

would seek to see accomplished. But there is no power in this bill to force that compliance.

Senator BIBLE. I notice you have the power of condemnation.

Secretary FREEMAN. We would not have the power of condemnation except for very limited instances that are set forth here for acquiring easements for access and certain kinds of development.

Senator BIBLE. Is that what the bill says? I thought you had a pretty broad power of condemnation.

Secretary FREEMAN. No. The power of condemnation as far as current uses are concerned—

Senator BIBLE. That is what I am talking about.

Secretary FREEMAN. No power of condemnation except for easement purposes of access or certain kinds of administrative purposes or direct recreation purposes, as distinguished from scenic. And then it is limited to 5 percent of the land involved. So the power of condemnation is sharply circumscribed in the bill.

Senator BIBLE. We have run into many problems on this condemnation feature, as this committee knows. But there are many instances where you must have that if you are to avoid incompatible structures. That would be my only concern.

Section 4 says: "Subject to the limitations hereinafter set forth, the Secretary may acquire by purchase with donated or appropriated funds, by gift, exchange, bequest, or otherwise"—and I understand that that "otherwise" does embrace condemnation—"such lands or interests therein within the boundaries of the recreation area as he determines to be needed for the purposes of this act."

And I have not read the bill as introduced in complete detail, but possibly it is circumscribed as you indicate by "subject to limitations."

Senator CHURCH. May I just for the record read that provision?

Senator BIBLE. I wish you would.

Senator CHURCH. It appears at page 5, line 17, subsection (e), and it reads:

The limitations hereinabove set forth on the authority to condemn an interest in lands shall not apply to property which the Secretary determines to be needed for easements for access to and utilization of public property; Provided, That the acquisition for such purposes shall not exceed 5 per centum of the total acreage of all privately owned property in the recreation area.

I think that the testimony of the Secretary and also of Mr. Cliff makes clear that so far as condemnation in fee is concerned, it is not authorized beyond the limits of 5 percent of the present private holdings. Is that not your understanding?

Secretary FREEMAN. That is clear. I might call attention, Senator Church, to a letter which you have not had time to review yet, which I referred to in my testimony, which has been filed with the committee. We apologize for it not having been filed earlier. But there have been some questions about this matter within the executive branch, in terms of working out the letter in which we make some recommendations which are primarily in the nature of clarifying language. But in this instance, we would add, in addition to the easement for access to and utilization of public property, the words "and for recreation and other administrative facilities."

Senator CHURCH. That is an amendment that you propose?

Secretary FREEMAN. This would be a clarifying amendment. But the 5-percent limit would still hold.