historically started with the reservation position?

Over the years, a competence in the people business, so to speak, has built up in HEW. So I think at this time there is a split in the administration on this matter.

To specifically answer your question, at least I don't understand the laws to be such that BIA benefits can be used directly for nonreservation Indians. At least that is my understanding. I could be erroneous in that.

Senator BARTLETT. Through some efforts of mine recently, the EDA benefits, rural industrial development area was broadened to include nonreservation Indians, using tribal lands.

The situation actually, just to finish that sentence, is the same as the reservation Indians.

There is really very little difference, but the Indians in Oklahoma have tribal lands. Many of them live on the tribal lands, but they are not reservation Indians. The problems are very similar.

I would say probably we think that our Indians perhaps are in a little more flexible position because they are not on a reservation.

But, nonetheless, have the same problems.

There is a very small group in Chicago. I believe there may be one or two in other cities of that size, working for jobs for Indians, that I found when I was Governor to be quite effective.

Part of this work was through the placement of industries in reservations, in rural areas.

Does this occur to you as a means, an area that could be expanded to better deal with providing more jobs for Indians on a rather specific basis?

Dr. WHITAKER. Yes; it does. Anywhere where you can get an industry going, I think, to provide jobs, that is a very good thing. So often there are Government programs that train people for jobs that don't exist. We have a horse-before-the-cart situation and we have to be careful.

Senator BARTLETT. Indian education is a real problem to the Indians and many of them feel that the advisory school boards are not workable.

My experience with advisory committees often is that they lose interest because their advice isn't followed or their advice isn't much good because they are not responsible for the advice if it is taken.

How do you feel about the matter of changing from advisory school boards to full responsible school boards?

Dr. WHITAKER. I really haven't any opinion on that, Senator. I haven't been into that at all.

Senator BARTLETT. Getting into the energy area, does the present energy crisis indicate to you that the Government energy policy or lack of it, whichever the case may be, has failed?

Dr. WHITAKER. No; I wouldn't say that, Senator.

I would start by saying the President was the first President to deliver an energy message.

As you know, there was a great deal of stepped-up R. & D. involved there. The amount of R. & D. as a matter of fact, I think is now on the order of over \$600 million in the energy area.

In spite of that, the short-term problem, as we all know, is that we have to do something with our old standbys—oil, gas, and coal.

That is going to be a problem, I think. We have to face it in this Congress, I believe. And that is the question of whether we get a more market-clearing price for gas. That is certainly the tip of the iceberg, of the problem.

I think that is the direction we are headed.

Now, as to how deep the problem is, I think it is deepening and the administration, for example, strongly backed what I refer to as the Murphy bill which tended toward a sanctity of contract which ultimately would lead to higher prices for gas.

As I understand it, it would in effect say, once the FPC had ruled on the price of gas, no later FPC could go back on that. So I think that is the direction we are headed.

Senator BARTLETT. In other words, you feel it is just as important to start right away on strengthening the domestic energy industries, coal, oil, and gas, and others as well, as to modernize our import situation?

Dr. WHITAKER. Modernize our import situation. If you mean the auction of tickets or something like that—

Senator BARTLETT. I don't mean anything specific. I think it is obvious.

Dr. WHITAKER. I think in theory what I would like to see is that we take full advantage of using our domestic oil, gas, and coal, and in the long run that could result still in an increase in imports, but the incremental increase or the balance between domestic and foreign would not tend to get too far out of line.

Senator BARTLETT. I think the word "modernize" was probably a poor choice because I think it is very important, as you indicate, that we not become too reliant on imports.

Dr. WHITAKER. That is what I was trying to say.

Senator BARTLETT. Have the real strengths in our own industry. I received this in a letter dated toward the end of the year that relates in part to the urgency. It says:

I believe the figures show that crude oil production and natural gas furnish approximately 80 percent of all our energy, including some 45 percent of our electricity.

Our expected demands in 1979-80 will about double our present consumption, even though our domestic reserves will decline from 9½ million barrels per day of crude oil to less than 9 million in the 1979-80 period.

New production of natural gas today is some 30 percent short of the estimated demand and in order to fulfill our needs, it will be necessary not only to find new sources of supply in this country, but it will be necessary to purchase large quantities of LNG from Europe and also Russia.

Do you feel that for the various components of the energy industry to perform properly that a good climate is necessary that would at least be partially created through a sound energy policy that would spell out just how the goals would be achieved?

I am intimating that as far as the oil business is concerned, it has been quite a scapegoat and this can hinder its capability of attracting capital to perform.

Dr. WHITAKER. Well, by a good climate, I think we need to recognize that the price of clean fuel has a price and that there is just not enough being done in that area.

On the other hand, I would not go to the other extreme where I would favor trying to set some artificially higher price for fuels. I would let the free market mechanism determine that.

The issue there is the FPC regulatory problem plus the fact that phase III could allow for some change in prices. But we will not have our problems like we had in the Midwest where the price of No. 2 heating oil and gasoline was frozen at different times of the year and therefore set us in a bad economic situation.

Senator BARTLETT. Do you feel that part of the present crisis has resulted from the inability of the Government forecast to be accurate?

Dr. WHITAKER. I don't know. I don't know enough about how they do their forecasting to know the answer to that for sure.

Senator BARTLETT. It is my understanding that the forecasts have come up short by rather substantial figures.

Dr. WHITAKER. I think there is certainly a lot of truth to that. I think we have all been surprised at the growth in consumption of energy. It seems to be more than what the projection was.

Senator BARTLETT. Is this an area that you think could be improved or at least that you would be interested in seeing?

Dr. WHITAKER. Yes; it certainly would be.

Senator BARTLETT. Do you believe that the supply of gas is sensibly priced?

Dr. WHITAKER. No, I don't. How sensitive the supply is to price changes is an issue. There seem to be a considerable number of studies which indicate there is a fairly high price elasticity.

Senator BARTLETT. I refer to this same letter again, another part.

He mentions that he met a man, a small independent oil refiner, on an airplane recently and he told him that Saudi Arabia is producing 6 million barrels of crude oil, and by 1980 that production will reach 20 million barrels per day.

It is further expected that the price, free on board, per well will be \$3 per barrel or \$18 million per day in 1980 or approximately

\$540 million per month. Saudi Arabians feel that they will have a market for this production both in the United States and Europe.

Then he went on to say that Saudi Arabians were offering this particular man, this refiner, enough money to increase his refineries to 250,000 barrels per day giving long-term credit on crude oil supplies which, of course, would be evidenced by promissory notes and converted into stock of the corporation, which undoubtedly would mean that they would have control.

It has been stated to me by others of real concern about it, in addition to the strip balance of payments problem, outflow versus inflow, that the problem of two nations having extremely large amounts of American money, that undoubtedly would be invested somewhere.

Is this also a concern to you and the manner in which you approach the energy problem?

Dr. WHITAKER. Yes; it is very much a concern, Senator. I think when you get large supplies of our money in one place, it is inevitable that you in effect tend toward a monopolistic situation.

Again, I would be all on the side of developing our domestic resources as far as possible. For reasons like this gentleman mentioned in his letter, those are the very reasons I would want to do that.

Senator BARTLETT. Do you feel that the problem, we have a problem right now, as you know, in not having enough refinery capacity today and new refinery construction going on.

We also have the problem of small independent refineries having a shortage of supply of crude oil to be refined.

Do you feel that one goal of an energy policy is to help to develop, as we would expect to import more oil, to make it possible for the inland refineries to participate in that?

Let's say from two points of view, one, that is unused refinery capacity that now exists and, two, this helps broaden the basis of the oil industry and energy with more independent input.

Dr. WHITAKER. I favor a healthy—

Senator BARTLETT. I am not talking about Government support necessarily.

Dr. WHITAKER. No; I understand. I favor anything we can do to develop a healthy climate in our Government policies for the refinery industry.

As you well know, we have run into some very tough environmental problems along the east coast in that respect.

One State, I believe Delaware, has virtually excluded any new refineries. I think we have to come to terms with that, not only putting in refineries, more refineries, but we have got to come to terms inevitably no matter what happens to the price structure. In the short term there is going to be an increase in imports and we also have to come to terms with the superport question and the environmental policy that goes with that.

That is akin to the issue here, do we actually need an environmental citing bill. You know the administration proposed a power-plant citing bill because of the need for long term planning. Do we need one for refineries? I am not quite sure of the answer to that question.

To answer your question, we need as healthy a refinery capacity as we can have.

Senator BARTLETT. Thank you, Dr. Whitaker. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Bartlett.

May I just say, Dr. Whitaker, that I have confidence that you will try to move on some of these issues. I think it is outrageous that we would find ourselves in a petroleum shortage situation in light of the fact that there is not a shortage in the world of petroleum. We waited too long, and the problems that we face in connection with import quotas, I think, are urgent. We never should get caught in another one like this.

I have been moving around the country a little bit. People are outraged that shortages would occur. Maybe it is good to get them stirred up, but there is really no excuse with the amount of oil available in the world to permit what I call gerry-built import regulations to foul us up the way they have recently.

The airlines and other transportation services have been disrupted. The airlines have had to divert flights to get jet aviation fuel.

I believe you are the kind of person who will get on top of this.

OEP has the responsibility here. It is not Interior. But as I view it, Interior and hopefully the Department of Natural Resources, which I support very strongly, will play a crucial role in the energy area. I want to say, too, that in light of the hearings we have held to date, this committee has been deeply concerned.

I believe nothing short of a massive R. & D. effort to exploit our potential here at home with respect to alternatives that exist: Coal gasification, and oil shale, geothermal, the nuclear-power program; and to get a program of incentives for the development of the Outer Continental Shelf and the public lands, is a must.

I just can't emphasize too strongly that this issue is an all pervasive one. It touches on all aspects of our life and I believe that we need some leadership to get on top of it and really get the show on the road, as they say.

I would hope and trust that you would pay special attention to this problem. I believe you, as a geologist, are uniquely qualified with your particular discipline to make progress in this area, and I trust you will approach it with a deep sense of urgency.

There are other aspects of the energy situation: International relations, balance of payments, they must all be considered.

Dr. WHITAKER. Yes; they should.

The CHAIRMAN. Do you feel that this is as urgent a problem as the members of the committee believe? I don't say that you have to agree with everything I say.

Dr. WHITAKER. We have a tough problem to solve. Since I have been over in Interior just in the last few weeks starting to learn about the Department, I find that I am spending somewhere between one-third or one-half of my time on energy alone and I certainly am going to continue doing that.

As you know, there is plenty going on in the White House in that very area and the President will propose a message in that area.

The CHAIRMAN. I hope the energy problem will get the top priority that it deserves. I know there is a scramble for funds, but we are going to have to have more funds than will be in the upcoming budget. I have a general idea of what is in it, and it is not adequate. I think that the findings and recommendation of this committee, and I can't

pretend to speak for the whole committee, but if we are going to achieve some of our national goals, we are going to have to assign a higher priority to maintain an adequate energy supply.

The implications within our own country are enormous enough, but when you view energy supply on an international scale with the fact facing us that we are going to be importing not 27 percent but 50 percent of our petroleum needs by 1980. The economic and national security implications are severe. I believe we can start now, however, to lay the foundation for a more secure position in the eighties.

In the meantime we can improve our bargaining position in trying to maintain some kind of balance here on prices.

Obviously, prices will rise, but I don't think we ought to be put in the position of being blackmailed. I just want to express what I think is one of the most urgent problems we are going to face in the seventies and that is the energy problem.

May I add, too, that you mentioned you had a reservation about broadening the Federal involvement in siting major power facilities.

It is my understanding that we have not been able to, I mean generally, get any oil refinery approvals for siting in the last 2 or 3 years because of a lack of machinery to adjudicate those conflicts between development on the one hand, and environmental quality on the other.

I feel very strongly that the States are not capable of dealing with this problem.

On the one hand, everyone is opposed to development of oil on the Outer Continental Shelf, and when you don't do that, then you have got to bring in more oil by tankers and the record is that only 2 percent of oil pollution has come from development on the Outer Continental Shelf and over 30 percent from tankers.

I just think we have to be intellectually honest about this. Some of these people who object to everything ought to examine more carefully what the options are.

Unless we get the facts out on the table, we are going to be in real trouble, I submit that I think the siting problem transcends just electric power and the problem of thermal plants. I think it involves refinery location as well.

I know in my own State you wouldn't be able to get a new refinery in Puget Sound at this time because of the public outcry. Other States are going to oppose them and yet, the States will be the first to climb all over you for an oil shortage.

I think we have to be honest and face up to it, and I regret to say that most States have yet to address adequately, the issues involved, such as land use planning.

Governors have tried in most States to establish some kind of long-range land use planning programs only to find that they are caught up in a legislature that has its own special hobbyhorses. We understand their problems and I feel that unless we take some responsible action at the Federal level, we are going to sink deeper in this growing crisis, which is bad enough as it is.

I have one last question.

Dr. Whitaker, you have substantial investments which have been held in a blind trust since you assumed a position with the White House.

For the public record, I want to ask whether you are aware of any personal holdings or investments which could constitute a conflict of interest or which could create the appearance of a conflict of interest should you be confirmed as under secretary?

Dr. WHITAKER. No; Mr. Chairman.

I am not aware of any. I have never seen any of those investments since the day I took the job in the White House, so I literally don't know what investments I own.

The CHAIRMAN. Are there any other questions?

Senator FANNIN. Mr. Chairman, time is very important. I know that there are several Senators who want to attend the executive session, but have other commitments, so I don't want to prolong this session. But I do want to say that the issues involving natural resources constitute a great challenge, as you know, Dr. Whitaker, to you and to the Department.

There is both a domestic and an international problem. Besides the economic problem we face an energy shortage. The environmental problems I think will be an increasingly serious factor.

I hope with your leadership we can solve some of these problems.

As I say, it is a great challenge and I know it isn't going to be easy. I know we will lend you our support, but I do feel that the saying, "we must bite the bullets" is true. We must face up to these problems and go forward together; and, it is going to take a great deal of work on both sides.

I wish you well.

Thank you, Sir.

The CHAIRMAN. Senator Bartlett.

Senator BARTLETT. Dr. Whitaker, would it, do you believe, strengthen your irrevocable blind trust to have a requirement that the trustee not invest, or if they have invested, to change the investments so they do not invest in oil stocks or companies that, say, they know would have more than 10 percent of their investments in oil?

I realize that many, many companies have small investments in oil. It would be virtually impossible to exclude oil and gas completely.

Would this be something that would be of interest to you in furthering the removal of conflict of interest?

Mr. WHITAKER. I would have no problem with that whatsoever if that is the sense of the committee, if in fact I do own such stocks as you mentioned.

Senator BARTLETT. Yes; fine.

The CHAIRMAN. Any further questions?

If not, the Chair will entertain a motion that the committee go into closed session for the purpose of examining the detailed financial statement which Dr. Whitaker has filed with the Commission.

Senator METCALF. Mr. Chairman, I so move.

Chairman JACKSON. All those in favor say aye.

(Chorus of ayes.)

It answers to be unanimous.

Dr. Whitaker, we would appreciate it if you would stand by and be available until we have completed our deliberations in the executive session.

Dr. WHITAKER. Thank you, Mr. Chairman.

(Whereupon, the hearing was adjourned.)

