on the costs that may properly be allocated thereto, are subject to the requirement that there should be no more economical means, evaluated on a basis comparable to the project, of providing equivalent services which would be precluded if the recreation were developed as a project purpose.

6. Capital Costs or first costs are the funds invested in goods and services for land, labor, and supplies, including interest during construction wherever appropriate, for the establishment of the project. (Section 10(e)).

7. "Joint costs" means the difference between the capital cost of the entire multiple-purpose project and the sum of the separable costs for all project purposes. (Section 10(c)).

8. "Separable Costs," as applied to any project purpose, means the difference between the capital cost of the entire multiple-purpose project and the capital cost of the project with the particular purpose omitted, including such specific facilities as those cited in definition 2b, above, and also project modifications, such as increasing the height of the dam or providing sub-impoundments specifically for those purposes, increased land takings, or modifying project operations (Section 10(b)).

9. "Non-Federal public bodies" include such public agencies as States, counties, municipalities, regional park authorities, or other special purpose districts, with sufficient legal authority and financial capability to participate under the provisions of P.L. 89-72. The term also includes a combination of two or more of the foregoing.

10. "Non-reimbursable" shall not be construed to prohibit the imposition of entrance, admission and other recreation user fees or charges by Federal or non-Federal managing bodies where special services, mechanical and personal, are provided. (Section 6(f)).

HQ AR005366-HQ AR005368

This amendment shall become effective April 9, 1965.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C. on April 2, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-3681; Filed, Apr. 8, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke a portion of the Helena, Mont. transition area.

The Helena, Mont., radio range is being converted to an H facility on June 24, 1965, and the Helena L/MF range approach procedure (AL-192-RNG) is being cancelled effective that date. This will make the controlled airspace based on that facility unnecessary.

Since this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may become effective without regard to the 30 day statutory period.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective June 24, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 16971 and 17643) the Helena, Mont., transition area is amended by deleting "within 6 miles SW and 8 miles NE of the SE course of the Helena RR extending from the RR to 17 miles SE of the RR" from the text.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Missouri, on March 30, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-3682; Filed, Apr. 8, 1965; 8:45 a.m.]

[Airspace Docket No. 64-CE-107]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On January 23, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 760) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Mt. Pleasant, Mich., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. A number of comments on the proposed rule were received and the majority of them were favorable. A number of persons opposing the rule felt that it would seriously and unduly restrict operations at small airports in the vicinity of the Mt. Pleasant Airport. Careful study indicated that the proposed rule would have little restrictive effect on other airports in the immediate area and would, in fact, be less restrictive insofar as at least two of the airports in this area are concerned. Several persons who objected to the proposed rule requested a public hearing. After full consideration, it was determined that the objections raised did not constitute a reasonable basis for granting a public hearing and the requests were denied.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 27, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 17643) the following is added:

MT. PLEASANT, MICH.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of Mt. Pleasant, Mich., Airport (latitude 43°37'00" N., longitude 84°44'00" W.); and within 2 miles each side of the 093° bearing from Mt. Pleasant, Mich., Airport extending from the 4-mile radius area to 8 miles E of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the S by the S edge of V-216, on the E by longitude 84°25'00" W., on the NE by a line 10 miles SW and parallel to the Saginaw, Mich., VOR 317° radial, on the NW by a line from latitude 43°49'15" N., longitude 84°43'30" W., to latitude 43°27'00" N., longitude 85°02'00" W., and on the W by longitude 85°02'00" W.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on March 29, 1965.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 65-3683; Filed, Apr. 8, 1965; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 313—WATER RESOURCE DEVELOPMENT PROJECTS HAVING JOINT REGULATIONS

A new Part 313 is added, as follows:

Sec.
313.0 Determination of the Secretaries.
313.1 Areas covered.
313.2 Division of authority.
313.3 Boats, commercial.
313.4 Boats and other vessels, private.
313.5 Mooring, care and sanitation of boats and floating facilities.
313.6 Swimming and bathing.
313.7 Hunting and fishing.
313.8 Camping.
313.9 Picnicking.
313.10 Access to water areas.
313.11 Destruction of public property.
313.12 Firearms and explosives.
313.13 Gasoline and oil storage.
313.14 Sanitation.
313.15 Advertisements.
313.16 Unauthorized solicitations and business activities.
313.17 Commercial operations.
313.18 Recreational activity programs.
313.19 Abandonment of personal property.
313.20 Discriminary practices prohibited.

AUTHORITY: The provisions of this Part 313 issued under sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d.

§ 313.0 Determination of the Secretaries.

The Secretary of the Army and the Secretary of Agriculture, having determined that the use of the following water resource development projects by the general public for boating, swimming, bathing, fishing, and other recreational purposes, will not be contrary to the public interest, and will not be inconsistent with the operation and maintenance of the projects for their primary purposes, hereby prescribe the following rules and regulations for public use of the following water resource projects pursuant to the provisions of section 4 of the Act of Congress approved December 22, 1944 (58 Stat. 889; 16 U.S.C. 460d) as amended by the Flood Control Act of 1946 (60 Stat. 641) and section 209 of the Flood Control Act of 1954 (68 Stat. 1266) and further amended on October 23, 1962, by section 207 of Public Law 87-874 (76 Stat. 1195) and the Act of June 4, 1897 (16 U.S.C. 475, 551) as supplemented by Public Law 86-517 (74 Stat. 215); Land and Water Conservation Act of 1965 (78 Stat. 897).

§ 313.1 Areas covered.

The regulations contained in this part shall be applicable to: Sam Rayburn Reservoir Area, Angelina River, Tex.

§ 313.2 Division of authority.

The Corps of Engineers, Department of the Army, is responsible for the operation and maintenance of the projects listed in this part for all the primary purposes for which they were constructed. However, since the projects are partially located on lands under the jurisdiction of the U.S. Forest Service, Department of Agriculture, the recreation and public use program will be accomplished under a joint venture between the two agencies operating under their respective laws and regulations and in accordance with a memorandum of understanding consummated between the District Engineer and the Regional Forester. The Corps of Engineers will have jurisdiction over all activities conducted in or on the impounded water, except those activities which by mutual agreement will be handled by the Forest Supervisor. The District Engineer will have jurisdiction over Corps of Engineers land in the project area not assigned to the National Forests, and any National Forest lands specifically assigned to the Corps of Engineers. The Forest Supervisor will have jurisdiction of National Forest lands in the project area not assigned to the Corps of Engineers and any Corps of Engineers lands specifically assigned to the Forest Service. Activities in and on the project lands which affect the jurisdiction of either agency will be managed in accordance with mutually agreed upon rules and regulations. The project areas over which these rules and regulations apply will include all lands as mutually agreed to between representatives of the Corps

of Engineers and the Forest Service. These lands are described as follows:

(a) All project lands acquired in fee title by the Corps of Engineers.

(b) Lands acquired in fee title by the Forest Service as follows:

(1) All lands located in the reservoir area below the upper guide contour, or backwater elevation, whichever is higher, and any land designated or developed for public access and use in conjunction with this project which may be located above the aforementioned elevations.

(2) Downstream from the dam and required for the construction, operation and maintenance of the dam and the appurtenant structures, including any land designated or developed for public access and use in conjunction with the project.

§ 313.3 Boats, commercial.

No boat, barge or other vessel shall be placed upon or operated upon any water of the reservoirs for a fee or profit, either as a direct charge to a second party or as an incident to other services provided to the second party, except as specifically authorized by a permit issued by the Corps of Engineers and by a lease, license, or concession contract with the Army or Agriculture Departments.

§ 313.4 Boats and other vessels, private.

(a) The operation of boats, cruising houseboats, cabin cruisers, and other vessels on the reservoir for fishing and recreational use is permitted except in prohibited areas designated by the District Engineer in charge of the reservoir area and subject to the regulations contained in this part.

(b) A permit shall be obtained from the District Engineer or his authorized representative for placing and operating a boat or other vessel on the reservoir for any one period longer than three days. No charge will be made for this permit. The permit shall be kept aboard the vessel at all times that the vessel is in operation on the reservoir. The District Engineer in charge of the area or his authorized representative shall have authority to revoke the permit and to require removal of the vessel upon failure of the permittee to comply with the terms and conditions of the permit or with the regulations in this part.

(c) Unsafe boats or other vessels will not be permitted on the reservoir. The District Engineer may require the applicant to obtain a permit and furnish the construction plans and other information pertaining to the construction and equipment of the boat or other vessel prior to issuing a permit for its operation on the reservoir. All boats permitted on the reservoir shall be equipped for safe operation and operated in a safe manner in accordance with instructions issued by the District Engineer. These instructions may provide that the operation of speedboats and water skiing activities shall be confined to areas of water designated by the District Engineer for such activities.

(d) Boathouses, cruising houseboats, cabin cruisers and other vessels may be placed and operated on the reservoir, except that such facility shall not be utilized for human habitation at a fixed or permanent mooring point.

§ 313.5 Mooring, care and sanitation of boats and floating facilities.

(a) All boats or other vessels when not in actual use must be either removed from the reservoir, securely moored at authorized docks, or boathouses where supervision by the owner or his representative is provided on a 24-hour-day basis, or placed in the care of a marina concessionaire authorized to care for floating equipment on a 24-hour-day basis.

(b) All boats, barges, and other vessels or floating facilities will be moored only in locations designated by the District Engineer or his designated representative. All mooring facilities will be constructed in accordance with plans and a permit approved by the District Engineer or his designated representative. He shall have authority to revoke such permit and require removal of the facility for failure of the permittee to comply with the terms and conditions of the permit or with the regulations of this part.

(c) The discharge of sewage, garbage, or other pollutant in the waters of the reservoir from any boat, barge, or other vessel on the reservoir is prohibited except in accordance with regulations of the State and local health agencies permitting such discharge when underway in deep waters other than embayments. All such pollutants shall be deposited ashore at places designated for such deposit and disposal (33 U.S.C. 407).

§ 313.6 Swimming and bathing.

Swimming and bathing are permitted except in prohibited areas designated by the District Engineer and/or the Forest Supervisor.

§ 313.7 Hunting and fishing.

(a) Hunting and fishing are permitted in accordance with all applicable Federal, State, and local laws for the protection of fish and game except in prohibited areas, including the following:

(1) Public access, park, and recreation areas in which all hunting is prohibited.

(2) Prohibited areas designated by the District Engineer or the Forest Supervisor in which hunting or fishing or both are prohibited.

(3) Prohibited areas designated by Federal or State managing agencies under applicable laws administered by such agencies.

(b) Hunting is restricted to the use of bow and arrow or shotgun loaded with shot throughout the reservoir area except in managed game areas, where the special hunting regulations of the managing agency with the prior approval of the District Engineer or Forest Supervisor will apply.

(c) A permit shall be obtained from the District Engineer or his authorized representative to construct a duck blind on the water in the reservoir area.

§ 313.8 Camping.

(a) Camping is permitted only at areas designated by the District Engineer or the Forest Supervisor in charge of the reservoir area or their authorized representative.

(b) Approval of the District Engineer or the Forest Supervisor or their authorized representative is required to camp in the reservoir area for any one period of 2 weeks or longer.

(c) Camping equipment shall not be abandoned or left unattended for 48 hours or more.

(d) The installation of any permanent facility at any public campground is permitted only on written authorization of the District Engineer or the Forest Supervisor, or their authorized representative.

(e) Campers shall keep their campgrounds clean and dispose of combustibles and refuse in accordance with instructions posted by the District Engineer or the Forest Supervisor at each campground.

(f) Due diligence shall be exercised in building and putting out campfires to prevent damages to trees and vegetation and to prevent forest and grass fires.

(g) Camp must be completely razed and sites cleaned before departure of the campers.

(h) The use of a trailer (towed by passenger vehicle) for camping is permissible provided:

(1) The length of stay is governed by (b) above;

(2) No permanent fixtures attached to the ground are constructed in connection with the trailer;

(3) The trailer retains its mobility at all times;

(4) That trailer parking and camping is permitted only at locations in public campgrounds approved by the District Engineer or Forest Supervisor.

§ 313.9 Picnicking.

Picnicking is permitted except in prohibited areas designated by the District Engineer or the Forest Supervisor or their authorized representative.

§ 313.10 Access to water area.

(a) Pedestrian access is permitted along the shores of the reservoir except in areas designated by the District Engineer or the Forest Supervisor, or their authorized representative.

(b) Automobile access is permitted only over open public and reservoir roads.

(c) Access for the general public to launch boats is permitted only at the public launching sites designated by the District Engineer or the Forest Supervisor.

§ 313.11 Destruction of public property.

The destruction, injury, defacement, or removal of public property or of vegetation, rock, or minerals, except as authorized, is prohibited.

§ 313.12 Firearms and explosives.

Loaded rifles, loaded shotguns, loaded pistols, and explosives of any kind are prohibited in the area, except when in the possession of a law enforcement officer or government employee on official duty, when shotguns or rifles are being used for hunting during the hunting season as permitted under § 313.7, and when specifically authorized by the District Engineer or the Forest Supervisor.

§ 313.13 Gasoline and oil storage.

Gasoline and other inflammable or combustible liquids shall not be stored

in, upon, or about the reservoir or shores thereof without written permission of the District Engineer or the Forest Supervisor, or their authorized representative.

§ 313.14 Sanitation.

Refuse, garbage, rubbish, or waste of any kind shall not be thrown on or along roads, picnicking or camping areas, in the reservoir waters, or on any of the lands around the reservoir, but shall be buried or burned or disposed of at designated points or places designed for the sanitary disposal thereof.

§ 313.15 Advertisements.

Private notices and advertisements shall not be posted, distributed, or displayed in the reservoir area except such as the District Engineer or the Forest Supervisor, or their authorized representative, may deem necessary for the convenience and guidance of the public using the area for recreational purposes.

§ 313.16 Unauthorized solicitations and business activities.

No person, firm, or corporation, or their authorized representatives, shall engage in or solicit any business on the reservoir area without permission in writing from the District Engineer or the Forest Supervisor in accordance with terms of lease, license, or concession contract with the Army or Agriculture Departments.

§ 313.17 Commercial operations.

All commercial operations or activities on the waters of the reservoir or on the lands under the control of the Corps of Engineers or the U.S. Forest Service around the reservoir shall be in accordance with lease, license, or other agreements with the Army or Agriculture Departments.

§ 313.18 Recreational activity program.

(a) Special events such as water carnivals, boat regattas, music festivals, dramatic presentations, or other special recreational programs of interest to the general public are permitted in areas designated by the District Engineer or the Forest Supervisor, or their authorized representative.

(b) A permit shall be obtained from the District Engineer or the Forest Supervisor, or their authorized representative, by the governmental or legally responsible private agency proposing to hold a special recreation program as indicated in this section. No charge will be made for this permit.

(c) The District Engineer or the Forest Supervisor in charge of the area shall have authority to revoke any permit granted under this section and to require the removal of any equipment upon failure of the permittee to comply with the terms and conditions of the permit or with the regulations in this part.

§ 313.19 Abandonment of personal property.

(a) Abandonment of personal property on the land or waters of the reservoir area is prohibited. Personal property shall not be left unattended upon the lands and waters of the reservoir area except in accordance with the regulations prescribed in this part or under permits issued therefor.

(b) The government assumes no responsibility for personal property and if such property is abandoned or left unattended on waters of the reservoir or on lands under the jusidiction of the Corps of Engineers in other than places designated in a permit issued therefor or under a regulation for a period in excess of 48 hours, it will be impounded, and if not claimed by the owners thereof within 90 days will be sold, destroyed, converted to government use, or otherwise disposed of as determined by the District Engineer or his authorized representative.

(c) Personal property which has been abandoned or left unattended on lands under the jurisdiction of the Forest Service in other than places designated in a permit issued therefor or under a regulation shall be impounded and otherwise handled in accordance with the Secretary of Agriculture's Regulation T–15 (36 CFR 261.16).

§ 313.20 Discriminary practices prohibited.

All project land and water areas which are open to the public shall be available for use and enjoyment by the public without regard to race, creed, color or national origin. No lessee or licensee of a project area under lease or license providing for a public or quasi-public use, including group camp activities, and no concessionaire of a lessee or licensee providing a service to the public, including facilities and accommodations, shall discriminate against any person or persons because of race, creed, color or national origin in the conduct of its operation under the lease, license or concession agreement.

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65–3694; Filed, Apr. 8, 1965; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

Radio Operator Examination Points

The Commission having under consideration a modification of its commercial and amateur radio operator license examination points; and

It appearing, that it will be in the public interest to conduct operator examinations semi-annually instead of annually at Fairbanks, Alaska, in view of the increased demand for examinations to be given at that location; and

It further appearing, that the amendment herein ordered is procedural in nature and not substantive and therefore compliance with public rulemaking procedures required by sections 4 (a) and (b) of the Administrative Procedure Act is not required.

It is ordered, This 6th day of April 1965, pursuant to authority of § 0.261 of the Commission's rules and to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and pursuant to section 3(a) of the Administrative Procedure Act, that § 0.445(c) of the Commission's rules be amended as set forth below, effective April 12, 1965.

Released: April 6, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

§ 0.445 [Amended]

Section 0.445(c) of the Commission's rules is amended by deleting Fairbanks, Alaska, from the "annual" listing and adding Fairbanks, Alaska, to the "semi-annual" listing within this section.

[F.R. Doc. 65–3701; Filed, Apr. 8, 1965; 8:47 a.m.]

[Docket No. 15399—FCC 65–250]

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Secondary Frequency Assignments in California

In the matter of temporarily amending Parts 89, 91 and 93 of the Commission's rules and regulations to test the principle of secondary frequency assignments in the State of California Docket No. 15399.

1. The Commission, on its own motion, issued a notice of proposed rule making in the above-entitled matter (FCC 64–267) on March 27, 1964 (29 F.R. 4808). The time for filing comments and reply comments has now expired. The proposal involved the sharing in California of land mobile frequencies which might be uncongested in a given geographical area by certain services other than those to which the frequencies are allocated.

2. Comments in this proceeding were filed by the following parties:

Association of American Railroads (AAR).
California Public-Safety Radio Association (CPRA).
California State Communications Advisory Board (California).
Central Committee of Communication Facilities of the American Petroleum Institute (API).
City of Burbank (Burbank).
Forest Industries Radio Communications (FIRC).
Land Mobile Communications Section of the Electronic Industries Association (EIA).
National Committee for Utilities Radio (NCUR).
Pacific Telephone and Telegraph Company (PT&T).
City of San Diego (San Diego).

HQ AR005369-HQ AR005376

Public Law 88-578

AN ACT

September 3, 1964
[H. R. 3846]

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

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

Land and Water Conservation Fund Act of 1965.

TITLE I—LAND AND WATER CONSERVATION PROVISIONS

SHORT TITLE AND STATEMENT OF PURPOSES

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

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

CERTAIN REVENUES PLACED IN SEPARATE FUND

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

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

The President is authorized, to the extent and within the limits hereinafter set forth, to designate or provide for the designation of [illegible] water areas administered by or under the authority of the

Federal agencies listed in the preceding paragraph at which entrance, admission, and other forms of recreation user fees shall be charged and to establish and revise or provide for the establishment and revision of such fees as follows:

Fees.

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

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

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

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

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

72 Stat. 885.

No fees established under clause (ii) or clause (iii) of the second paragraph of this subsection shall become effective with respect to any area which embraces lands more than half of which have heretofore been acquired by contribution from the government of the State in which the area is located until sixty days after the officer of the United States who is charged with responsibility for establishing such fees has advised the Governor of the affected State, or an agency of the State designated by the Governor for this purpose, of his intention so to do, and said officer shall, before finally establishing such fees, give consideration to any recommendation that the Governor or his designee may make with respect thereto within said sixty days and to all obligations, legal or otherwise, that the United States may owe to the State concerned and to its citizens with respect to the area in question. In the Smoky Mountains National Park, unless fees are

charged for entrance into said park on main highways and thoroughfares, fees shall not be charged for entrance on other routes into said park or any part thereof.

Repeals.

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

Collection of fees.

The heads of departments and agencies are authorized to prescribe rules and regulations for the collection of any entrance, admission, and other recreation user fees or charges established pursuant to this subsection for areas under their administration: *Provided further*, That no free passes shall be issued to any Member of Congress or other government official. Clear notice that a fee or charge has been established shall be posted at each area to which it is applicable. Any violation of any rules or regulations promulgated under this title at an area so posted shall be punishable by a fine of not more than $100. Any person charged with the violation of such rules and regulations may be tried and sentenced by any United States commissioner specially designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in title 18, United States Code, section 3401, subsections (b), (c), (d), and (e), as amended.

Penalty.

62 Stat. 830.

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

63 Stat. 388; 68 Stat. 1051.

40 USC 471 note.

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

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

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

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

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

FINANCIAL ASSISTANCE TO STATES

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

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

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

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

the State as well as a consideration of the Federal resources and programs in the particular States.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Secretary of the Interior, and the Comptroller General of the United States, or any of their duly authorized representatives, shall

have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

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

75 Stat. 183.
42 USC 1500-1500e.
73 Stat. 678; *Ante*, pp. 792, 793.
40 USC 461.

ALLOCATION OF MONEYS FOR FEDERAL PURPOSES

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

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

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

NATIONAL FOREST SYSTEM.—Inholdings within (a) wilderness areas of the National Forest System, and (b) other areas of national forests as the boundaries of those forests exist on the effective date of this Act which other areas are primarily of value for outdoor recreation purposes: *Provided*, That lands outside of but adjacent to an existing national forest boundary, not to exceed five hundred acres in the case of any one forest, which would comprise an integral part of a forest recreational management area may also be acquired with moneys appropriated from this fund: *Provided further*, That not more than 15 per centum of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

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

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

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

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

FUNDS NOT TO BE USED FOR PUBLICITY

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

31-667 O-65—60

TITLE II—MOTORBOAT FUEL TAX PROVISIONS

TRANSFERS TO AND FROM LAND AND WATER CONSERVATION FUND

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

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

70 Stat. 394.
26 USC 6421.

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

70 Stat. 393.
26 USC 6412.

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

AMENDMENTS TO HIGHWAY REVENUE ACT OF 1956

70 Stat. 397.
23 USC 120 note.

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

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

68A Stat. 478;
70 Stat. 387.
26 USC 4041.
70 Stat. 389.
26 USC 4081.

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

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

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

Approved September 3, 1964.

HQ AR005377-HQ AR005381

88TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 1847

LAND AND WATER CONSERVATION FUND

AUGUST 31, 1964.—Ordered to be printed

Mr. ASPINALL, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 3846]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3846) to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7 and 14.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 8, and 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows:

In lieu of the language of the sentence as amended by the Senate, insert the following: *No fee of any kind shall be charged by a Federal agency under any provision of this Act for use of any waters.*; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows:

In lieu of the language inserted by the Senate amendment, insert the following: *In the Smoky Mountains National Park, unless fees are charged for entrance into said park on main highways and thoroughfares, fees shall not be charged for entrance on other routes into said park or any part thereof.*; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 10, 11, 12, and 13, and agree to the same with an amendment as follows:

In lieu of the language of the paragraph as amended by the Senate, insert the following:

NATIONAL FOREST SYSTEM.—Inholdings within (a) wilderness areas of the National Forest System, and (b) other areas of national forests as the boundaries of those forests exist on the effective date of this Act which other areas are primarily of value for outdoor recreation purposes: Provided, That lands outside of but adjacent to an existing national forest boundary, not to exceed five hundred acres in the case of any one forest, which would comprise an integral part of a forest recreational management area may also be acquired with moneys appropriated from this fund: Providing further, That not more than 15 per centum of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

And the Senate agree to the same.

WAYNE N. ASPINALL,
THOMAS G. MORRIS,
LEO W. O'BRIEN,
JOHN P. SAYLOR,
JOHN KYL,
By proxy,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
FRANK CHURCH,
GORDON ALLOTT,
LEN B. JORDAN,
Managers on the Part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (H.R. 3846) to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreational demands and needs of the American people, and for other purposes, submit the following statement in explanation of the effect of the language agreed upon and recommended in the accompanying conference report.

Fourteen amendments to H.R. 3846 were adopted in the Senate. Amendments Nos. 1 to 5, inclusive, struck from the bill provisions permitting fees to be charged for access to or the use of water areas and for admission to wilderness areas. The conference report recommends acceptance of all these amendments except one; namely, that which would have prohibited the charging of any fee for access to water areas. It also recommends a further amendment to the sentence to which this last amendment was appended to make clear that the prohibition against charging fees for the use of waters applies only to Federal agencies. This last will obviate difficulties which have been encountered under other legislation (for example, sec. 4 of the act of Dec. 24, 1944, as amended, 16 U.S. C. 460d) pursuant to which Federal agencies have thought it necessary, even though recreation developments were turned over to State or local bodies to administer, to prohibit the charging of fees by these bodies.

The striking of the references to "bodies of water" and to "land or water areas" in section 2 of the bill does not mean that the officers and agencies of the United States charged with administration of the act may not, in fixing the amount of fees to be charged for admission to land areas covered by the bill, properly take into account the existence of reservoirs, lakes, streams, and other bodies of water which enhance the attractiveness of the areas for recreational use or that they may not take into account facilities which make such bodies of water accessible and usable for this purpose. Indeed, if this were not done a large part of the justification for providing in section 6(a)(2) of the bill that part of the appropriations from the land and water conservation fund may be devoted to offsetting the capital costs of Federal water development projects which are allocated to recreation and the enhancement of fish and wildlife values would disappear. What, in effect, acceptance of the Senate amendments mentioned above does, therefore, is to insure that payment of whatever fee is charged for admission to an area otherwise within the coverage of the bill will carry with it the use and enjoyment of waters within that area without payment of any further fee except such as is imposed for the use of special facilities.

Senate amendment No. 6 modified the House language with respect to entrance fees at the Smoky Mountains National Park to prohibit the collection of such fees "without the consent of the States of North

Carolina and Tennessee." The conference report recommends restoration of the House language with a clarifying amendment.

Senate amendment No. 7 would have required officers of the United States, before establishing fees, to hold a public hearing at or near any area for which it was proposed to establish admission fees if such a hearing were requested by the Governor of a State in which more than 50 percent of the area is located. The conference report recommends that the Senate recede from this amendment.

Amendments Nos. 8 and 9 had to do with the maximum punishment which may be imposed for violation of rules and regulations issued under the act. Under the House version of the bill this was fixed at 6 months' imprisonment or a fine of $500, or both. This was in accord with existing statutes relating to the violation of rules and regulations pertaining to the national parks, national forests, and national wildlife refuges. The Senate amendments deleted the imprisonment provision and made the maximum fine $100. The conference report recommends acceptance of the Senate amendments.

Amendments Nos. 10 to 13, inclusive, would have modified the House language in section 6(a)(1) with respect to the use of appropriations from the land and water conservation fund for land acquisition in national forest system areas (1) by restricting the use of this authority to inholdings within the presently existing boundaries of the forest system and (2) by providing that not more than 15 percent of the acreage acquired shall be west of the 100th meridian. The conference report recommends a substitute for the Senate amendment which will (1) retain the 15-percent limitation on land acquisition west of the 100th meridian, (2) allow acquisition of inholdings within the boundaries of wilderness areas of the national forest system as those boundaries are established at the time of acquisition, and (3) limit acquisition in other forest areas to inholdings within the present boundaries of the forests, but (4), notwithstanding this last restriction, allow land which lies outside the present boundaries of a forest but which would "comprise an integral part of a forest recreational management area" to be acquired with appropriations from the fund up to a maximum of 500 acres per forest.

The conference committee notes, in connection with this substitute amendment, that the provision of the House bill which spoke of "wilderness, wild, and canoe areas of the national forest system" has been modified to refer only to wilderness areas in view of the passage of the Wilderness Act (S. 4); that the substitute retains the House requirement that lands outside the wilderness areas may be acquired only if the area in which they lie is "primarily of value for outdoor recreation purposes"; that the provision for limited acquisitions outside the established boundaries of the forests is not intended to modify the prohibition against additions to national forests without act of Congress in certain States (16 U.S.C. 471, 471a); that authority for any acquisition, whether within or outside the forests, must still be found in law (sec. 6(b)); and that the term "national forests," as used in the substitute, is not used in a technical sense but refers to any federally owned forested area within the national forest system.

Senate amendment No. 14 would have added "the development of recreational facilities on lands owned by the Federal Government" to the purposes for which moneys might be appropriated from the land and water conservation fund. The conference report recommends

that the Senate recede from this amendment. In so recommending, the conference committee recognizes that in some parts of the country, particularly in the Western States, there is less need for money for land acquisition than for recreational development. It was partly in recognition of the large extent of existing Federal landholdings in the Western States and partly in recognition of the great need for a substantial land acquisition program in the East that the conference committee retained the 15- to 85-percent provision of the Senate amendment in the case of forest lands. Nevertheless the conference committee took note of the facts (1) that there has been much less reluctance to make appropriations from conventional sources for development of existing recreation areas than to make them for land acquisition, as evidenced by the fact that the combined appropriations to the National Park Service and the Forest Service for development over the last 6 years have been 12 times as great as they have been for land acquisition ($458.6 million versus $38.5 million); (2) that it is doubtful that the land and water conservation fund, if the bill with the Senate amendment were construed to make this fund the sole source of appropriations for development and land acquisition, would yield enough to keep up, let alone expand, the present level of expenditure; (3) that the basic purpose of the bill, notwithstanding the provision that States may be allowed to use part of their share of appropriations from the fund for development, is to provide a means for catching up with the lag in land acquisition which, as the House committee report on the original bill (H. Rept. 900) pointed out, has developed over the years.

The conference report therefore recommends deletion of the Senate amendment referred to. The conference committee recommends that the Bureau of the Budget and other Federal agencies make appropriate adjustments in the amounts requested from conventional sources in the light of the fact that land acquisition costs, which have heretofore been borne by these sources, will now be financed, in whole or in part, from the land and water conservation fund, and that all Members of Congress, particularly those from the East, support increased appropriations from normal sources for development of the parks and other recreation areas in the West since the bulk of the appropriations from the land and water conservation fund will be for the benefit of the East. Members of the conference committee, acting in their other capacities as Members of Congress, are also prepared to examine the situation at the end of, say, 4 to 6 years and to consider at that time whether an amendment to permit use of the land and water conservation fund for Federal development would, in the light of facts as they have developed by then, be useful and proper.

WAYNE N. ASPINALL,
THOMAS G. MORRIS,
LEO W. O'BRIEN,
JOHN P. SAYLOR,
JOHN KYL,
By proxy,
Managers on the Part of the House.

HQ AR005382-HQ AR005420

Calendar No. 1300

88TH CONGRESS 2d Session | SENATE | REPORT No. 1364

LAND AND WATER CONSERVATION FUND ACT

August 10, 1964.—Ordered to be printed

Mr. BIBLE, (for Mr. JACKSON), from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 3846]

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

The proposed legislation has the enthusiastic support of the agencies of the executive branch concerned and is based on a draft of legislation submitted to the Congress by the late President Kennedy. It likewise has the endorsement of 49 States. The Governors of 43 States have personally endorsed the bill. Other endorsements came through agencies empowered to speak for the States.

The legislation proposed by the President, which in turn was based on the studies and recommendation of the Outdoor Recreation Resources Review Commission, was introduced in the Senate as S. 859 by Senator Jackson for himself and Senators Anderson, Douglas, Humphrey, Long of Missouri, McCarthy, McGee, McGovern, Metcalf, Miller, Morse, Moss, Nelson, Pell, Randolph, and Aiken.

Thus, the bill is a bipartisan measure, and has received strong bipartisan support in both the House and the Senate. It also has the virtually unanimous support of State governments and conservation groups.

PURPOSE OF MEASURE

The purpose of H.R. 3846 is to help the States and Federal agencies meet the ever-increasing needs and demands, present and future, of the American people for lands and facilities for outdoor recreation. The bill would accomplish this purpose by establishing a fund from which grants would be made to the States for planning and acquisition

35-010—64——1

of land and water areas, and for construction of facilities on them, for outdoor recreation. A part of the fund would be available for appropriation to the several Federal agencies which have responsibility for outdoor recreation, such as the Forest Service in the Department of Agriculture; the National Park Service and the Bureau of Sports Fisheries and Wildlife in the Department of the Interior.

Grants to the States would be on a matching funds basis, with the Federal share up to 50 percent authorized. Agencies of the Federal Government could make expenditures from the fund for acquisitions only pursuant to congressional authorization.

The fund would be derived primarily from three sources:

(1) Sales of surplus real property by the General Services Administration under the Federal Property Act of 1949 (found in 40 U.S.C. 484). Revenues from such sales are estimated by the Secretary of the Interior and the General Services Administration to average around $50 million a year.

(2) Proceeds from the Federal motor fuels tax derived from fuels used in motorboats. Payments from this source into the fund will average some $30 million a year, it is estimated.

(3) Admission and user fees paid by persons who utilize outdoor recreation areas and facilities provided by the Federal Government. At present, such fees amount to around $6 million a year, but with the continuing increase in use of such facilities, plus the entrance and user system of fees authorized by the bill, revenues from them will increase very substantially.

Thus, once the fund is operative, the program will be on a pay-as-you-go basis.

The fundamental purposes, in general terms, of the proposed legislation in terms of the individual are set forth in the bill itself, as follows:

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

COMMITTEE AMENDMENTS

The amendments adopted by the committee after hearings are for the most part clarifying and declarative of intent. They are:

On page 4, lines 22, 23, and 25 of the bill as passed by the House, the words "bodies of water" and "land and water" are stricken to prevent any charge for the use of water for recreational purposes. However, the committee in no way intends that this amendment should prevent a reasonable charge for use of facilities, such as boat moorings or houses, launching ramps, and the like, which are built at

Federal expense. Rather, the amendment is intended to make certain that the enjoyment and use of waters, in themselves, shall be free.

Page 5, line 2, the word "wilderness" is stricken because, by definition and concept, a wilderness area is one in which there has been little or no construction or development of facilities. It is primarily an area a person would enter on foot, or possibly horseback, and in which there would have been no significant expenditure of Federal funds for developmental purposes. The amendment would prohibit the charging of entrance fees to wilderness-type areas.

Page 5, lines 7 to 13, the word "any" is inserted before "waters", and the remainder of the sentence stricken. This amendment is consistent with the foregoing changes made by the committee; namely, that no charges may be imposed for the use of any waters for recreational purposes.

Page 6, following line 25, a new provision is added to assure opportunity for public hearings on the amount of a proposed entrance fee to an area upon the request of the Governor of a State within which more than half the lands which will be subject to the fee are located.

The committee's intent is to provide for public hearings on the amount of the proposed fees if the Governor believes there is a definite need or desire for a hearing and makes such a request. It is not, however, the committee's intent to authorize hearings for every individual area. Many of the areas will be small in size, such as campgrounds and picnic areas. Since a uniform system of fees for like areas will be established, the committee believes that not more than one hearing in a State for areas administered by each of the several agencies would be warranted because of the additional cost and administrative burden that otherwise would result. Also, once the fees for areas administered by an agency are in effect in a State, the development and designation of new areas for which uniform fees for similar areas would be charged would not require new hearings.

Page 8, lines 6 and 7. The provision for imprisonment for failure to pay an entrance or user fee is stricken entirely, and the maximum amount of the fine for such a violation is reduced to $100 from the $500 provided in the House-passed bill. The committee was of the opinion that the penalties provided were disproportionate to the offense, which would constitute a trespass based on an administrative order.

Page 18, line 24, page 19, lines 1 to 3, the committee adopted language to insure that the money allocated to acquisitions for land, waters, or interests in land or waters for the national forest system would be used only for the purchase of actual inholdings within the external boundaries of wilderness, wild, or canoe areas existing on the effective date of the act, and for other areas in the national forest system the chief value of which is for outdoor recreation, rather than for forest products or other forest uses.

A proviso added by the committee spells out in the legislation itself the intent expressed by the Secretary of Agriculture in the hearings that at least 85 percent of the lands acquired will be in areas of the national forest system in the eastern part of the United States. The Federal Government already owns huge percentages of the land in the Western States—in Nevada some 87 percent, some 50 percent in California, and so on. Therefore, the committee amendment recognizes this predominance of federally owned lands in the West, and directs that the Secretary of Agriculture, in the utilization of funds

appropriated under the authority of the act, should concentrate his purchases east of the 100th meridian. Also, such acquisitions must be limited to inholdings within the national forest system.

Furthermore, the purchases that the Forest Service makes with funds appropriated under the authority of this act shall be for lands that are primarily more valuable for recreation than for the other multiple purposes of national forest lands. This is a recreation bill, and the committee intends that moneys appropriated from the fund shall be for outdoor recreation purposes. Acquisitions by any agency must conform to this purpose.

Page 19, after line 16, a new subparagraph, subparagraph (3), is added to authorize the use of moneys from the fund for the development of facilities in the recreation areas that are set forth under paragraph (1) of this subsection. That is, the amendment authorizes the construction of facilities from the fund in recreational areas of the national park system, the national forest system, and in certain fish and wildlife areas.

NEED FOR LEGISLATION

The need for additional outdoor recreation areas for the physical and spiritual health and vitality of the American people is self-evident. This need, based on factual studies, is set forth clearly in the report of the Outdoor Recreation Resources Review Commission and by witnesses who appeared before the committee at its hearings on S. 859 and then on H.R. 3846.

The underlying facts are of course that our population is increasing rapidly and the pace and tensions of our national life quickening, thus making outdoor recreation more than ever essential for our physical health and well-being. At the same time our expanding American economy has been making more and more leisure time available for enjoyment of outdoor recreation for greater and greater numbers of our people.

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

	National Park Service visitations	National Forest Service visitations	State parks visitations	Population
1946	21, 752, 000	18, 241, 000	92, 507, 000	141, 936, 000
1951	37, 108, 000	29, 950, 000	120, 722, 000	154, 878, 000
1956	61, 602, 000	52, 556, 000	200, 705, 000	168, 903, 000
1957	68, 016, 000	60, 957, 000	216, 780, 000	171, 984, 000
1958	65, 461, 000	68, 450, 000	237, 329, 000	174, 882, 000
1959	68, 900, 000	81, 521, 000	255, 310, 000	177, 830, 000
1960	72, 854, 000	92, 595, 000	259, 001, 000	180, 676, 000

For 1963, the updated visitation figures are as follows:

National Park Service areas	94, 092, 000
National Forest Service areas	122, 582, 000
State park areas	[1] 284, 795, 000
Population	189, 375, 000

[1] For 1962, latest year available.

As these figures indicate, by 1963, the average number of visits to these areas per individual member of the population was 2.7 visits per year.

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

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

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

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

THE STATE AID PROGRAM

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

> The provision of outdoor recreation is a national concern. The interest of the Federal Government can no longer be limited to preserving sites of national significance and exercising stewardship over its own lands. It is generally recognized that our Nation is stronger if its citizens are properly nourished, housed, and educated. The Nation benefits also if its citizens have the opportunity to use their nonwork hours in constructive and healthful pursuits, among which outdoor recreation ranks high.
>
> All levels of government share an interest in and responsibility for meeting the outdoor recreation needs of the Nation * * *. However, the State governments have

> dominant public responsibility and should play the pivotal role. Accordingly, it is extremely important to stimulate State activity.
>
> * * * State performance in outdoor recreation has been uneven. Some States are expanding their outdoor recreation programs, but progress has been slow in many areas. The proposed grant program would encourage action on both State and local problems. In the field of fish and wildlife management, forest fire control, timber management, water pollution control, and hospital construction, Federal aid programs have proved successful stimulants to State and local action. The recommended grants-in-aid program for outdoor recreation would have a similar effect.

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

Therefore, a series of provisions for grants-in-aid have been written into the measure with the desired predominant role of the States in mind. Section 4(a) provides that, with certain permissible variations which are subject to congressional control, 60 percent of all the appropriations made to carry out the act shall be available for State purposes. These appropriations will be available to match the States' expenditures for outdoor recreation planning, land acquisition, and development projects on a 50–50 basis. For the first 5 years, an additional 15 percent is authorized for distribution to the States, and it is the committee's hope that this amount will be made available for State use to the extent consistent with the purposes of the act.

State Distribution Formula

The committee gave careful attention to the formula for distribution among the several States of the moneys authorized for all of the States. Attention is drawn to that portion of the language of section 5(b)(2) which provides that three-fifths of the money appropriated and available annually for State purposes shall be apportioned among the several States by the Secretary of the Interior on the basis of need and, further, that the determination of need shall include, among other factors, a consideration of population of the individual States, the use of outdoor recreation resources by out-of-State visitors in the individual States, and Federal resources and programs within the individual States.

The committee recognizes that "need," the term employed in the proposed legislation, is a flexible concept at best, and that this provision of the bill will require careful administration. The members considered various alternatives for the distribution of the whole or part of the moneys which will be available under this heading but could find none that was entirely satisfactory to all. Area alone, for instance, is a factor which would lead to gross discrimination against the Eastern States. Population, although as pointed out below, is a factor to be given great weight, it cannot be taken as a sole criterion, for it ignores several such important considerations as area, the extent and availability of Federal recreation areas in the same State, and the fact that some States which lack population are attractive to those who

live in nearby States which are overcrowded. Per capita income is also a factor that was considered by the committee as a test but it, too, was found to be unsatisfactory. In sum, the committee found it impossible to state the test in anything other than the general terms which it has used.

Therefore, the committee emphasizes that this three-fifths to be apportioned among the States is not to be divided in accordance with any fixed rule. It was never intended or implied that equal weight be given to the three criteria—population, out-of-State visitor use, and Federal resources and programs. On the contrary, the committee is in accord with the general philosophy expressed in the report to the President and the Congress by the Outdoor Recreation Resources Review Commission that, in providing outdoor recreation resources and facilities for the American people, the greatest emphasis should be given to those areas with a large concentration of people. Therefore, the committee wishes to express clearly the legislative intent that the Secretary of the Interior shall give the greatest weight, among the three specified criteria, to the factor of population in determining the annual distribution of the three-fifths of the moneys available to the States for purposes authorized by the bill.

THE FEDERAL AGENCIES PROGRAM

While the bill thus recognizes the pivotal role of the States, it does not ignore the highly important part Federal agencies also play in the outdoor recreation field. The importance to the American people of the recreation functions of these agencies is indicated when we consider that in 1963 the national forest system attracted over 122 million visitors for recreation; that there were about 94 million visitor-days' use of the areas administered by the National Park Service; that a partial estimate for the Corps of Engineers reservoirs shows a total of 147 million visitors; that Bureau of Reclamation reservoir areas (exclusive of those handled by the National Park Service, the Forest Service, and the Fish and Wildlife Service) totaled 15 million visitor-days, a figure that is almost doubled if the ones submitted by these other agencies are added in; and that the national wildlife refuges had nearly 11 million visitor-days' use. Every State of the Union except Rhode Island had at least one installation of this sort, and the people of every State of the Union made use of them for outdoor recreation. The visitor count by States ranged from the 25,000 recorded for Federal installations in Delaware to the 35,250,000 recorded in California.

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

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

(2) There is increasing demand, reflected in the introduction of numerous bills dealing with specific cases, for the creation of recreation

areas of national significance easily accessible to the large centers of population. Examples of this type of area are the Great Smokies National Park in North Carolina and Tennessee, the Shenandoah National Park in Virginia, and the newly authorized Cape Cod and Point Reyes National Seashores, the first close to Boston and its environs, the second to San Francisco. Great Smokies and Shenandoah, which are fully operative, are among the most popular units of the national park system. In 1961, Great Smokies attracted 4,750,000 visitors and Shenandoah 1,900,000 visitors. As long as the national park system and the national forest system were largely confined to the public-land States, land acquisition costs were of little importance. Now, however, that the extension of the same sort of Federal recreational facilities into the East and Midwest has become a matter of public importance, the question of the means of financing it is urgent. The bill will provide a partial basis for this financing. This is not to say, however, that large-scale extension will automatically come with its enactment. In fact, section 6(b) of the bill specifically provides that appropriations made under its terms shall not be used for land acquisition unless such acquisition is authorized by other law.

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

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

> as a partial offset for those capital costs, if any, of Federal water development projects hereafter authorized to be constructed by or pursuant to any act of Congress which are

allocated to public recreation and the enhancement of fish and wildlife values * * *.

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

The first of these questions has been answered by the committee in adopting the amendment to add a new paragraph (3) to section 6(a) on page 19, after line 16 of the House-passed bill. Although in its basic concept, H.R. 3846 is primarily a land acquisition bill with respect to Federal agency authorization, nevertheless the committee was of the opinion that addition of more lands alone would not meet immediate needs and problems; therefore the committee amendment authorizes use of funds for development purposes on the Federal lands enumerated in paragraph (1) of the subsection.

As to the second question, namely, land acquisitions within national forests, the amended bill restricts such acquisitions to "inholdings within existing boundaries of wilderness, wild, and canoe" areas as they are on the effective date of the act, and to inholdings within other areas of the forest system the recreational value of which is paramount to other values the area may have.

FINANCING THE PROGRAM

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

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

The best available projections indicate that the resources derived from the motorboat fuels tax will average about $30 million a year over the first 10 years of the program and that the proceeds from the sale of surplus property will average about $50 million during the same period. Collections from admission and user fees, a source of revenue which is admittedly subject to greater uncertainty at present than the other two, may be expected to average about $65 million a year over this period although at present such revenues come to only about

$6 million a year. The advance appropriations, if they are made in full, will average $60 million a year for 8 years. Such advances must be repaid out of the fund.

The moneys derived from these sources will be covered into a single land and water conservation fund and will thereupon be available for appropriation for the purposes already indicated. The existence of such a single fund, the committee believes, is necessary for the program to move forward in an orderly manner. It will furnish reasonable assurance both to the States and to the Federal agencies, even though it will not be available for expenditure until appropriations are made from it, that their approved programs will not depend on a stop-and-go system. It will furnish the Congress a means by which it can keep track of progress and can evaluate the uses to which the financial resources which will be available for the program are being put.

The committee noted with approval an amendment adopted in the House which would prevent accumulation of large amounts of money lying idle in the fund. The House amendment provides that money in the fund which is not authorized by Congress for expenditure within 2 fiscal years shall be transferred to miscellaneous receipts of the Treasury.

Surplus Property Sales

The bill provides that net proceeds from the sale of Federal surplus real property and related personal property be placed in the fund. This provision does not include surplus personal property except insofar as such property is directly related to surplus real property, that is, not readily separated for reasons such as inconvenience or costliness.

No change in the existing laws governing the disposition of surplus property is made by H.R. 3846; disposition would remain in the hands of the General Services Administration and sales would continue to be carried on in accordance with existing law. It in no way affects the right of any Federal agency to acquire from another Federal agency the use of property which is surplus to the needs of the latter. It in no way affects existing provisions of the law giving certain classes of non-Federal purchasers such as hospitals, schools, States and their political subdivisions, the right to purchase at reduced prices. The provision simply means that once Federal property has been declared surplus to Federal needs and GSA has made a determination as to its disposal, the net receipts from the sale of the real property and related personal property are to be placed in the land and water conservation fund.

The use of the proceeds from the sale of surplus Federal real property is in effect a land-for-land exchange. It means the conversion of one capital asset which is no longer needed by the Government into another which is needed and may otherwise be lost. Moreover, it is an investment in a permanent resource for the Nation that will steadily appreciate in value.

The proceeds from the sale of surplus Federal real property now go into miscellaneous receipts of the Treasury and like all moneys in the general fund of the Treasury may be used only by congressional appropriation. Likewise, the use of these moneys from the land and water conservation fund would have to be appropriated by Congress before becoming available.

Thus, Congress retains control over expenditure of these funds, whether they are in miscellaneous receipts of the Treasury, or in the land and water conservation fund, as provided by H.R. 3846.

Based on information supplied by GSA, it is estimated that the net proceeds from the sale of surplus real property and related personal property will average about $50 million annually during the first 10 years of the land and water conservation fund program. It has been suggested that future revenues from such sale might greatly exceed present estimates and, therefore, make available tremendous amount of moneys to the fund. The House amended the bill specifically to take care of such a possibility by providing that moneys cannot accumulate indefinitely in the land and water conservation fund. That is, moneys not appropriated within 2 years following the fiscal year after being credited to the fund shall be transferred to miscellaneous receipts.

Dedication of this source of revenue to the fund will help provide stability and assure sufficient revenues to carry out the program on a continuing and sound fiscal basis.

The amount of money available to the fund from sales of surplus property may be estimated from the following communication from the General Services Administration:

GENERAL SERVICES ADMINISTRATION,
UTILIZATION AND DISPOSAL SERVICE,
Washington, D.C., May 8, 1964.

Mr. HARRY RICE,
Assistant Director, Bureau of Outdoor Recreation,
Department of the Interior, Washington, D.C.

DEAR MR. RICE: Reference is made to your informal request of Friday, May 8, for information on disposal of real property by General Services Administration for use in connection with hearings on H.R. 3846, 88th Congress.

Attached is a summary of net proceeds from disposals by GSA of surplus real and related personal property during the period fiscal years 1955–65. The term "net proceeds" represents gross receipts from sales less the cost of certain contractual expenses authorized under section 204(b) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, and a portion of the annual appropriation covering expenses of activities of the Utilization and Disposal Service, which is also derived from proceeds of disposals by GSA.

Sincerely yours,

HOWARD GREENBERG, *Commissioner.*

Net proceeds from disposals by GSA of surplus real property including related personal property, fiscal year 1955–65

Fiscal year:	*Amount*	Fiscal year—Continued	*Amount*
1955	$12, 234, 685	1962	$63, 811, 697
1956	81, 121, 247	1963	66, 234, 692
1957	18, 198, 585	1964 (estimated)	65, 800, 000
1958	29, 339, 886	1965 (estimated)	60, 800, 000
1959	37, 924, 996		
1960	57, 284, 783	Total	546, 977, 257
1961	54, 227, 286		

Related Personal Property

The term "related personal property," which appears in subsection (b) of section 2 of the bill, may be defined as personal property that is subject to disposal along with and as a part of real property because it is closely associated with or necessary in connection with such real property.

To illustrate, if, in a given case, such property is not, in effect, an integral part of the real property or essential to the disposal thereof as a complete entity, the procedure followed under the statute is to dispose of the personal property separately pursuant to the procedures governing personal property. Disposal of a surplus tract of land on which a plant or factory is situated might carry with the conveyance, if warranted, such "related" personal property as machinery, fixtures, objects, or equipment useful or vital to operation of the particular plant or factory.

Determination of what personal property is to be transferred with the realty in each case depends upon the above-mentioned considerations and whether it is practicable to remove all or a part of the personal property and to sell it separately, or whether a better price for the real and personal property can be obtained by conveying the "related" personal property along with the real property.

The Motorboat Fuels Tax

Few aspects of the land and water conservation fund legislation, including of course both the original Senate and House versions, were subject to greater misunderstanding when first proposed than was the provision for covering into the fund that portion of the existing motorboat fuels tax of 4 cents a gallon which is either unclaimed or nonrefundable. This money, which now goes in the highway trust fund, will go into the land and water conservation fund.

No new tax whatever on motorboat users is imposed by H.R. 3846. The tax already is in existence. Putting it into the land and water conservation fund will have no adverse effect whatever upon motorboat users, including their present rights to a refund.

On the policy question of transferring these tax funds from the highway fund for outdoor recreation purposes, testimony before the House Ways and Means Committee by the Assistant Secretary of the Treasury and the Administrator of the Bureau of Public Roads, as well as a subsequent letter from Treasury, indicate that this transfer from the highway trust fund will have no delaying effect whatsoever in completing the highway program. Other revenues are exceeding expectations and even with the proposed transfer, the highway trust fund will conclude in 1973, with a surplus of over $300 million.

In the Senate, the issue was properly referred to the Committee on Finance. Chairman Byrd's report is set forth in full, as follows:

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

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

DEAR MR. CHAIRMAN: I am writing to advise you that this committee has considered title III of H.R. 3846, the Land and Water

Conservation Fund Act of 1965. Title II makes certain changes in the Highway Revenue Act of 1956, and, as you know, legislation regarding this act is properly within the jurisdiction of the Committee on Finance.

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

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

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

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

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

With kindest regards, I am

Faithfully yours,

HARRY F. BYRD, *Chairman.*

Testimony in the committee hearings was to the effect that excise tax collections on motorboat fuel will average about $30 million a year or about 20 percent of total estimated revenues of the land and water conservation fund. On the other hand, these receipts represent less than 1 percent of the total revenues to the highway trust fund. The highway fund has been receiving more money than anticipated—almost 2½ times what will be lost if the motorboat fuel tax goes to the conservation fund.

By letter of February 28, 1964, to the Speaker of the House, Secretary of the Treasury Douglas Dillon stated that—

> the President's 1965 budget proposed amended legislation which would remove all of the excise taxes collected on aviation and motorboat gasoline from the highway trust fund. Estimated total trust fund receipts under the amended legislation would amount to $53,068 million. * * * this would provide sufficient funds to finance the primary, secondary, urban, and other programs plus the full $37 billion authorized for the Interstate System, *with an estimated trust fund balance of $318 million on September 30, 1972.* [Italics added for emphasis.]

This means that estimated revenue to the highway trust fund during its life, even after deductions for diversion of the motorboat fuels tax to the land and water conservation fund, will exceed by nearly a third of a billion dollars moneys needed to complete the entire highway program on schedule.

The committee believes, therefore, that it is sensible and equitable to apply receipts from motorboat fuel taxes to the improvement of outdoor recreation opportunities, especially since this involves only a bookkeeping reallocation of existing revenues and such reallocation will not have any adverse effect on completion of the Federal highway program by the time the highway trust fund expires.

Entrance and User Fees

The fee provision in H.R. 3846 in the early days of its consideration was the subject of some controversy, and, as indicated above, the bill was amended in committee to limit the areas for which such charges are authorized. Yet the principle of charging fees for recreation use of Federal areas is neither new nor inequitable. It is in complete accord with the American tradition of full and fair payment for value received.

Fees are currently being made at certain Federal recreation areas, such as at many national parks and some developed recreation areas within national forests. Also, at least 17 States make a charge for entrance to State parks, and at least 42 States charge for services or use of facilities at such parks.

For more than a decade and a half, the Government has had a policy that where the use of Federal resources conveys special benefits to identifiable recipients above and beyond those which accrue to the general public, such recipients should pay a reasonable charge for the service or product received or for the resource used.

The budget messages of Presidents since 1947 have supported this policy.

The Congress endorsed this basic concept when, in 1951, it enacted title V of the Independent Offices Appropriation Act of 1952 (5 U.S.C. 140), wherein it was stated that services which are rendered to special beneficiaries by Federal agencies should be self-sustaining to the fullest extent possible.

Federal recreation areas have been acquired or developed for the most part from funds appropriated out of the general tax revenues to the U.S. Treasury. People who use these areas receive special benefits which do not accrue to the public at large. In fairness to the general taxpayer, who carries the major burden of support for these areas, the recipient of these special benefits—the people who use the areas for recreation purposes—should pay a modest fee for the resources used.

The payment of fees by persons who obtain special recreation benefits from the use of Federal lands is analogous to the payment of fees by persons who obtain special benefits from grazing livestock or cutting timber on Federal lands. There is ample evidence of the recreation users' willingness to pay for both privately and publicly provided recreation opportunities. Organizations representing recreationists have, without exception, endorsed H.R. 3846 and have supported its enactment with unusual urgency.

The fund bill arrangement will channel fee receipts into the creation of additional improved recreation areas and facilities, helping to alleviate the overcrowding and lack of convenient access that now exists.

Fees Authorized by the Bill

H.R. 3846 would authorize the President to designate Federal areas at which entrance, admission, and other forms of recreation user fees shall be charged. All areas for which there would be a charge would have to be posted.

The bill provides, within certain limitation, for the following fees:

1. *Admission fees.*—A person entering an area so designated would have a choice of paying either (*a*) an annual fee of not more than $7 if entering by private noncommercial automobile, which would admit the driver and all occupants of the car to that area or any other Federal recreation area so designated as often as wished during a 12-month period, or (*b*) a fee for a single visit or a series of visits during a specified period of less than a year. The latter would apply also to persons entering a designated and posted area by means other than private noncommercial automobile.

Although the bill provides for up to a $7 annual fee, the administrative thinking is that the price of such an annual sticker would be in the neighborhood of $5, or the equivalent of the price of one tank of gasoline.

The bill also would provide for charges of fees for certain areas that are specifically excluded from the above type of admission fee. This provision was found necessary because there are certain types of areas, such as the Lee Mansion, or Theodore Roosevelt's birthplace, which are within the coverage of the bill but are not suited to automobile-sticker treatment.

2. *User fees.*—In addition, the bill would provide for charges in some instances for the use of areas, special facilities, equipment, or services provided and operated by a Federal agency especially for the benefit of the recreationist. For example, a fee might be charged for the use of a well-developed campsite, a bathhouse, firewood or electricity, or boat ramp if developed and maintained with Federal funds.

Also, the committee does not intend any prohibition upon the charging of fees to apply to State, private, or other non-Federal entities.

The authority that now exists or may later be granted for lessees, concessionaires, or licensees of the Federal Government to charge fees in relation to facilities or services furnished or operated by them is unaffected by this bill, as is the authority of State and local governments.

Limitations on the charging of fees.—The bill does not provide unlimited authority to establish recreation fees for use of all Federal recreation areas.

Entrance or admission fees may be collected only where all these specific conditions are met: (*a*) the area or facility is administered by a Federal agency; (*b*) the facilities or services are provided at Federal expense; (*c*) the primary purpose of Federal administration is to provide scenic, scientific, historic, cultural, or recreational experiences and benefits to users; and (*d*) the area has been specifically designated and posted as requiring an entrance or user charge.

Under the foregoing concept, admission or user fees could not be collected by the Federal Government within Federal areas turned over to State or local governments or private agencies for management for public recreation purposes. No general or blanket entrance charges would be made for simple use of extensive portions of the public domain or the national forests which contain no developed recreation facilities, or where recreation use is incidental to the primary management purpose.

No fees of any kind may be charged under the bill as amended by the committee in Federal areas: (*a*) for use of waters, as such; (*b*) at any reservoir or lake constructed or authorized to be constructed without expense to the United States on account of recreation or the enhancement of fish and wildlife and pursuant to legislation providing specifically that water areas shall be open to public use generally, without charge; (*c*) for travel through "designated" areas on roads which are part of the Federal-aid highway system, or any road within the national forest system or a public land area; (*d*) for access to private inholdings; (*e*) for any commercial or other activities not related to recreation; or (*f*) as a Federal hunting and fishing license.

Other criteria governing fees.—Several other considerations will enter into the setting of fees and charges and the decision as to when and where they should be imposed. These considerations are succinctly described in the House report on this bill, and adopted by your committee as follows:

> * * * It [the committee] also points out that there are certain criteria which will necessarily be borne in mind by those who are charged with the responsibility of designating the areas at which fees will be required and of fixing those fees. The first is, of course, the practicability of collecting fees at the area in question. The second is the cost of doing so in comparison with expected receipts therefrom. A third is the effect of charging a fee on the public use and enjoyment of the area for the purposes for which it was created. A fourth is the cost of the United States of establishing and maintaining the area. A fifth is the contribution, if any, which the State within which the area lies makes to its maintenance. A sixth is the type and variety of types of recreation to which the area is suited. A seventh is the amount charged for admission to or the use of comparable Federal, State, local, and private areas. And an eighth is the expenditure which visitors to the area otherwise incur and are willing to incur in visiting it.

There are a few federally administered recreation areas where 50 percent or more of the land has been donated by a State government. Special language in the bill requires that in such situations the State Governor be notified of the Federal agency's intent to impose a fee, allowing 60 days for the Governor to submit his comments and recommendations, which must be taken into account prior to any final decision. Under the committee's amendment, opportunity must be afforded for a public hearing under the conditions described earlier in this report. In the Smoky Mountains National Park unless fees are charged for entrance into said park on main highways and thoroughfares, fees may not be charged for entrance on other routes under provisions of H.R. 3846. Full account will also be taken of

any obligation "legal or otherwise" that the United States owes the State concerned and its citizens with respect to any area in question. Present provisions of law governing the sharing of revenues with State or local governments are not modified by this bill.

Relationship of recreation fees to commercial waterways.—In the early days of consideration and discussion of the land and water conservation fund bill, there was considerable opposition to the fee principles of the bill as they relate to recreation use of our waterways on the basis that such charges are in conflict with historic policy and congressional intent and that such charges would lead to similar charges for commercial use of our Federal navigation system.

The land and water conservation fund proposal adheres to the toll-free principle for commercial use of public waterways. The bill applies only to Federal recreation areas. It provides authority only for establishment of recreation user fees and entrance fees and specifically prohibits fees for use of the waters as such.

The National Rivers and Harbors Congress, leading proponents of the inland waterway system, at its 1964 convention, endorsed and urged passage of land and water conservation bill.

Recreation admission and user fees that would be collected under this bill have not been specified, either as to the actual amount or the areas where they would be charged with the exception of the optional maximum charge of $7 for an automobile sticker. The bill places the responsibility with the President to designate the areas where a charge shall be made and to establish such fees.

In recognition of the general lack of uniformity in the practices of the various Federal agencies in this regard, and an anticipation that the President may call upon the Recreation Advisory Council and the Bureau of Outdoor Recreation for assistance and advice regarding his responsibilities pursuant to the proposal if enacted.

PRECEDENTS FOR EARMARKING FUNDS

The method provided in H.R. 3846 of setting aside certain revenues from particular sources is neither unprecedented nor novel in any way. Set forth below are a few of the examples of similar legislation, some of it of long standing, for generally allied purposes.

1. *Highway trust fund.*—The fund is obtained from excise taxes (on gasoline, diesel fuel, trucks, buses, tires, etc.); such revenues being earmarked and set aside in the trust fund to meet expenditures for Federal-aid highways (Highway Revenue Act of 1956 (70 Stat. 374)).

2. *Forest road fund.*—Ten percent of the annual revenues from the national forest activities is earmarked and available under the permanent appropriation roads and trails for States, for construction and maintenance in the particular State from which such proceeds are derived (16 U.S.C. 501).

3. *Pittman-Robertson Act.*—Eleven percent of the excise tax on the manufacture of firearms and ammunition is earmared for purposes of the act. Such fund is used to reimburse States a share of the costs of wildlife restoration projects and related matters (16 U.S.C. 669).

4. *Dingell-Johnson Act.*—Earmarks 10 percent of the excise tax on sport-fishing tackle; such funds being used to assist States in connection with fish restoration and management projects (16 U.S.C. 777a–k).

5. *Pribilof Islands fund.*—Receipts of sale from sealskins and other wildlife products of Pribilof Islands are earmarked and made available for administration of the islands (72 Stat. 339).

6. *Yellowstone school fund.*—A portion of the revenues received from visitors to Yellowstone National Park are earmarked for use in providing for school facilities (62 Stat. 338).

7. *Reclamation fund.*—Repayment and other revenues from irrigation and power facilities, certain receipts of sales, leases, and rentals of Federal lands in 17 Western States are earmarked and made available for expenditures for purposes of the act (43 U.S.C. 391).

The foregoing relate to the earmarking of receipts for various Federal programs. In addition, there is considerable earmarking of receipts going directly to States, as shown on pages 478 and 479 of the budget of the United States, 1965.

CONCLUSION

Official study of our outdoor recreation needs and the Federal role in meeting them started in 1958 with establishment by Congress of an Outdoor Recreation Resources Review Commission which reported on our burgeoning requirements in January 1962.

H.R. 3846, as amended, is a culmination of more than 3 years of effort on the part of the members of the Interior Committees of the Senate and the House, other Senators and Congressmen, experts in the executive branch of the Government concerned with outdoor recreation, and State and local officers, as well as a host of dedicated, public-spirited private citizens. The committee is convinced that enactment will be a major forward step for the conservation of our land and water outdoor recreation resources which are becoming increasingly vital to the physical, spiritual, nervous, and emotional well-being of many, many millions of our fellow Americans.

Prompt approval of this historic legislation is most earnestly recommended.

EXECUTIVE COMMUNICATIONS

The executive communication from the late President Kennedy to Lyndon B. Johnson, then President of the Senate, together with the letter of the Secretary of the Interior transmitting a copy of the proposed legislation, which became S. 859, and upon which H.R. 3846 is based, is set forth in full below.

FEBRUARY 14, 1963.

Hon. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

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

DEAR MR. PRESIDENT (DEAR MR. SPEAKER): In my conservation message last year I pointed out that adequate outdoor recreation facilities are among the basic requirements of a sound conservation program. The need for an aggressive program to provide for our outdoor recreation needs is both real and immediate, as demonstrated by the significant findings and recommendations of the Outdoor Recreation Resources Review Commission. Accordingly, I am transmitting

with this letter draft legislation which would help provide for these needs through the establishment of a land and water conservation fund.

The Outdoor Recreation Resources Review Commission, a bipartisan group including eight Members of the Congress, found that the demand for outdoor recreation is growing dramatically. Americans are seeking the out of doors as never before—about 90 percent participate annually in some form of outdoor recreation. Today's resources are inadequate to today's needs and the public demand for outdoor recreation opportunities is expected to triple by the turn of the century.

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

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

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

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

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

It is reasonable and in the public interest that needed improvements and expansion of outdoor recreation opportunities be financed largely on a pay-as-you-go basis from a system of fees collected from the direct beneficiaries—the users of Federal recreation lands and waters. The proposed land and water conservation fund would therefore be financed in part from Federal entrance, admission, or other recreation user fees. In addition, the fund would be financed from the sale of Federal surplus real property and from the proceeds of the existing 4-cent tax on marine gasoline and special motor fuels used in pleasure boats.

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

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

Sincerely,

JOHN F. KENNEDY.

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

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

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

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

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

The draft legislation is similar to the land conservation fund bill which you submitted last year. The most significant change is the addition of a new authorization for 50-percent matching grants to the States for planning, and 30-percent grants for acquisition and development, of needed outdoor recreation resources. This program will aid the States in meeting their primary responsibility, as recognized by the Outdoor Recreation Resources Review Commission, to provide

adequate and varied outdoor recreation opportunities for their growing populations. Moneys made available for State programs through appropriations from the land and water conservation fund will be apportioned among the States as follows: one-fifth divided equally, three-fifths apportioned on the basis of population, and one-fifth allocated according to need. Each State's share will remain available to it for obligation through the third fiscal year after notification of its apportionment.

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

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

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

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

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

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

A BILL To establish a Land and Water Conservation Fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes.

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

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

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

CERTAIN REVENUES PLACED IN SEPARATE ACCOUNT

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

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

The President is authorized to provide for the establishment, revision, or amendment of entrance, admission, and other recreation user fees and charges at any land or water area administered by or under the authority of the Federal agencies listed in the preceding paragraph: *Provided,* That this subsection shall not authorize Federal hunting or fishing licenses, nor shall it authorize fees or charges for commercial or other activities not related to recreation. Any fees

established shall be fair and equitable taking into consideration direct and indirect cost to the Government, benefits to the recipient, public policy or interest served, and other pertinent factors.

There is hereby repealed the third paragraph from the end of the division entitled "National Park Service" of section 1 of the Act of March 7, 1928 (45 Stat. 238) and the second paragraph from the end of the division entitled "National Park Service" of section 1 of the Act of March 4, 1929 (45 Stat. 1602; 16 U.S.C. 14). Section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 24, 1944 (16 U.S.C. 460d), as amended by the Flood Control Act of 1962 (76 Stat. 1195) is further amended by deleting, "without charge," in the third sentence from the end thereof. All other provisions of law that prohibit the collection of entrance, admission or other recreation user fees or charges or that restrict the expensiture of funds if such fees or charges are collected are hereby also repealed.

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

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

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

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

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

(a) LAND AND WATER CONSERVATION FUND.—There shall be transferred to a Land and Water Conservation Fund (hereinafter referred to as the "fund"), which is hereby established, such monies in the separate account as the President deems appropriate to assist the States and Federal agencies as hereafter prescribed. Monies placed

in the fund shall be available for expenditure for purposes of this Act only when appropriated; and such appropriations may be made without fiscal year limitation. The Secretary of the Interior shall keep such accounts as are necessary for these purposes.

(b) MISCELLANEOUS RECEIPTS.—There shall be credited to miscellaneous receipts in the Treasury such monies in the separate account as the President deems appropriate to help offset the cost of additional lands, at Federal and federally-assisted water development projects, for public recreation and fish and wildlife enhancement financed through project appropriations to water-resource agencies.

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

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

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

FINANCIAL ASSISTANCE TO STATES

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

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

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

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

(3) one-fifth shall be apportioned on the basis of need to to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include among other things a consideration of the use of outdoor recreation resources of individual States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States.

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

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

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

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

The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor

recreation plan when such plan is not otherwise available, for the maintenance of such plan, or for the training of personnel for outdoor recreation planning and related administrative responsibilities.

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

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

(2) DEVELOPMENT.—For development, including but not limited to site planning and the development of Federal lands under lease to States for terms of 25 years or more: *Provided*, That the total grants to States for development projects shall not, during the first ten full fiscal years in which the fund has been in operation, exceed 10 percent of amounts appropriated for each of said ten years for State purposes pursuant to section 5.

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

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

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

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

(g) COORDINATION WITH FEDERAL AGENCIES.—In order to assure consistency in policies and actions under this Act, with other related Federal programs and activities (including those conducted pursuant to title VII of the Housing Act of 1961 and section 701 of the Housing Act of 1954) and to assure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities, the President may, prior to the exercise of any authority under this section, issue such regulations with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations. The President is authorized to transfer to the Housing and Home Finance Administrator such functions relating to planning assistance of the Secretary under this section as the President may deem desirable, together with any funds available therefor. The President may, at any time, extend, revoke, or otherwise change any regulation, or transfer of authority as he deems consistent with the purposes of this section.

ALLOCATION OF MONIES FOR FEDERAL PURPOSES

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

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

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

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

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

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

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

SPECIAL MOTOR FUELS OR GASOLINE USED IN MOTORBOATS

SEC. 7. (a) SPECIAL MOTOR FUEL USED IN MOTORBOATS.—The second and third sentences of section 4041(b) of the Internal Revenue Code of 1954 (regulating to special motor fuels) are amended to read as follows: "In the case of a liquid taxable under this subsection sold for use or used otherwise than as a fuel for the propulsion of (A) a motorboat, or (B) a highway vehicle (i) which (at the time of such sale

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

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

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

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

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

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

"(5) Transfers from the Trust Fund for special motor fuels and gasoline used in motorboats.—The Secretary of the Treasury shall pay from time to time from the Trust Fund into the separate account from which funds are transferred to the Land and Water Conservation Fund amounts as determined by him in consultation with the Secretary of Commerce equivalent to the taxes received, on or after January 1, 1964, under section 4041(b) of the Internal Revenue Code of 1954 with respect to special motor fuels used as fuel for the propulsion of motorboats and under section 4081 of such Code with respect to gasoline used as fuel in motorboats."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Since it appears that the prospective need for recreational assistance will decrease substantially upon completion of the programs currently contemplated under the bills, the Congress may wish to subsequently review the desirability of continuing the land and water conservation fund if once established. For the purpose it is suggested that the

bills provide for the termination of the fund or the material reduction of the sources of revenue therefor at a specified date.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

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

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

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

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

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

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

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

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

Sincerely yours,

EDWARD C. CRAFTS, *Director.*

ESTIMATED ANNUAL REVENUES TO THE LAND AND WATER CONSERVATION FUND

[In thousands]

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

ESTIMATED ANNUAL FEDERAL OBLIGATIONS AGAINST THE LAND AND WATER CONSERVATION FUND [6]

Total obligations:										
For grants to States (60 percent)	$75,000	$120,200	$122,500	$125,000	$128,500	$126,000	$131,000	$134,000	$138,600	$1,110,800
For Federal purposes (40 percent)	50,000	79,800	79,550	81,000	82,500	85,000	87,000	89,000	92,400	741,200
For both State and Federal purposes	125,000	200,000	202,000	206,000	211,000	211,000	218,000	223,000	231,000	1,852,000

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

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

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

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

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

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

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, H.R. 3846, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

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

* * * * * * *

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

* * * * * * *

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

* * * * * * *

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

* * * * * * *

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

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

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

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

(1) FEDERAL-AID HIGHWAY PROGRAM.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making expenditures after June 30, 1956, and before October 1, 1972, to meet these obligations of the United States heretofore or hereafter incurred under the Federal-Aid Road Act approved July 11, 1916, as amended and supplemented, which are attribut-

able to Federal-aid highways (including those portions of general administrative expenses of the Bureau of Public Roads payable from such appropriations).

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

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

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

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

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

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

(5) *TRANSFERS FROM THE TRUST FUND FOR SPECIAL MOTOR FUELS AND GASOLINE USED IN MOTORBOATS.—The Secretary of the Treasury shall pay from time to time from the trust fund into the land and water conservation fund provided for in title I of the Land and Water Conservation Fund Act of 1963 amounts as determined by him in consultation with the Secretary of Commerce equivalent to the taxes received, on or after January 1, 1964, under section 4041(b) of the Internal Revenue Code of 1954 with respect to special motor fuels used as fuel for the propulsion of motorboats and under section 4081 of such Code with respect to gasoline used as fuel in motorboats.*

INDIVIDUAL VIEWS OF MR. SIMPSON

H.R. 3846 would create a fund of $1.8 billion over the next 10 years. Approximately $741 million of this fund would be available for Federal land acquisition and development of recreational facilities on Federal lands.

It is estimated that the Forest Service will receive approximately $250 million over the next 10 years for acquisition of:

> Inholdings within existing boundaries of wilderness, wild, and canoe areas of the existing national forest system and inholdings within other areas of that system which are primarily of value for outdoor recreation purposes * * *.[1]

Under the Multiple Use Act [2] which governs national forest management, virtually all national forest areas and the adjacent non-Federal lands can be considered of value for outdoor recreation purposes.

Money provided by this bill is not for the acquisition of specific high-value recreational areas, but for the acquisition of any of the 38 million acres of non-Federal lands now within the national forest boundaries. These boundaries unlike national park boundaries which require an act of Congress, are established by administrative order of the Secretary of Agriculture, by Executive order, and by Presidential proclamation. H.R. 3846 would provide funds for the acquisition of these lands under the Forest Service's basic authority to acquire lands "necessary to the regulation of the flow of navigable streams or for the production of timber." [3]

National forest acreage need not and should not be greatly increased for recreational purposes without congressional review. Attention should be given to developing the full potential of national forest acreage—this includes water, timber, and grazing as well as recreational and wildlife uses.

The purpose of my amendment is to provide that national forest land acquisitions with money from the land and water conservation fund be reviewed and approved by Congress in much the same manner as the Congress now approves the acquisition of lands for national park areas.

This amendment would not affect the Weeks law of 1911 [4] which has served well for the acquisition of lands for timber and water purposes. Nothing in this bill would affect that act. Funds could still be appropriated under the Weeks law as even this Congress has appropriated $962,000 for fiscal year 1964 and $680,000 for fiscal year 1965.

It is not the intent, purpose, or effect of this amendment to require the Forest Service to appear before the Committee on Agriculture and Forestry (which has jurisdiction over acquired national forest

[1] Sec. 6(a)(1) of H.R. 3846 as reported by the Senate Committee on Interior and Insular Affairs, Aug. 11, 1964.

[2] The Multiple-Use Sustained Yield Act of June 12, 1960 (74 Stat. 215, 16 U.S.C. 528-531), states that "It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes * * *."

[3] 16 U.S.C. 515.

[4] Act of Mar. 1, 1911, 36 Stat. 962, as amended (16 U.S.C. 513-521, 552, 563).

lands) and secure congressional approval for every 10-acre tract it wants to acquire for recreational purposes. The Forest Service can lay out before the committee at one time and in one bill a 1-, 2-, or 5-year acquisition program. The land to be acquired need not be described by metes and bounds or by separate parcels. On the contrary, the Forest Service should outline an entire recreation area, stipulating its outside boundaries and the kind of program to be developed. Authority would then be given to acquire land needed for recreation purposes within the outside boundaries of the described areas.

This approach would be similar to that now followed by the National Park Service—the principal recreation agency of the Federal Government. The Park Service presents an acquisition program to the Committee on Interior and Insular Affairs describing a proposed national park area. Following due consideration the committee and the Congress approved the bill authorizing the Secretary of the Interior to acquire the lands within the described area—not parcel by parcel, not setting the exact price, but simply describing the area and type of land to be acquired. The Park Service then acquires the lands within the area it deems desirable subject only to the appropriations available.

The following amendment, which was not fully considered by the committee, would provide congressional review of Forest Service land acquisition with money from the land and water conservation fund and would place the national forests in the same category as the national parks as far as land acquisition under this bill is concerned:

On page 19, line 19, at the end of the paragraph headed "National Forest System," strike out the period and insert a semicolon and the following:

> *Provided further*, That funds appropriated or allotted pursuant to this section for use within the national forest system may be used for acquisition only as hereafter authorized by statute.

EXISTING ACQUISITION METHODS ADEQUATE

If there are certain tracts of lands which the Forest Service wants to acquire without congressional review to adequately provide recreational opportunities on existing national forest lands there are several methods already sanctioned by law by which these tracts can be acquired.

Condemnation

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

Special appropriation

Special acts of Congress have been enacted for numerous national forest acquisitions which were not eligible for acquisition under the Weeks law. This year Congress appropriated $220,000 for land acquisition under eight of these special acts in addition to the $962,000 appropriated for land acquisition under the Weeks law.

Exchange

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

MILWARD L. SIMPSON.

INDIVIDUAL VIEWS OF MR. DOMINICK, MR. ALLOTT, AND MR. JORDAN

Section 2(b) of H.R. 3846 changes the Federal Property Administrative Services Act of 1949, as amended, by modifying the provisions which require that proceeds from the disposal of surplus property shall be covered into the miscellaneous receipts of the Treasury. Under this section the proceeds from the sale of surplus real property and related personal property shall be credited to the special land and water conservation fund. Section 3 provides that the moneys covered into the fund shall remain available for appropriation, without fiscal year limitation, for 2 fiscal years after the fiscal year in which it was credited. Therefore, these funds could be frozen for nearly 3 years awaiting appropriation, and once appropriated they would be indefinitely frozen, until expended.

This constitutes a dangerous departure from our time-honored fiscal policies and flies in the face of the concept of "flexibility of funding consistent with current needs."

We recognize that exceptions to this policy have been allowed, such as the gasoline tax which is covered into the highway trust fund. However, in such exceptions there existed a close and direct relationship between the source of revenue and the function financed. The obvious and total lack of relationship between the sale of surplus properties, comprised primarily of military properties, and the development of the recreational facilities envisioned under this bill, patently indicates the desire of the Department of the Interior to capture a multimillion-dollar annual income with minimal supervision and control by the Congress.

Perhaps the strongest indictment of the spurious reasoning used to support the inclusion of the proceeds from the disposal of surplus real property and related personal property in the fund can best be developed through an effort to relate the need for outdoor recreation facilities with the amount of these proceeds in past years. In a letter dated May 8, 1964, from the General Services Administration to the Bureau of Outdoor Recreation, the following tabulation of net proceeds from disposals by GSA of surplus real property and related personal property during the period of fiscal years 1955–65 was enclosed:

Net proceeds from disposals by GSA of surplus real property including related personal property, fiscal years 1955–65

Fiscal year:	*Amount*	Fiscal year—Continued	*Amount*
1955	$12, 234, 685	1962	$63, 811, 097
1956	81, 121, 247	1963	66, 234, 692
1957	18, 198, 585	1964	[1] 65, 800, 000
1958	29, 339, 886	1965	[1] 60, 800, 000
1959	37, 924, 996		
1960	57, 284, 783	Total	546, 977, 257
1961	54, 227, 286		

[1] Estimated.

A simple examination of the tabulation above will expose the folly of attempting to justify the earmarking of these funds on the basis of their relationship to outdoor recreation facility needs. In 1956 the net proceeds were $81,121,247 but in the following year they had dropped to $18,198,595. If there were some relationship between these disposal proceeds and the need for outdoor recreation facilities, then the conclusion must necessarily follow that our needs in 1957 were considerably less than what they were in 1956. There is no relationship. The only test is availability.

This provision gives greater force and emphasis to the unwise and growing trend of earmarking funds for special purposes by introducing a new criteria based not upon the relationship between source, need, and use, but solely upon availability. This provision is tantamount to an invitation to the executive departments to seek out and lock up remaining available revenue sources for their exclusive use. If we allow this lockup of funds to start, as this bill would do, we can foresee no end to it. The day may well come when so many sources of the Federal revenues are frozen for special programs and purposes that the financial position of the general and primary functions of the Government is seriously jeopardized.

If the Bureau of Outdoor Recreation finds that revenues from taxes on motorboat fuels and entrance and user fees are insufficient to meet outdoor recreation needs, let it come to Congress like other agencies and substantiate its needs. If this provision is allowed to remain in this bill, and the precedent is set, we predict that Congress and the Nation will rue the day.

PETER H. DOMINICK.
GORDON ALLOTT.
LEN B. JORDAN.

HQ AR005421-HQ AR005479

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

LAND AND WATER CONSERVATION FUND ACT

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

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

REPORT

[To accompany H.R. 3846]

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

The amendment is as follows:

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

TITLE I—LAND AND WATER CONSERVATION PROVISIONS

SHORT TITLE AND STATEMENT OF PURPOSES

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

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

CERTAIN REVENUES PLACED IN SEPARATE FUND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FINANCIAL ASSISTANCE TO STATES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ALLOCATION OF MONEYS FOR FEDERAL PURPOSES

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

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

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

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

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

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

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

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

FUNDS NOT TO BE USED FOR PUBLICITY

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

TITLE II—MOTORBOAT FUEL TAX PROVISIONS

TRANSFERS TO AND FROM LAND AND WATER CONSERVATION FUND

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

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

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

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

AMENDMENTS TO HIGHWAY REVENUE ACT OF 1956

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

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

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

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

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

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

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

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

INTRODUCTION

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

	National Park Service areas	National Forest Service areas	State park systems	Population
1946	21,752,000	18,241,000	92,507,000	141,936,000
1951	37,106,000	29,950,000	120,722,000	154,878,000
1956	61,602,000	52,556,000	200,705,000	168,903,000
1957	68,016,000	60,957,000	216,780,000	171,984,000
1958	65,401,000	63,450,000	237,329,000	174,882,000
1959	68,900,000	81,521,000	255,310,000	177,830,000
1960	72,854,000	92,595,000	259,001,000	180,676,000

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

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

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

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

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

THE STATE AID PROGRAM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE FEDERAL AGENCIES PROGRAM

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

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

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

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

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

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

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

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

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

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

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

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

FINANCING THE PROGRAM

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

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

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

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

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

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

THE MOTOR FUELS TAX

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

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

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

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

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

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

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

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

[2] A complete exemption from these taxes is available in the case of fuel used in commercial fishing boats.
[3] When such fuel is purchased upon payment of the 4-cents-a-gallon tax and subsequently not used for the propulsion of a registered highway vehicle, provision is made for refund of 2 cents of the 4 cents tax.
[4] No provision is made for deduction from the highway trust fund of refunds on special motor fuels since the amounts accruing to the trust fund from this tax are the practical equivalent of the amounts remaining after refunds.

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

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

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

SURPLUS PROPERTY SALES

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

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

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

ADMISSION AND USER FEES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ADVANCE APPROPRIATIONS

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

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

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

FISCAL RESPONSIBILITY

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

SECTION-BY-SECTION ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SUMMARY AND CONCLUSION

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

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

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

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

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

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

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

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

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

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

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

EXECUTIVE RECOMMENDATIONS

THE WHITE HOUSE,
Washington, November 4, 1963.

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

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

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

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

Sincerely,

JOHN F. KENNEDY.

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

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

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

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

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

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

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

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

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

Sincerely yours,

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

JOHN F. KENNEDY.

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior

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

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

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

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

CERTAIN REVENUES PLACED IN SEPARATE ACCOUNT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FINANCIAL ASSISTANCE TO STATES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ALLOCATION OF MONEYS FOR FEDERAL PURPOSES

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

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

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

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

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

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

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

SPECIAL MOTOR FUELS OR GASOLINE USED IN MOTORBOATS

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

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

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

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

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

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

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

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

(e) EFFECTIVE DATES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

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

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

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

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

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

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

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

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

Sincerely yours,

EDWARD C. CRAFTS, *Director.*

ESTIMATED ANNUAL REVENUES TO THE LAND AND WATER CONSERVATION FUND

[In thousands]

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

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

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

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

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

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

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

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

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

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

MINORITY VIEWS—H.R. 3846

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32-013°—63 H. Repts., 88-1, vol. 5——52

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

The Bill Authorizes Violation of the Highway Trust Fund

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

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

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

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

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

Walter S. Baring.
Jack Westland.
Ed Edmondson.

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

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

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

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

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

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

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

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

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

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

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

JACK WESTLAND.
WALTER S. BARING.

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

The Bill Appropriates All Proceeds From Sales of Surplus Property

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

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

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

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

[1] Incomplete.

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

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

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

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

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

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

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

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

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

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

FEDERAL OWNERSHIP AMPLE

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

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

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

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

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

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

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

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

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

EXISTING ACQUISITION METHODS ADEQUATE

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

Condemnation

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

Special appropriation

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

Exchange

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

E. Y. Berry.

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

[In acres]

State	Gross area within boundaries	Lands administered by Forest Service [3]	Non-Federal Lands
Alabama	1,279,285	631,052	648,233
Alaska	20,777,465	20,741,985	35,480
Arizona	12,051,289	11,350,473	700,816
Arkansas	3,649,915	2,415,072	1,234,843
California	24,031,894	19,962,750	4,069,144
Colorado	15,188,054	13,704,246	1,483,808
Florida	1,222,619	1,074,981	147,638
Georgia	1,843,822	776,980	1,067,842
Idaho	21,580,419	20,299,599	1,280,820
Illinois	683,658	212,044	471,614
Indiana	722,460	122,466	599,994
Kentucky	1,411,692	460,796	950,896
Louisiana	1,012,999	591,449	421,550
Maine	53,551	41,004	12,547
Michigan	4,713,326	2,576,911	2,136,415
Minnesota	4,210,834	2,620,613	1,590,221
Mississippi	2,310,285	1,132,789	1,177,496
Missouri	2,944,650	1,355,357	1,589,293
Montana	19,056,210	16,635,739	2,420,471
Nebraska	430,976	339,716	91,260
Nevada	5,378,883	5,061,704	317,179
New Hampshire	798,303	675,130	123,173
New Mexico	9,634,876	8,605,299	1,029,577
North Carolina	2,952,477	1,126,405	1,826,072
Ohio	1,454,975	111,262	1,343,713
Oklahoma	411,269	224,674	186,595
Oregon	17,188,793	15,359,754	1,829,039
Pennsylvania	712,977	471,388	241,589
South Carolina	1,374,442	587,216	787,226
South Dakota	1,404,890	1,121,161	283,729
Tennessee	1,204,105	594,770	609,335
Texas	1,716,967	657,997	1,058,970
Utah	8,979,240	7,860,823	1,118,417
Vermont	629,009	232,464	396,545
Virginia	3,220,649	1,452,161	1,768,488
Washington	10,742,045	9,729,922	1,012,123
West Virginia	1,824,952	905,826	919,126
Wisconsin	1,973,721	1,468,020	505,701
Wyoming	9,024,985	8,570,807	454,178
Total	219,802,061	181,861,805	37,941,156

[1] As of June 30, 1962.

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

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

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

CHANGES IN EXISTING LAW

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

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

* * * * * * *

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

* * * * * * *

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

* * * * * * *

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

* * * * * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

○

HQ AR005480-HQ AR005505

Public Law 87-874

AN ACT

October 23, 1962
[H. R. 13273]

Authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

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

TITLE I—RIVERS AND HARBORS

River and Harbor Act of 1962.

SEC. 101. That the following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and supervision of the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated: *Provided*, That the provisions of section 1 of the River and Harbor Act approved March 2, 1945 (Public Law Numbered 14, Seventy-ninth Congress, first session), shall govern with respect to projects authorized in this title; and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto, shall apply as if herein set forth in full:

59 Stat. 10.

NAVIGATION

Maine.

Narraguagus River, Maine: House Document Numbered 530, Eighty-seventh Congress, at an estimated cost of $500,000;

Carvers Harbor, Vinalhaven, Maine: Senate Document Numbered 118, Eighty-seventh Congress, at an estimated cost of $205,000;

Searsport Harbor, Maine: House Document Numbered 500, Eighty-seventh Congress, at an estimated cost of $700,000;

Portland Harbor, Maine: House Document Numbered 216, Eighty-seventh Congress, at an estimated cost of $8,340,000;

Kennebunk River, Maine: House Document Numbered 459, Eighty-seventh Congress, at an estimated cost of $270,000;

New Hampshire.

Portsmouth Harbor and Piscataqua River, Maine and New Hampshire: House Document Numbered 482, Eighty-seventh Congress, at an estimated cost of $7,500,000;

Massachusetts.

Gloucester Harbor, Massachusetts: House Document Numbered 341, Eighty-seventh Congress, at an estimated cost of $1,100,000;

Marblehead Harbor, Massachusetts: House Document Numbered 516, Eighty-seventh Congress, at an estimated cost of $1,752,000;

Chelsea Harbor, Massachusetts: House Document Numbered 350, Eighty-seventh Congress, at an estimated cost of $2,843,000;

Dorchester Bay and Neponset River, Massachusetts: Senate Document Numbered 126, Eighty-seventh Congress, at an estimated cost of $7,050,000;

Plymouth Harbor, Massachusetts: Senate Document Numbered 124, Eighty-seventh Congress, at an estimated cost of $1,200,000;

Rhode Island.

Pawtuxet Cove, Rhode Island: House Document Numbered 236, Eighty-seventh Congress, at an estimated cost of $210,000;

New York.

Great Lakes to Hudson River Waterway, New York: River and Harbor Committee Document Numbered 20, Seventy-third Congress, for the further partial accomplishment of the approved plan there is hereby authorized to be appropriated, in addition to sums previously authorized, $1,000,000;

Little Neck Bay, New York: House Document Numbered 510, Eighty-seventh Congress, at an estimated cost of $2,185,000;