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PUBLIC LAND LAW REVIEW COMMISSION

HEARING
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS
OF THE
COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
UNITED STATES SENATE
NINETIETH CONGRESS

FIRST SESSION

ON

S. 2255 and H.R. 12121

BILLS TO AMEND THE ACT OF SEPTEMBER 19, 1964
(78 STAT. 983), ESTABLISHING THE PUBLIC LAND LAW
REVIEW COMMISSION, AND FOR OTHER PURPOSES

OCTOBER 26, 1967

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U.S. GOVERNMENT PRINTING OFFICE
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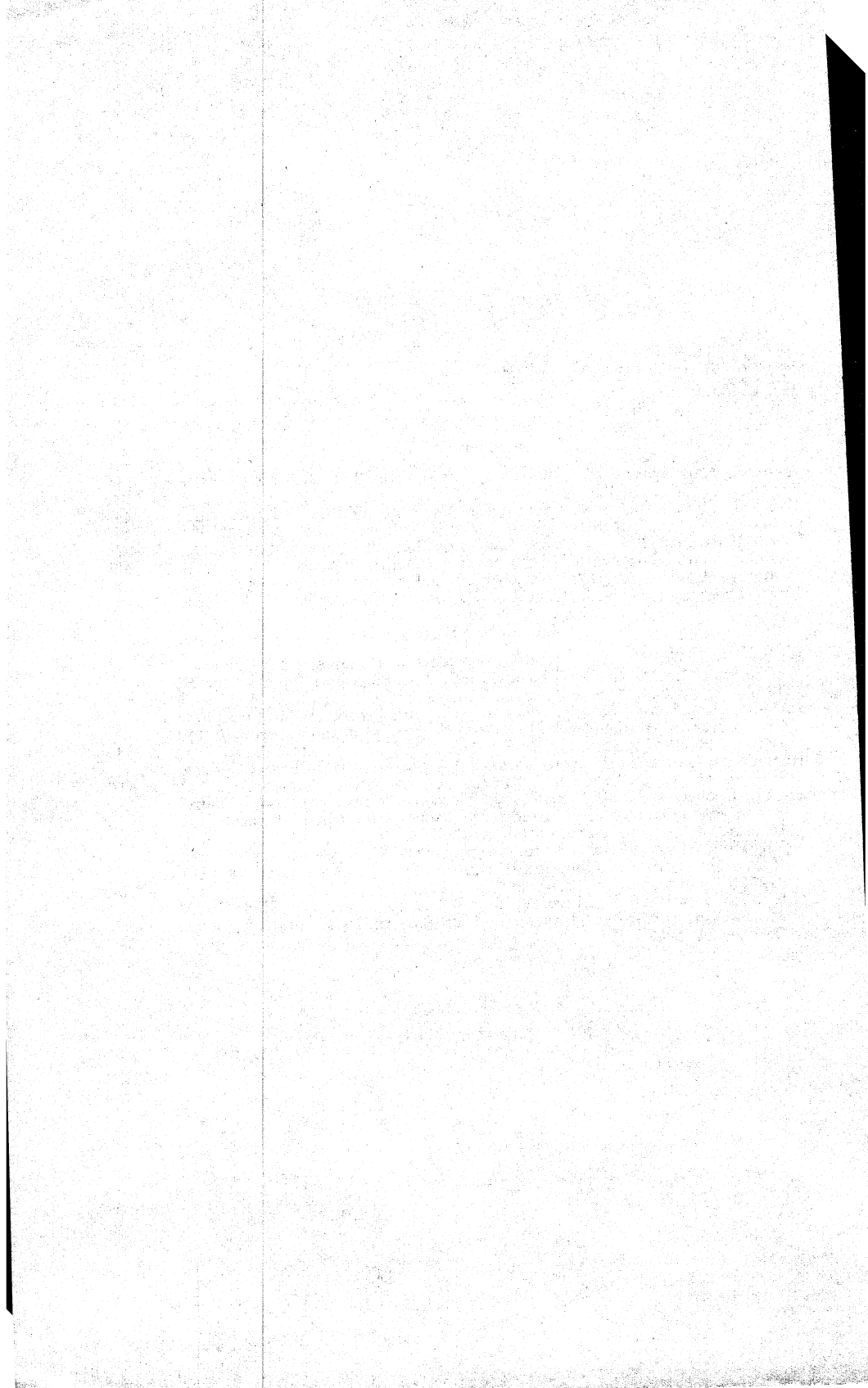
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PUBLIC LAND LAW REVIEW COMMISSION

THURSDAY, OCTOBER 26, 1967

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to call, at 10 a.m., in room 3110 New Senate Office Building, Senator Frank Church (chairman of the subcommittee) presiding.

Present: Senators Frank Church of Idaho, and Len B. Jordan, of Idaho.

Also present: Jerry T. Verkler, staff director; Stewart French, chief counsel; Porter Ward, professional staff member; Mike Griswold, professional staff member; and Darryl H. Hart, assistant minority counsel.

Senator CHURCH. The hearing will come to order.

The bills before us this morning are H.R. 12121, passed by the House of Representatives on August 21, 1967, and S. 2255, an identical bill. It is a proposal to extend the life of the Public Land Law Review Commission and increase its authorization.

The Public Land Law Review Commission was established by Public Law 606 of the 88th Congress.

The legislation before us would amend that law by making the final report due June 30, 1970, in lieu of December 31, 1968, and change the date of expiration of the Commission to correspond to a date 6 months following submission of the report. It would also liberalize the hearing provisions of the act.

We must keep in mind that one-third of all the land area of the United States is publicly owned—that is, better than three-quarters of a billion acres of land—and that there are presently 5000-plus laws having to do with our public lands. Also, there have been three previous studies of the public land laws, and not too much has resulted directly from these studies.

This presents some idea of the magnitude of the work of the Commission. The legislation before us was submitted by the Commission and was introduced in the Senate by Senator Jackson as S. 2255, and in the House of Representatives by Congressman Aspinall, who is also Chairman of the Commission. The two bills are identical.

I will direct at this time that a copy of the bill H.R. 12121 be included in the hearing record along with House Report 561 which accompanies the bill.

I also think it would be well to include a copy of Public Law 606 of the 88th Congress, the act which would be amended by this legislation.

(The data referred to follows:)

[H.R. 12121, 90th Cong., first sess.]

AN ACT To amend the Act of September 19, 1964 (78 Stat. 983), establishing the Public Land Law Review Commission, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of September 19, 1964 (78 Stat. 983), establishing the Public Land Law Review Commission is amended—

(1) by striking, in section 4(b), "December 31, 1968" and substituting therefor "June 30, 1970".

(2) by striking, in section 4(b) "June 30, 1969" and substituting therefor "December 31, 1970".

(3) by striking, in section 9(a), "\$4,000,000" and substituting therefor "\$7,390,000".

(4) by substituting for the present text of the first sentence of section 8(a) the following: "The Commission or, on authorization of the Commission, any committee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings, take testimony or receive evidence under oath, and sit and act at such times and places as the Commission or such authorized committee may deem advisable. The member of the Commission presiding at any such hearing is authorized to administer the oath to witnesses."

Passed the House of Representatives August 21, 1967.

Attest:

W. PAT JENNINGS,
Clerk.

Union Calendar No. 216

90TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } No. 561

AMENDING THE ACT OF SEPTEMBER 19, 1964 (78 STAT. 983), ESTABLISHING THE PUBLIC LAND LAW REVIEW COMMISSION

AUGUST 17, 1967.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

REPORT

[To accompany H.R. 12121]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 12121) to amend the Act of September 9, 1964 (78 Stat. 983), establishing the Public Land Law Review Commission, 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:

Amend the title so as to read:

A bill to amend the Act of September 19, 1964 (78 Stat. 983) establishing the Public Land Law Review Commission, and for other purposes.

PURPOSE

The two principal purposes of H.R. 12121 are (1) to extend the life of the Public Land Law Review Commission by 1½ years and (2) to increase the amount authorized to be appropriated to finance the Commission's work by \$3,390,000.

H.R. 12121 was introduced by Representative Aspinall after receipt of a communication from the Commission requesting that this be done.

BACKGROUND

The Public Land Law Review Commission was established for the express purpose of making a comprehensive review of all policies applicable to the use, management, and disposition of the public lands of the United States. In reporting the bill (H.R. 8070, 88th Cong.)

that subsequently became the act of September 19, 1964 (78 Stat. 982) establishing the Commission, this committee took note of some of the deficiencies and inadequacies of the public land laws that necessitate a complete review of all such laws (H. Rept. 1008, 88th Cong.). The report also stated the committee's view that "due to the many and varied factors, considerations, and interests involved, only a bipartisan commission supplemented by an advisory council made up of the many interested users of the public lands would be in a position to coordinate and supervise effectively such a broad study."

The Commission held its organization meeting in mid-July 1965 at which time a chairman, a vice-chairman, and a director were chosen. The Director assumed his full time work with the Commission on August 2, 1965, more than 10 months after the bill establishing the Commission had become law.

The Commission is composed of six Members of the Senate appointed by the President of the Senate and six Members of the House of Representatives appointed by the Speaker, divided equally between the majority and minority parties, plus six members appointed by the President from outside the Federal Government, and a 19th member chosen as Chairman by the 18 appointed members.

There is an advisory council made up of representatives of interested Federal departments and agencies, eight at the present time, and 25 individuals chosen by the Commission to be representatives of the major citizen groups interested in problems related to the retention, management, and disposition of the public lands. In addition, the Governor of each of the 50 States has named a representative to work closely with the Commission and its staff and with the Advisory Council.

The executive departments and agencies currently represented on the Advisory Council are the Departments of the Interior, Agriculture, Defense, Justice, and Housing and Urban Development, the Atomic Energy Commission, Federal Power Commission, and the General Services Administration.

A briefing session on the work of the Commission was held by this committee in April 1967 and a hearing on H.R. 12121 was held on August 16. These hearings impressed the committee with the complete coverage embraced by the study program that has been developed by the Commission staff. The 34 subjects identified for study or analysis are so arranged and structured as to assure that all facts required for the Commission's deliberations will be before the Commission when it arrives at its conclusions and makes its recommendations.

The committee was also pleased with the program undertaken by the Commission to permit all persons to be heard who have views as to the retention, management, or disposition of the public lands. In meetings across the Nation, from the eastern seaboard to the west coast and from the gulf coast to above the Arctic Circle, hundreds of witnesses have already been heard.

The committee is satisfied that the Commission has been fulfilling the legislative intent behind its establishment and, since its organization, has been moving diligently and effectively to accomplish the purposes of the act establishing it.

Under the act of September 19, 1964, the Commission is required to submit its final report to the President and the Congress not later than December 31, 1968. The act also provides for dissolution of the

Commission by June 30, 1969, at the latest and limits to \$4 million the appropriations that may be made for all of the Commission's work.

NEED

The committee is convinced that, if the Commission is to complete the comprehensive review envisioned when it was established, additional time will be required, beyond December 31, 1968, for submission of the Commission's report and recommendations and that completion of the studies that should be made under its direction will require the expenditure of funds in excess of the existing \$4 million ceiling on appropriations.

The bulk of the Commission's study program is being accomplished under contract pursuant to specific authority granted to the Commission by the act of September 19, 1964.

As a result of the completion of five contracts, the receipt of proposals on two additional studies, and extensive discussions with potential contractors, the Commission has been able to project estimates of both time and money for the completion of all of its studies. The committee believes that the Commission's estimates of (1) a requirement to have until June 30, 1970, to submit its report, and (2) \$7,390,000 for all expenses are reasonable.

The Commission estimates that the cost of its entire study program and related work will approximate \$3,388,119 of which \$957,000 has been or is available to it. This leaves \$2,431,119 unfunded but required to complete the study program and related work.

The committee was advised that of the existing appropriation authorization of \$4 million, there have been appropriated to the Commission \$2,867,000. This leaves unappropriated within the current authorization ceiling, \$1,133,000, an amount that is obviously not sufficient to fund all of the remaining contract studies and related work at the level planned by the Commission.

Accordingly, the authorization for increased appropriations is essential if the Commission's study program is to continue as planned. The committee believes that the study program should proceed as planned and therefore urges enactment of H.R. 12121. In this connection, the committee was advised that the limiting date for the report of June 30, 1970, is based on the assumption that additional funds for contracting will be available to the Commission approximately October 1, 1967. If funds are not available at that time, a reexamination will be required as to the time necessary for completion of the Commission's work and submission of its report.

Also included in H.R. 12121 is a provision to permit the Commission, at its hearings, to take testimony or receive evidence under oath. This authority, the committee believes, is desirable in the circumstances.

COMMITTEE AMENDMENTS

The committee adopted an amendment to correct the date given in the title of the bill.

COST

As indicated above, enactment of H.R. 12121 will necessitate an increase in the budgetary requirements by a total of \$3,390,000. Of the additional funds to be authorized, \$1,790,000 will be for contract

and related costs and general housekeeping expenses other than personnel; additional personnel costs are estimated at \$1,600,000. A breakdown of additional personnel compensation is contained in a letter from the Director of the Public Land Law Review Commission supplementing the executive communication, both of which are set forth in this report.

DEPARTMENTAL RECOMMENDATIONS

The executive communication from the Public Land Law Review Commission, that Commission's supplemental letter, and the comments of the Departments of the Interior, Justice, Defense, the Atomic Energy Commission, and the Federal Power Commission, follow:

PUBLIC LAND LAW REVIEW COMMISSION,
Washington, D.C., August 5, 1967.

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

DEAR MR. SPEAKER: Enclosed is a draft of a proposed bill to amend the Act of September 9, 1964 (78 Stat. 983), establishing the Public Land Law Review Commission, and for other purposes.

We recommend that the proposed bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The Public Land Law Review Commission has the responsibility to (1) study existing statutes and regulations governing the retention, management, and disposition of the public lands; (2) review the policies and practices of the Federal departments and agencies having administrative jurisdiction over such lands; (3) compile data necessary to understand and determine the various demands on the public lands; and (4) recommend to the Congress and the President such modifications in existing laws, regulations, policies, and practices concerning the public lands as will, in the judgment of the Commission, best serve to provide the maximum benefit for the general public.

The lands concerning which this Commission is charged with making recommendations constitute one-third of the land area of the Nation. While most of the lands are located in the Western States and Alaska, there is some public land, within the definition of the act of September 9, 1964, in each of the 50 States. These lands and their resources constitute national assets of undetermined immeasurable value.

The resources of the lands—and the Commission is specifically required to consider the resources—include the minerals of the Outer Continental Shelf, untold mineral wealth comprised of oil shale, geothermal steam, coal, oil, and gas, and many others, as well as vast stands of timber in the national forests; and recreation areas in the forests, the national park system, and wildlife refuges and ranges, among others. Many of the policies the Commission is directed to review concern lands that are used for grazing by both the livestock industry and wildlife, for hunting and fishing, and for many other purposes. It is impossible to estimate the dollar value of the lands and resources or the potential benefits that may be obtained through a modernization of the policies and laws affecting these lands and resources.

An analysis of the proposed bill and the reasons for each amendment, follow:

(1) Section 4(b) of the act of September 9, 1964, provides that the Commission shall submit its report and recommendations to the Congress and the President by December 31, 1968, and cease to exist 6 months after submittal of its report or on June 30, 1969, whichever is earlier. The proposed legislation would extend both dates by 18 months. The requested extension is required both because the Commission's study program has proven to be greater than had been anticipated when the legislation creating the Commission was considered.

(2) Section 9(2) of the act authorizes the appropriation of a total of not more than \$4 million for the conduct of the Commission's work. Since the \$4 million limitation was proposed, in 1963, in the bill for establishment of the Commission, there have been three Federal employee pay raises and a general increase in the price of all goods and services. Some materials, e.g., law books, and facilities, e.g., office space, that were not contemplated as expenditures had to be paid for out of Commission funds. In addition, as the Commission's study program evolved, it became clear that the scope of studies required to permit a full understanding of public land policy was greater than had been contemplated previously. In order to carry out the projected program fully, we estimate that an increase of \$3.3 million over the present appropriation limitation is necessary.

(3) Section 8(a) of the act of September 9, 1964, authorizes procedures by which the Commission shall hold hearings, provides for the issuance of subpoenas and makes applicable the provisions of 2 U.S.C. 192-194 in the case of failure of a witness to comply with a subpoena. However, the act omits authority for the Commission at such hearings to require that testimony be given under oath. If the study program now under way fails to produce all the information and data required by the Commission, it will be necessary that hearings be held to obtain such information or data. At that time, it may be desirable to receive testimony under oath.

(4) It has always been contemplated that the bulk of the research and data compilation would be accomplished under contract. A relatively small in-house staff designs the study program, supervises contractors, performs some research and analyses, and will accomplish all of the evaluations of reports for the Commission's consideration. Contractors will not make conclusions or recommendations, these being the responsibility of the Commission. We had always considered the maximum number of employees would approximate 50-55; our staffing pattern, utilized in obtaining fiscal year 1968 appropriations, calls for 48 employees during the current fiscal year. The enclosed legislative proposal is based on a minimum of 54 full-time and 2 part-time employees, or an increase of 7 man-years of civilian employment. These employees would be primarily in the research specialist and analyst category.

The additional \$3.3 million authorization recommended is comprised of both personnel and contract funds. We estimate requirement, exclusive of consultant and counseling services, for a total of \$2.9 million of contract work, some of which is already under contract. The balance of the money would be utilized for all other requirements of the Commission, including personnel compensation, reimbursement of expenses for travel of Commissioners and Advisory Council mem-

bers, and other necessary travel expenses. Personnel compensation expenses would be increased by \$1.6 million if the 18 month extension recommended herein is authorized.

There have been appropriated to the Commission \$2,517,000 of the \$4 million authorized in our organic statute, leaving a balance of \$1.4 million unappropriated for which authorization still exists.

As recognized by Congress in establishing the Public Land Law Review Commission, a comprehensive review of public land law and policy is long overdue. To perform a review substantially short of that necessary to lay the foundation and formulation of sound and constructive public land policies would be a disservice to the public. The concept of the Commission requires that all areas of public land policy and administration be examined. Only by providing additional time and authorization for additional funds can this be fulfilled.

The Bureau of the Budget has advised that presentation of this draft bill and its enactment is not in conflict with the program of the President and would be consistent with administration objectives.

Sincerely,

WAYNE N. ASPINALL,
Chairman.

(Enclosure.)

A BILL To amend the Act of September 19, 1964 (78 Stat. 983), establishing the Public Land Law Review Commission, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Act of September 19, 1964 (78 Stat. 983), establishing the Public Land Law Review Commission is amended—

(1) by striking, in section 4(b), "December 31, 1968" and substituting therefor "June 30, 1970";

(2) by striking, in section 4(b), "June 30, 1969" and substituting therefor "December 31, 1970";

(3) by striking, in section 9(a), "\$4,000,000" and substituting therefor "\$7,390,000"; and

(4) by substituting for the present text of the first sentence of section 8(a) the following: "The Commission or, on authorization of the Commission, any committee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings, take testimony or receive evidence under oath, and sit and act at such times and places as the Commission or such authorized committee may deem advisable. The member of the Commission presiding at any such hearing is authorized to administer the oath to witnesses."

PUBLIC LAND LAW REVIEW COMMISSION,
Washington, D.C., August 17, 1967.

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

DEAR MR. CHAIRMAN: Supplementing the executive communication from the Public Land Law Review Commission to the Speaker of the House of Representatives dated August 5, 1967, the following

additional data is submitted furnishing a breakdown as required by the act of July 25, 1956 (70 Stat. 652), of additional man-years of civilian employment, additional personnel compensation, and other expenditures that will result if the draft bill submitted with the executive communication is enacted increasing the limitation on authorization for appropriations for the Commission's work and extending by 18 months the period within which the Commission may function.

The increase in authorized appropriations contemplates an enlarged program beginning in fiscal year 1969 although the additional time granted; i.e., the 18-month extension of the Commission's life, is for the period July 1, 1969, to December 31, 1970, or all of fiscal year 1970 and one-half of fiscal 1971. Accordingly, the tabulation shows increases for fiscal years 1969, 1970, and 1971 instead of only the extension period:

	Fiscal year 1969	Fiscal year 1970	½ fiscal year 1971
Executive direction:			
Professional.....		4	2
Stenographic and clerical.....		8	2
Total, executive direction.....	0	12	4
Legal group:			
Professional.....	3	13	1
Stenographic and clerical.....		1	1
Total, legal group.....	3	17	2
Resources and evaluation group:			
Professional.....	7	18	2
Stenographic and clerical.....		7	3
Total, resources and evaluation.....	7	25	5
Total estimated additional man-years of civilian employment.....	10	54	11
Estimated additional costs:			
Personal services.....	\$260,000	\$1,200,000	\$140,000
All other.....	1,690,000	80,000	20,000

Should there be any additional information the committee desires, we shall, of course, be pleased to furnish it.

Sincerely,

MILTON A. PEARL,
Director.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 15, 1967.

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

DEAR MR. ASPINALL: Thank you for the copy of the transmittal letter and bill (introduced as H.R. 12121) to amend the act of September 9, 1964 (78 Stat. 983), establishing the Public Land Law Review Commission, and for other purposes.

We have no objection to the proposed legislation.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., August 14, 1967.

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

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice, by no later than August 15, on H.R. 12121, a bill to amend the act of September 9, 1964 (78 Stat. 983), establishing the Public Land Law Review Commission, and for other purposes.

The vast proportions of the task assigned to the Public Land Law Review Commission by the act of September 9 could not be measured except by the criteria which have been established through the work of the Commission to this time. The Department of Justice, represented on the Advisory Council of the Commission by Assistant Attorney General Edwin L. Weisl, Jr., is aware that the Commission has labored hard and well and accomplished much, but that the greater part of its work yet remains to be done. The profound effects which a long needed revision of the land laws of the United States will have upon people of the United States, as well as the astronomical total value of the lands and natural resources involved, require that the Commission complete its task, and that it do it well. The additional \$3.3 million and 18 months which would be given to the Commission by this bill appear a realistic appraisal at this time of the requirements for these purposes. The additional provision of the bill, for taking of testimony under oath, will be a useful tool.

The Department of Justice recommends enactment of this legislation.

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

Sincerely,

WARREN CHRISTOPHER,
Deputy Attorney General.

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, D.C., August 14, 1967.

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

DEAR MR. CHAIRMAN: Reference is made to your letter of August 8, 1967, relating to H.R. 12121, 90th Cong., a bill to amend the act of September 9, 1964 (78 Stat. 983), establishing the Public Land Law Review Commission, and for other purposes.

The Department of Defense would interpose no objection to the enactment of H.R. 12121.

Sincerely yours,

L. NIEDERLEHNER,
Acting General Counsel.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., August 15, 1967.

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

DEAR MR. ASPINALL: This will reply to your letter of August 8, 1967, regarding H.R. 12121, a bill to amend the act of September 9, 1964 (78 Stat. 983), establishing the Public Land Law Review Commission, and for other purposes.

As you know, the AEC is represented on the Advisory Council of the Public Land Law Review Commission and is actively participating in various phases of the work of the Commission; which we believe is proceeding very satisfactorily.

In our opinion, the amendments proposed by H.R. 12121 are appropriate to insure the success of the very important studies and activities which the Public Land Law Review Commission has undertaken.

Sincerely yours,

W. E. JOHNSON,
Acting Chairman.

FEDERAL POWER COMMISSION,
Washington, D.C., August 15, 1967.

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

DEAR MR. CHAIRMAN: This to acknowledge your letter of August 8, 1967, sending us a copy of H.R. 12121 and the transmittal to Congress, and advising us about the forthcoming hearings on this bill to amend the act of September 9, 1964 (78 Stat. 983), establishing the Public Land Law Review Commission, and for other purposes.

Through our representation on the Advisory Council of the Public Land Law Review Commission, we are familiar with the work of that group and its national importance. The enactment of this bill would provide the additional time and necessary funds to carry out that work. Also, the provision giving the Commission authority to require testimony to be given under oath should facilitate its task.

The Federal Power Commission therefore endorses the purposes of H.R. 12121 and favors its enactment. We appreciate having been given this opportunity to comment on the bill.

Sincerely,

LEE C. WHITE,
Chairman.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends enactment of H.R. 12121 as amended.

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):

ACT OF SEPTEMBER 19, 1964 (78 STAT. 982)

DECLARATION OF POLICY

SECTION 1. It is hereby declared to be the policy of Congress that the public lands of the United States shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public.

DECLARATION OF PURPOSE

SEC. 2. Because the public land laws of the United States have developed over a long period of years through a series of Acts of Congress which are not fully correlated with each other and because those laws, or some of them, may be inadequate to meet the current and future needs of the American people and because administration of the public lands and the laws relating thereto has been divided among several agencies of the Federal Government, it is necessary to have a comprehensive review of those laws and the rules and regulations promulgated thereunder and to determine whether and to what extent revisions thereof are necessary.

COMMISSION ON PUBLIC LAND LAW REVIEW

SEC. 3. (a) For the purpose of carrying out the policy and purpose set forth in sections 1 and 2 of this Act, there is hereby established a commission to be known as the Public Land Law Review Commission hereinafter referred to as "the Commission."

(b) The Commission shall be composed of nineteen members, as follows:

(i) Three majority and three minority members of the Senate Committee on Interior and Insular Affairs to be appointed by the President of the Senate;

(ii) Three majority and three minority members of the House Committee on Interior and Insular Affairs to be appointed by the Speaker of the House of Representatives;

(iii) Six persons to be appointed by the President of the United States from among persons who at the time appointment is to be made hereunder are not, and within a period of one year immediately preceding that time have not been, officers or employees of the United States; but, the foregoing or any other provision of law notwithstanding, there may be appointed, under this paragraph, any person who is retained, designated, appointed, or employed by any instrumentality of the executive branch of the Government or by any independent agency of the United States to perform, with or without compensation, temporary duties on either a full-time or intermittent basis for not to exceed

one hundred and thirty days during any period of three hundred and sixty-five consecutive days; and

(iv) One person, elected by majority vote of the other eighteen, who shall be the Chairman of the Commission.

(c) Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(d) The organization meeting of the Commission shall be held at such time and place as may be specified in a call issued jointly by the senior member appointed by the President of the Senate and the senior member appointed by the Speaker of the House of Representatives.

(e) Ten members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

(f) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(g) The members appointed by the President shall each receive \$50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

DUTIES OF THE COMMISSION

SEC. 4. (a) The Commission shall (i) study existing statutes and regulations governing the retention, management, and disposition of the public lands; (ii) review the policies and practices of the Federal agencies charged with administrative jurisdiction over such lands insofar as such policies and practices relate to the retention, management, and disposition of those lands; (iii) compile data necessary to understand and determine the various demands on the public lands which now exist and which are likely to exist within the foreseeable future; and (iv) recommend such modifications in existing laws, regulations, policies, and practices as will, in the judgment of the Commission, best serve to carry out the policy set forth in section 1 of this Act.

(b) The Commission shall, not later than **[December 31, 1968]** *June 30, 1970*, submit to the President and the Congress its final report. It shall cease to exist six months after submission of said report or on **[June 30, 1969]** *December 31, 1970*, whichever is earlier. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

DEPARTMENTAL LIAISON OFFICERS

SEC. 5. The Chairman of the Commission shall request the head of each Federal department or independent agency which has an interest in or responsibility with respect to the retention, management, or disposition of the public lands to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this Act.

ADVISORY COUNCIL

SEC. 6. (a) There is hereby established an Advisory Council, which shall consist of the liaison officers appointed under section 5 of this Act, together with 25 additional members appointed by the Commission who shall be representative of the various major citizens' groups interested in problems relating to the retention, management, and disposition of the public lands, including the following: Organizations representative of State and local government, private organizations working in the field of public land management and outdoor recreation resources and opportunities, landowners, forestry interests, livestock interests, mining interests, oil and gas interests, commercial and sport fishing interests, commercial outdoor recreation interests, industry, education, labor, and public utilities. Any vacancy occurring on the Advisory Council shall be filled in the same manner as the original appointment.

(b) The Advisory Council shall advise and counsel the Commission concerning matters within the jurisdiction of the Commission.

(c) Members of the Advisory Council shall serve without compensation, but shall be entitled to reimbursement for actual travel and subsistence expenses incurred in attending meetings of the Council called or approved by the Chairman of the Commission or in carrying out duties assigned by the Chairman.

(d) The Chairman of the Commission shall call an organization meeting of the Advisory Council as soon as practicable, a meeting of such council each six months thereafter, and a final meeting prior to approval of the final report by the Commission.

GOVERNORS' REPRESENTATIVES

SEC. 7. The Chairman of the Commission shall invite the Governor of each State to designate a representative to work closely with the Commission and its staff and with the advisory council in matters pertaining to this Act.

POWERS OF THE COMMISSION

SEC. 8. (a) [The Commission or, on authorization of the Commission, any committee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable.] *The Commission or, on authorization of the Commission, any committee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings, take testimony or receive evidence under oath, and sit and act at such times and places as the Commission or such authorized committee may deem advisable. The member of the Commission presiding at any such hearing is authorized to administer the oath to witnesses. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued only on the authority of the Commission and shall be served by anyone designated by the Chairman of the Commission.*

The Commission shall not issue any subpoena for the attendance and testimony of witnesses or for the production of written or other matters

which would require the presence of the parties subpoenaed at a hearing to be held outside of the State wherein the witness is found or resides or transacts business.

A witness may submit material on a confidential basis for the use of the Commission and, if so submitted, the Commission shall not make the material public. The provisions of sections 102-104, inclusive, of the Revised Statutes (2 U.S.C. 192-194) shall apply in case of any failure of any witness to comply with any subpoena or testimony when summoned under this section.

(b) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this Act and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman or the Vice Chairman when acting as Chairman.

(c) If the Commission requires of any witness or of any governmental agency production of any materials which have theretofore been submitted to a government agency on a confidential basis, and the confidentiality of those materials is protected by statute, the material so produced shall be held confidential by the Commission.

APPROPRIATIONS, EXPENSES, AND PERSONNEL

SEC. 9. (a) There are hereby authorized to be appropriated such sums, but not more than **[\$4,000,000]** \$7,390,000, as may be necessary to carry out the provisions of this Act and such moneys as may be appropriated shall be available to the Commission until expended.

(b) The Commission is authorized, without regard to the civil service laws and regulations and without regard to the Classification Act of 1949, as amended, to fix the compensation of its Chairman and appoint and fix the compensation of its staff director, and such additional personnel as may be necessary to enable it to carry out its functions except that any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege.

(c) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this Act to carry out such aspects of the review as the Commission determines can best be carried out in that manner.

(d) Service of an individual as a member of the Advisory Council, as the representative of a Governor, or employment by the Commission of an attorney or expert in any job or professional field on a part-time or full-time basis with or without compensation shall not be considered as service or employment bringing such individuals within the provisions of the Act of October 23, 1962 (76 Stat. 1119).

DEFINITION OF "PUBLIC LANDS"

SEC. 10. As used in this Act, the term "public lands" includes (a) the public domain of the United States, (b) reservations, other than Indian reservations, created from the public domain, (c) lands per-

manently or temporarily withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws, including the mining laws, (d) outstanding interests of the United States in lands patented, conveyed in fee or otherwise, under the public land laws, (e) national forests, (f) wildlife refuges and ranges, and (g) the surface and subsurface resources of all such lands, including the disposition or restriction on disposition of the mineral resources in lands defined by appropriate statute, treaty, or judicial determination as being under the control of the United States in the Outer Continental Shelf.



Public Law 88-606
88th Congress, H. R. 8070
September 19, 1964

An Act

78 STAT. 982.

For the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes.

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

DECLARATION OF POLICY

SECTION 1. It is hereby declared to be the policy of Congress that the public lands of the United States shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public.

Public Land
Law Review
Commission.
Establishment.

DECLARATION OF PURPOSE

SEC. 2. Because the public land laws of the United States have developed over a long period of years through a series of Acts of Congress which are not fully correlated with each other and because those laws, or some of them, may be inadequate to meet the current and future needs of the American people and because administration of the public lands and the laws relating thereto has been divided among several agencies of the Federal Government, it is necessary to have a comprehensive review of those laws and the rules and regulations promulgated thereunder and to determine whether and to what extent revisions thereof are necessary.

COMMISSION ON PUBLIC LAND LAW REVIEW

SEC. 3. (a) For the purpose of carrying out the policy and purpose set forth in sections 1 and 2 of this Act, there is hereby established a commission to be known as the Public Land Law Review Commission, hereinafter referred to as "the Commission."

Composition.

(b) The Commission shall be composed of nineteen members, as follows:

(i) Three majority and three minority members of the Senate Committee on Interior and Insular Affairs to be appointed by the President of the Senate;

(ii) Three majority and three minority members of the House Committee on Interior and Insular Affairs to be appointed by the Speaker of the House of Representatives;

(iii) Six persons to be appointed by the President of the United States from among persons who at the time appointment is to be made hereunder are not, and within a period of one year immediately preceding that time have not been, officers or employees of the United States; but, the foregoing or any other provision of law notwithstanding, there may be appointed, under this paragraph, any person who is retained, designated, appointed, or employed by any instrumentality of the executive branch of the Government or by any independent agency of the United States to perform, with or without compensation, temporary duties on either a full-time or intermittent basis for not to exceed one hundred and thirty days during any period of three hundred and sixty-five consecutive days; and

(iv) One person, elected by majority vote of the other eighteen, Chairman, who shall be the Chairman of the Commission.

78 STAT. 983.

Vacancies.

(c) Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(d) The organization meeting of the Commission shall be held at such time and place as may be specified in a call issued jointly by the senior member appointed by the President of the Senate and the senior member appointed by the Speaker of the House of Representatives.

(e) Ten members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

(f) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(g) The members appointed by the President shall each receive \$50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

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SEC. 4. (a) The Commission shall (i) study existing statutes and regulations governing the retention, management, and disposition of the public lands; (ii) review the policies and practices of the Federal agencies charged with administrative jurisdiction over such lands insofar as such policies and practices relate to the retention, management, and disposition of those lands; (iii) compile data necessary to understand and determine the various demands on the public lands which now exist and which are likely to exist within the foreseeable future; and (iv) recommend such modifications in existing laws, regulations, policies, and practices as will, in the judgment of the Commission, best serve to carry out the policy set forth in section 1 of this Act.

Report to President and Congress.

(b) The Commission shall, not later than December 31, 1968, submit to the President and the Congress its final report. It shall cease to exist six months after submission of said report or on June 30, 1969, whichever is earlier. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

DEPARTMENTAL LIAISON OFFICERS

SEC. 5. The Chairman of the Commission shall request the head of each Federal department or independent agency which has an interest in or responsibility with respect to the retention, management, or disposition of the public lands to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this Act.

ADVISORY COUNCIL

SEC. 6. (a) There is hereby established an Advisory Council, which shall consist of the liaison officers appointed under section 5 of this Act, together with 25 additional members appointed by the Commission who shall be representative of the various major citizens' groups interested in problems relating to the retention, management, and disposition of the public lands, including the following: Organizations representative of State and local government, private organizations working in the field of public land management and outdoor recreation resources and opportunities, landowners, forestry interests, livestock

78 STAT. 984.

interests, mining interests, oil and gas interests, commercial and sport fishing interests, commercial outdoor recreation interests, industry, education, labor, and public utilities. Any vacancy occurring on the Advisory Council shall be filled in the same manner as the original appointment.

(b) The Advisory Council shall advise and counsel the Commission concerning matters within the jurisdiction of the Commission.

(c) Members of the Advisory Council shall serve without compensation, but shall be entitled to reimbursement for actual travel and subsistence expenses incurred in attending meetings of the Council called or approved by the Chairman of the Commission or in carrying out duties assigned by the Chairman.

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SEC. 8. (a) The Commission or, on authorization of the Commission, any committee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued only on the authority of the Commission and shall be served by anyone designated by the Chairman of the Commission.

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A witness may submit material on a confidential basis for the use of the Commission and, if so submitted, the Commission shall not make the material public. The provisions of sections 102-104, inclusive, of the Revised Statutes (2 U.S.C. 192-194) shall apply in case of any failure of any witness to comply with any subpoena or testimony when summoned under this section.

(b) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this Act and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman or the Vice Chairman when acting as Chairman.

(c) If the Commission requires of any witness or of any governmental agency production of any materials which have theretofore been submitted to a government agency on a confidential basis, and the confidentiality of those materials is protected by statute, the material so produced shall be held confidential by the Commission.

78 STAT. 985.

APPROPRIATIONS, EXPENSES, AND PERSONNEL

SEC. 9. (a) There are hereby authorized to be appropriated such sums, but not more than \$4,000,000, as may be necessary to carry out the provisions of this Act and such moneys as may be appropriated shall be available to the Commission until expended.

5 USC 1071 note.
Ante, p. 400.

(b) The Commission is authorized, without regard to the civil service laws and regulations and without regard to the Classification Act of 1949, as amended, to fix the compensation of its Chairman and appoint and fix the compensation of its staff director, and such additional personnel as may be necessary to enable it to carry out its functions except that any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege.

(c) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this Act to carry out such aspects of the review as the Commission determines can best be carried out in that manner.

18 USC 201 et
seq.

(d) Service of an individual as a member of the Advisory Council, as the representative of a Governor, or employment by the Commission of an attorney or expert in any job or professional field on a part-time or full-time basis with or without compensation shall not be considered as service or employment bringing such individuals within the provisions of the Act of October 23, 1962 (76 Stat. 1119).

DEFINITION OF "PUBLIC LANDS"

SEC. 10. As used in this Act, the term "public lands" includes (a) the public domain of the United States, (b) reservations, other than Indian reservations, created from the public domain, (c) lands permanently or temporarily withdrawn, reserved, or withheld from private appropriation and disposal under the public land laws, including the mining laws, (d) outstanding interests of the United States in lands patented, conveyed in fee or otherwise, under the public land laws, (e) national forests, (f) wildlife refuges and ranges, and (g) the surface and subsurface resources of all such lands, including the disposition or restriction on disposition of the mineral resources in lands defined by appropriate statute, treaty, or judicial determination as being under the control of the United States in the Outer Continental Shelf.

Approved September 19, 1964.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1008 (Comm. on Interior & Insular Affairs).
SENATE REPORT No. 1444 (Comm. on Interior & Insular Affairs).
CONGRESSIONAL RECORD, Vol. 110 (1964):

Mar. 10: Considered and passed House.
Sept. 3: Considered and passed Senate, amended.
Sept. 4: House agreed to Senate amendments.

Senator CHURCH. Our witnesses this morning are six in number.

The first gentleman on the witness list is Mr. Milton A. Pearl, the Director of the Public Land Law Review Commission. Mr. Pearl, please come forward and be seated.

STATEMENT OF MILTON A. PEARL, DIRECTOR, PUBLIC LAND LAW REVIEW COMMISSION

Mr. PEARL. Thank you, Mr. Chairman.

Senator CHURCH. Do you care to have anyone accompany you?

Mr. PEARL. We have members of the staff here, and I would like to introduce them to you as we go along, Mr. Chairman.

Senator CHURCH. Please proceed as you see fit.

Mr. PEARL. We have a statement here by Chairman Wayne Aspinall. As you know, Mr. Chairman, as Chairman Aspinall told you, a previous commitment precluded his attendance here in Washington today. He is out of town and he regretted the inability to be here and asked that I read his statement. If this is agreeable with you, we can proceed to read his statement or proceed in any way that you would like.

Senator CHURCH. That would be fine. Do you have a separate statement?

Mr. PEARL. No, sir. I do not.

Senator CHURCH. Very well. Why don't you proceed then to read Congressman Aspinall's statement?

Mr. PEARL. I would be glad to.

STATEMENT OF HON. WAYNE N. ASPINALL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO, CHAIRMAN, PUBLIC LAND LAW REVIEW COMMISSION (AS READ BY MILTON A. PEARL, DIRECTOR, PUBLIC LAND LAW REVIEW COMMISSION)

Mr. PEARL. Mr. Chairman, members of the committee, we are pleased to have the opportunity to present information and data concerning the work of the Public Land Law Review Commission in support of our request for the enactment of legislation extending, by 18 months, the time within which the Commission shall report, and increasing, to \$7.39 million, the limitation on appropriations that shall be available for the entire Commission review. As you know, existing law, Public Law 88-606, requires that the Commission submit its report by December 31, 1968, and that appropriations be limited to \$4 million.

In other words, we are asking for an 18-month extension and for an increase of \$3.39 million in appropriation authority. In addition, the legislation before you includes a provision to authorize the Commission to take testimony under oath.

This being our first appearance before this committee, which has oversight responsibility for the Commission's activities, we will, with your forbearance, briefly sketch how we organized for our tasks and the progress we have made, in addition to providing specific information concerning the need for the legislation before you today.

ORGANIZATION

Six members of the full Committee on Interior and Insular Affairs of the Senate are, as you know, members of the Commission, appointed by the President of the Senate, with three from the minority side and three from the majority; likewise, three Republicans and three Democrats from the House Interior Committee, appointed by the Speaker, serve on the Commission; six members are appointed by the President of the United States from outside the Federal Government; and those 18 appointed members elect a 19th member who serves as Chairman. I am pleased and honored to have been chosen unanimously as Chairman when the Commission organized on July 14, 1965, and I continue to serve in that capacity. A Presidential appointee, H. Byron Mock, was named Vice Chairman by a unanimous vote.

You will also recall that there is an Advisory Council, presently comprised of 33 persons—eight designated by the heads of those departments and agencies of Government concerned with the management and disposition of the public lands, and 25 members chosen by the Commission as being—quoting from the law—“representative of the various major citizens’ groups interested in problems relating to the retention, management, and disposition of the public lands.” In addition, each of the 50 Governors has designated a representative to work with us.

Last, but not least, in the working structure of the Commission is the staff headed by Director Milton A. Pearl—which I head, referring to myself as the speaker—who was chosen by unanimous vote of the Commission at its organization meeting.

We have furnished, for your information, a complete list of membership of the Commission, Advisory Council, Governors’ Representatives group, and the staff.

At the outset, we adopted the policy, which we think is realistic, of accomplishing most of our substantive work under contract or through the use of consultants. We dedicated ourselves to the proposition that we would hire and retain as small a regular staff as possible. Toward this end, the first thing that we did was to enter into an arrangement with the General Services Administration for it to perform most of our housekeeping tasks and thereby limit our personnel engaged in such endeavors. Through the General Services Administration, we also obtained office space downtown at 1730 K Street N.W., where we would be delighted to receive any members of this committee any time you, Mr. Chairman, or any of the other members find it convenient to do so. Incidentally, the space involved is leased space, and the rental, up until June 30, 1967, had to be paid from our appropriation and charged against the ceiling of our appropriations just as have been the tools necessary for the job, such as lawbooks, equipment, and supplies.

The record should also show that, although the Commission organized in July 1965, it was not until September 1, 1965, that adequate space was available for the initiation of staff work, and it was not until January 1966 that the nucleus of the professional staff was on board. I will not discuss staff personnel, but should you, Mr. Chairman, desire additional information, Director Pearl will be able to furnish it.

PROGRAM OF WORK

By May of 1966, we had hammered out an agreed-upon basic approach to our work. Following considerable research and discussion within the staff, a group met at Camp Hoover in the Shenandoah National Park for a final review of a document embodying the objective, functions, and operations of the Commission. We regretted that no members of this committee could be present at that meeting, but we were pleased at that time to have representing the committee your chief clerk, Jerry Verkler. The program paper then agreed upon was circulated to the members of the Commission and its official family, after which it was made final and became the operating guide for all Commission activities.

A copy of the program paper has been previously made available to the committee, and additional copies are available today, should you desire to examine it. While we say that this document provides an outline for all of the work of the Commission, we recognize that it may require revision as we proceed.

The fundamentals of our program require, first, staff identification, after proper research and consultation with the official family of the Commission, of the subjects requiring consideration by the Commission in order to permit it to make recommendations as required by Public Law 88-606 in support of the congressional policy—and I quote from the law—"that the public lands of the United States shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public." Through this procedure we had an initial listing of 25 subjects for study and analysis; after subsequent additions, we now have a listing of 34 subjects as follows:

1. History of public land laws.
2. Revenue sharing and payments in lieu of taxes.
3. Digest of public land laws.
4. Forage.
5. Administrative procedures.
6. Land exchanges and acquisitions.
7. Withdrawals and reservations.
8. Alaska.
9. Future demand for commodities of the public lands.
10. Timber.
11. Nonfuel minerals.
12. Energy fuels.
13. Water.
14. Regional and local land use planning.
15. Outdoor recreation.
16. Land grants to States.
17. Criteria to judge the facts.
18. Use and occupancy of public lands.
19. Fish and wildlife.
20. Intensive agriculture.
21. Outer Continental Shelf.
22. Organization, administration, and budgetary policy.
23. Economic impacts.
24. Noneconomic impacts.
25. User fees and charges.

26. Disposal techniques and procedures.
27. Adjustment of use rights.
28. Multiple use.
29. Federal jurisdiction.
30. Inventory.
31. Environmental and ecological factors.
32. Appraisal techniques and procedures.
33. Trespass.
34. State land policies.

Another fundamental was, and remains, the belief that it was essential for the staff to design rather specific study plans that would form the basis of contract work. This is necessary in order to assure procurement from the contractor of a usable product. These study plans have been and are being designed in consultation with members of the Commission, members of the Advisory Council, and the Governors' representatives, all of whom have the opportunity to comment on each individual study outline before it is incorporated in a request for proposals from prospective contractors.

The third fundamental of our approach was to obtain identification of problems in public land management and the reasons why they concern either the users, potential users, the nonuser interested citizen, or the administrators themselves before ever considering what the policy for the future should be.

PUBLIC MEETINGS

In order to assist us in problem identification, we started in Salt Lake City, in June 1966, a series of public meetings designed to allow anyone who had a point of view to tell us about it. Since the program started, the Commission has had nine formal regional meetings in 15 cities and several informal meetings with local people in each region visited from one end of the country to the other. The formal meetings were held as follows:

Rocky Mountain Region: Salt Lake City, Utah
Alaska:

Juneau
Anchorage
Fairbanks
Kotzebue

Northeastern: Boston, Mass.

Southwestern: Albuquerque, N. Mex.

South Pacific:

California:
Fresno
Palm Springs

Southern:

New Orleans, La.
Asheville, N.C.

Northwest: Billings, Mont.

Pacific Northwest: Seattle and Spokane, Wash.

Midwest: Milwaukee, Wis.

The current series will be concluded with a meeting to take testimony here in Washington, D.C., January 11, 1968.

COMMISSION MEETINGS

In conjunction with some of the meetings to hear the public, we also had meetings of the Commission with its Advisory Council and the Governors' representatives. In addition, the Commission met with the Advisory Council and the Governors' representatives here in Washington in March 1966 and again in Denver, Colo., in September 1966. Although the law requires that the Advisory Council meet every 6 months, we have been relying on this Advisory Council very heavily, Mr. Chairman, and our Advisory Council has, in the slightly more than 2 years since we organized met six times.

The Commission has also had two meetings of its own. We met at Front Royal, Va., in January 1967 and then here in Washington in April of this year.

In connection with the Denver meeting, the Commission and its official family had an extensive tour of public land areas throughout Colorado with the opportunity of also looking at lands in Utah and Wyoming. At stops en route, the group had the opportunity of meeting informally with users and others interested in the public lands.

So, as you see, every region has been visited and, in conjunction with the meetings, we also had the opportunity of examining public land areas on the ground. We contemplate having hearings in the future, Mr. Chairman, to focus on specific subjects. Hearings designed to obtain recommendations for future policy will also be held. The Commission has authorized the Director to develop plans for such hearings; but until we know the action on the legislation before you today, these plans cannot be prepared fully.

STUDY PROGRAM

Of the 34 subjects that I indicated a moment ago as having been identified for study and analyses, six of those planned to be accomplished under contract are now underway, as follows:

- History of Public Land Laws.

- Revenue sharing and payments in lieu of taxes.

- Digest of public land laws.

- Alaska.

- Future demands for commodities producible from the public lands.

- Withdrawals and reservations.

Proposals have been received from potential contractors for the forage study, and we have invited potential contractors to submit proposals for the accomplishment of the fish and wildlife study. In addition, the study of land grants to States is being accomplished by our own staff on the basis of "filling-in" while other work is being given priority.

In addition to the nine studies either underway or for which bids have been received, we have the following 11 major subjects for which it is planned to seek contractors to accomplish the entire work:

- Administrative procedures.

- Land exchanges and acquisitions.

- Timber.

- Nonfuel minerals.

- Energy fuels.

Water.

Regional and local land use planning.

Outdoor recreation.

Use and occupancy of public lands.

Intensive agriculture.

Outer Continental Shelf.

It is probable that the 14 subjects not identified for contract study will be studied or analyzed through a combination of in-house staff and contractor or consultant effort.

As we gained experience in negotiating the initial contracts and as the staff members talked to various contractors and potential contractors, we were able to begin projecting our cost and time estimates for the completion of all work. These projections—which must remain flexible in order to be viable—indicated that we would need an additional 18 months from December 31, 1968, within which to submit our report and a total of \$7.39 million to perform all tasks.

Our recommendations were, accordingly, embodied in a legislative proposal which we submitted first to the Bureau of the Budget in accordance with procedures established for coordination and clearance of agency recommendations within the executive branch of Government, although it is not at all clear that these procedures are mandatory as to the Public Land Law Review Commission. By letter dated August 4, 1967, the Bureau of the Budget advised that it had no objection to the presentation of the draft bill or the enactment of that bill, which is the one before you today, would be consistent with administrative objectives.

It is fortunate that in submitting the legislation we added a 1-month contingency to our time estimates. This is because we had assumed, in making our original estimates, that additional funding to carry on the contract program would be available by approximately October 1, 1967.

“Approximately,” minus the 30-day contingency, means that our estimates for completion of our work can remain sound provided that we are in a position to move forward with the program in the early part of next month. This we could do if additional funding appears at that time to be a reality for the near future, even though the money is not actually in hand.

The chart before you on the easel indicates our current estimate of when each of the studies to be performed exclusively or partially under contract will be commenced and when they will be completed. Built into the staff's preparation of this study time schedule are the assumptions that requests for proposals can be circulated to potential contractors not later than the middle of November, and that all manuscripts from contractors will be in our hands by April 1, 1969.

To these assumptions, we have added a few more which are set forth below as underlying the basis for our recommendations contained in S. 2255 and H.R. 12121:

1. Staff work and Commission consideration will be able to proceed on individual studies before the later manuscripts have been delivered. Included in this phase of the operation there might be some hearings by the Commission in addition to other consideration of individual subject reports.

2. We concluded that all staff work on manuscripts and individual subjects can be completed by approximately November 1, 1969,

even if it is impossible to employ substantially more technical personnel than are on board now.

3. We concluded that by April 1, 1970, the Commission can complete its consideration of all aspects, including making its decisions on conclusions and recommendations.

4. We then concluded that the final report can be prepared and printed by June 30, 1970. In other words, between April 1, 1970, and June 30, which is the date suggested in our draft bill and in S. 2255 and H.R. 12121 as the date to which the time for submission of the report should be extended.

FUNDING

In estimating the time for the accomplishment of the various studies, it was necessary, of course, to estimate the man-months of work for each study. Based on experience in the market, the staff was able to assign estimated cost figures to various classes of work, enabling us to convert the man-months of work into dollars to which was added our estimate of associated expenses.

We reached the conclusion that we would require a total of \$3,338,119 for all of our study work expenses other than compensation for our own staff. We then computed estimated costs for all other work to June 30, 1969, at \$2,301,881, after which we computed these costs for the proposed 18-month extension period alone at \$1,700,000, of which \$1.6 million represents personnel compensation.

A recapitulation shows the following:

Subject studies and related costs.....	\$3,388,119
General expenses through June 1969.....	2,301,881
General expenses July 1, 1969, through closeout Dec. 31, 1970.....	1,700,000
Estimated total of all expenses and amount of appropriations that would be authorized under S. 2255 and H.R. 12121....	7,390,000
Carrying the recapitulation a little further:	
Current appropriation authorization.....	4,000,000
Appropriated to date for all Commission activities ¹	2,867,000
Unappropriated within current authorization ceiling.....	1,133,000
Contract studies and related costs.....	3,388,119
Committed or available for contract studies and related costs.....	957,000
Required to fund contract studies and related work.....	2,431,119

¹ Of the total amount appropriated to date, \$957,000 has been made available for contract studies and related work, while the balance of \$1,910,000 was or is for the other operating costs sufficient to fund the Commission's operations through June 30, 1968.

PERSONNEL

As I stated a few minutes ago, as well as in the letter to the President of the Senate transmitting the draft bill, it was always our intention that the bulk of the research work and data compilation would be accomplished under contract. We estimated the maximum number of employees on our staff at any one time would approximate between 50 to 55. Our fiscal year 1968 appropriation is based on a maximum of 48 employees this fiscal year. At this time, we actually have on our rolls 30 full-time employees, one part-time employee and four con-

sultants; one additional full-time employee will report for duty next Monday, October 30.

Our estimated cost for the extended life of the Commission, on which is based the proposed appropriation authorization contained in S. 2255 and H.R. 12121, contemplates a maximum of 54 full-time and two part-time employees. This is an increase of 7 man-years over our current ceiling.

Appended to this statement, Mr. Chairman, are the additional data required by the act of July 25, 1956 (70 Stat. 652), showing a breakdown of additional man-years of civilian employment, additional personnel compensation, and other expenditures that will result if the legislation before you is enacted to increase the limitation on authorization for appropriations for the Commission and extending by 18 months the period in which the Commission may function.

The increase in the appropriation authorization contemplates an enlarged program beginning in fiscal year 1969, although the additional time requested—that is, the 18-month extension of the Commission's life—is for the period July 1, 1969, to December 31, 1970, or all of fiscal year 1970 and one-half of fiscal year 1971. Accordingly, the tabulation shows increases for 3 fiscal years—1969, 1970, and 1971—instead of for the extension period alone.

TESTIMONY UNDER OATH

The first sentence of subsection (4) of the legislation before you repeats identical language of the first sentence of section 8(a) of Public Law 88-606, except for the addition of authority for the Commission to take testimony and receive evidence under oath. The second sentence of this subsection of S. 2255 and H.R. 12121 would authorize the member of the Commission presiding at a hearing to administer the oath.

NEED FOR LEGISLATION

Before closing, Mr. Chairman, the record should, we think, indicate some of the reasons behind the projections that we made which resulted in the request for enactment of the legislation before you.

First of all, it is a simple fact that the dollar today does not buy as much in goods and services—and particularly professional services—as the dollar did in 1963 when the budget was drawn up as a basis for the monetary limitation in the legislation that became Public Law 88-606.

Second, there have been several Federal employee pay raises since that budget was drawn up and increases for this and the next 2 fiscal years are now pending before the Senate. As was indicated earlier in the statement, Mr. Chairman, the Commission did not organize until about 10 months after the legislation was enacted and it took some time after that until a staff was on board.

Another observation is equally important. The complexity of the review of public land law and its administration has far exceeded what we anticipated when the enabling legislation was under consideration. I, and I am reasonably sure that others are in the same position, did not fully realize the diversity of information that it would be necessary to develop if we are to study the whole of public land policy with an eye to the future. Hence, the estimates of time and money that form the basis of the legislation before you are the first estimates that have been made since we embarked on our work.

The Commission is now authorized under Public Law 88-606 to subpoena witnesses; and a witness who fails to comply is subject to penalty under that act. However, the necessary corollary authority to take testimony under oath is omitted. It seems reasonable to us that circumstances may arise—although we do not know what they will be—that may make it desirable for the Commission to receive testimony under oath. As a matter of fact, possessing the authority to take testimony under oath may result in never having to use it.

I am convinced, Mr. Chairman, that the recommendations we have made are in the public interest. Only by doing a complete job can we fulfill our obligation to the Congress that created the Commission and to the public to which the public lands belong. These lands and their resources have values that cannot be estimated—values that are tremendous both in the intangible sense as well as in the financial sense. To do less than we have outlined here today could not afford the protection for those values.

We appreciate your consideration of the legislation and earnestly recommend its enactment.

Thank you.

Mr. Chairman, I will not read the appendix setting forth the data required by the act of July 25, 1956, but will request that it be included in the record and you have it before you.

Senator CHURCH. Very well; without objection, it will be included in the record.

(The appendix follows:)

EFFECT OF PROPOSED INCREASE IN APPROPRIATION AUTHORIZATION FOR 18-MONTH EXTENSION OF PUBLIC LAND LAW REVIEW COMMISSION

[Required by the act of July 25, 1956, 70 Stat. 652]

	Fiscal year 1969	Fiscal year 1970	Fiscal year 1971 (6 months)
Executive direction:			
Professional.....	-----	4	2
Stenographic and clerical.....	-----	8	2
Total, executive direction.....	0	12	4
Legal group:			
Professional.....	3	13	1
Stenographic and clerical.....	-----	4	1
Total, legal group.....	3	17	2
Resources and evaluation group:			
Professional.....	7	18	2
Stenographic and clerical.....	-----	7	3
Total, resources and evaluation.....	7	25	5
Total estimated additional man-years of civilian employment.....	10	54	11
Estimated additional costs:			
Personal services.....	\$260,000	\$1,200,000	\$140,000
All other.....	\$1,690,000	\$80,000	\$20,000

STATEMENT OF MILTON A. PEARL—Resumed

Mr. PEARL. In fact, if I may just continue for one moment, Mr. Chairman, we have with us today, so that members of the committee who do not know them can meet them and see them, the top members of our staff at the Commission: Elmer Bennett, who is General

Counsel and chief of the legal group, and Jerome Muys, Assistant General Counsel; next to him Dennis Rapp, who is chief of the resources and evaluation group. Also we have Harry Moffett, assistant director for administration, and Charles Conklin, assistant director for program.

Those are the people who work at 1730 K Street, NW., with us in doing the day-to-day work that we have referred to.

We would be glad to answer any questions that you may have, Mr. Chairman. I personally want to take this opportunity to again express my regret to you that another appointment kept me from being in Boise at the end of our Northwestern trip when we had meetings in Washington and had a very good tour of public land areas in Idaho and I had to leave before we reached Boise and could not be with you at that time.

Senator CHURCH. We missed having you.

Senator Jordan here, who is a member of the Commission, had much to do in setting up the Idaho tour. I know that he was very pleased with the results.

Senator Jordan, would you like to comment at this time? As a member of the Commission and the only one present today at the hearing, I think we ought to turn first to you.

Senator JORDAN. Thank you, Mr. Chairman.

I appreciate the testimony that Director Pearl has given this morning outlining the needs of the Commission in the months ahead through to the completion of the report. Having served on the Commission and yet not having been able to attend all of the meetings, I kept up, nevertheless, through the communications that have come from the Commission office and through my own legislative assistant, who works closely with your staff people so that I am familiar with the need for this additional financing, Mr. Chairman, for the reasons that Mr. Pearl has given us here in the statement that Chairman Aspinall had prepared.

In order to develop the record, I perhaps would like to ask Mr. Pearl a few questions if it is in order at this time.

Senator CHURCH. Please do.

Senator JORDAN. Mr. Director, in your testimony you said that some 34 subjects were outlined as being essential in the view of the Commission to the completion of the work. Then you outlined the number of studies that are presently under contract. How many studies are presently under outside contract? Is it six?

Mr. PEARL. We have six that are actually under contract and underway at the present time.

Senator JORDAN. How many more are out on bids?

Mr. PEARL. Two are out now and another one is being done in-house.

Senator JORDAN. Then I was not quite clear as to how many additional studies you propose to do by contract and how many studies you propose to do in-house.

Mr. PEARL. The 11 that are listed on the bottom of page 9 in the chairman's statement are the ones that we definitely expect to have done completely by contractors. That would give us a total of 20, 19 being accomplished in full by contract and one in-house. The other 14 are still in the design state. We will probably have a combination of in-house and contractor work on many of them. We have a few that we know will require some contractor work, but there will be a combination on them.

Senator JORDAN. Looking at your chart, Mr. Director, it would seem to me that the completion of these various contracts and your own in-house work will culminate pretty much in a great body of work that will be dumped on the Commission's hands for their perusal and study all at the same time. What do you have to say about that?

Mr. PEARL. We have given that consideration, Senator Jordan. The chairman and I have discussed this at length, and we believe that these studies can be staggered as to their evaluation and staff work and forwarded to the members of the Commission on a staggered basis so that, while there will be several coming in at the same time, it will not be a great body of work at any one time.

Because of the time involved we will have from April 1, 1969, when the last ones are due, and some of them will have been completed earlier, and we will have from then on for the Commission to give consideration to the later ones.

Senator JORDAN. If you get an 18-month extension, it will give you a little more than a year to make your evaluations, to make your submissions to the Commission through the advisory board and so on and to finally get your own report and recommendations drafted?

Mr. PEARL. Yes, sir. Actually, as indicated in the chairman's statement, it was our belief that after the last manuscripts came in on April 1, 1969, the Commission could complete its work within 1 year or by April of 1970, and that the 3 months after April 1970 could be utilized in the actual preparation and printing of the report itself.

Senator JORDAN. The fact that additional funds have not been authorized places the Commission in a very desperate kind of situation at the moment, does it not?

Mr. PEARL. Yes, sir.

Senator JORDAN. You had anticipated that these additional funds might have been authorized by October 1 of this year. Any delay in the authorization of additional funds will delay the operation of the Commission staff for a corresponding time, would you say, or will you be able to make it up?

Mr. PEARL. As is indicated in the chairman's statement, if we have a reasonable assurance that additional funds are going to be forthcoming and we have this assurance by about the middle of November, we can still make it up and stick to the timetable.

As you know, Senator, we could not, when we went before the Appropriations Committee in the ordinary budget procedure for fiscal 1968, at that time estimate our needs for contract work so that we asked for and received no contract funds for the current fiscal year. We were relying on coming in with a supplemental request. The supplemental request, of course, cannot be made in the light of our present requirements until the authorization for additional funds has been enacted, or at least the supplemental cannot be granted certainly until the additional amount has been authorized; so that, if we don't have our authorization and some indication of funding by the middle of November, the whole study program timetable would be in jeopardy; yes, sir.

Senator JORDAN. I think it is important. I think time is of the essence here. I have discussed it with the chairman and have assured him that I would give him my best help to get this additional funding authoriza-

tion on the Senate side. I do hope that we can do it without unreasonable delay.

This is a very difficult time in budgeting matters, as you know, because of the various demands that are being made on the Federal Treasury and the fact that additional demands, important as they are, are getting closer scrutiny than they have ever had perhaps in the several years that I have been here.

I do think that this is a reasonable request, and I shall do as I said to the chairman, use my best efforts to help the authorization go forward.

On another matter, I am concerned about the operation of the so-called Multiple Use Act of 1964, which was supposed to have been an interim act due to expire on June 30, 1969. The right for the classification of lands has always existed, but this particular act was intended to accommodate emergency situations that might arise, but we find that under its authority the Department has proceeded with great zeal to set aside vast areas of the public domain, I think far beyond what we anticipated in this interim legislation.

Are you concerned that by the time the 18-month extension rolls around that we might have a vastly smaller area upon which to work our will because of the activities of the Department of the Interior in proceeding, I think, with undue zeal and haste in this area?

Mr. PEARL. Senator, as you indicated, the Classification and Multiple Use Act was enacted as a temporary measure to give the Secretary of the Interior and Director of the Bureau of Land Management tools with which to work while the Commission was making its study, and the law was geared to expire a short time after the Commission's report was due.

The thought was, and I think still is, that if the Commission's recommendations are going to be implemented, the Commission's recommendations have the consensus and support of all of the groups that are working with us, the whole spectrum of land users, then these classifications, no matter what they are and no matter what their technical term might be, will be subject to the change that would be required to implement the Commission's recommendations.

Classifications that are made by the Secretary or by the Director of the Bureau of Land Management, whether the law has expired under which they are made or not, are always subject to change by the same administrators or by the Congress. The degree to which they might remain in effect on these public lands will depend, in my own opinion, on the degree of acceptability of the Commission's recommendations if the Commission's recommendations are at variance with the type of classifications that have been made.

Senator JORDAN. I just mention it, and I mention it for the record because I have before me the Federal Register of Tuesday, October 24, 1967, in which some 4,340,329 acres, all in Arizona, all in one issue, are set aside as classified lands, and there is a vast acreage in California in the same issue that is not totaled up, and I didn't take the time to total it up, but it runs into hundreds of thousands or possibly even millions of acres.

Mr. PEARL. Of course, Senator Jordan, I have seen these, too, and we have looked at some of them and in our studies we will be looking at all of them. I don't know the reasons why these particular areas were deemed necessary for classification at this time. Of course, as

you know, I was with the professional staff of the House Committee on Interior and Insular Affairs when this legislation was enacted, and it was contemplated that, as it was necessary for one reason or another to classify lands, these lands would be classified either for interim management—and the term “interim” was stressed in the committee report and that was the idea for interim management—or if it became necessary to classify the lands in order to make their disposal. If there was some action or some reason that indicated the necessity to classify these lands at this time, which I don't know about, of course it would fit right in with the contemplation of the people who were behind the legislation when it became law.

Senator JORDAN. Well, this is proceeding, as I said, I believe with an unusual rate of classification.

On the following day, October 25, in the Federal Register we have another 1,050,000 acres classified in California.

On the 20th of October, the previous week, the land classification in Colorado was 650,000 acres. Maybe all these are necessary. Maybe these have to be done immediately, but I express my concern as a member of the Commission that unnecessary zeal is being shown by the Department of the Interior in moving forward in this area.

I have no further questions, Mr. Chairman.

Senator CHURCH. Thank you, Senator Jordan.

Mr. Pearl, I have here a copy of a letter that Senator Jackson, the chairman of the full committee, sent to Secretary Udall asking the position of the Department on the question of extending the Classification Act to which Senator Jordan has referred, and also the Public Lands Sale Act as possible amendments to this bill extending the life of the Public Land Law Review Commission, I also have a copy of a telegram that was sent the chairman urging such amendment and a copy of the reply that Secretary Udall has sent to the chairman, in which he states that the Department favors the amendment of this bill to permit the extension of both of these acts to conform with the extension of the Public Land Law Review Commission. What is your position on that matter?

Mr. PEARL. The Commission has no position on this, Mr. Chairman. The Commission, I think, now speaking for myself, can complete its work without regard to whether those laws are extended or not. The Commission will be addressing itself in its deliberations at some point to the manner in which these laws operated and the efficiency and the effectiveness with which these particular laws did the job that they were designed to do, so I think it would be premature to express a point of view on the laws themselves and, as I say, it is my view that the expiration would in no way affect the work of the Commission.

Senator CHURCH. I think, Senator Jordan, without objection, we might include at this point in the record the letter of the Secretary of the Interior and of the chairman of the Senate Interior Committee and also the telegram that accompanies them.

Senator JORDAN. I agree.

(The documents referred to follow:)

OCTOBER 20, 1967.

HON. STEWART L. UDALL,
Secretary of the Interior,
Washington, D.C.

MY DEAR MR. SECRETARY: As you may know, the Public Lands Subcommittee of the Committee on Interior and Insular Affairs has scheduled a hearing

on legislation now pending to extend the life of the Public Land Law Review Commission. This hearing is scheduled for October 26.

It has been suggested to me that Public Law 88-607, the Classification and Multiple Use Act, also be extended, since it was the intent in the 88th Congress to make the authority for this Act and Public Law 88-608, the Public Land Sale Act, terminate at the same time that the Public Land Law Review Commission completed its work.

I am enclosing a copy of a telegram signed by several conservation leaders in the United States urging an amendment to H.R. 12121, which would have the effect of extending Public Law 88-607. I would like to know if it is the view of the Department of the Interior that not only the Multiple Use and Classification Act should be extended, but also the Public Land Sale Act.

It would be appreciated if you could make your views known to me at the earliest possible time. If you feel that either one or both of these Acts should be extended in order to complete the work begun by your Department under the authority granted, then I would also appreciate having the draft of the proposed amendment which I might offer.

Sincerely yours,

HENRY M. JACKSON, *Chairman.*

WASHINGTON, D.C.

Senator HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D.C.:*

The undersigned national conservation organizations favor the objective of H.R. 12121, to extend the Public Land Law Review Commission, but providing, however, that the proposal is amended to similarly extend the essential Classification and Multiple Use Act of 1964.

American Forestry Association, William E. Towell, Executive Vice President, Isaac Walton League of America; Joseph W. Penfold, Conservation Director, National Audubon Society; Charles H. Callison, Executive Vice President, National Recreation and Park Association; Russell E. Degroat, Public Affairs Officer, National Wildlife Federation; Thomas L. Kimball, Executive Director, North American Wildlife Foundation; C. R. Gutermuth, Secretary, Sierra Club; Michael McCloskey, Conservation Director, Sport Fishing Institute; Philip A. Douglass, Executive Secretary, The Wilderness Society; Stewart M. Brandborg, Executive Director, The Wildlife Society; Fred E. Evenden, Executive Secretary, Wildlife Management Institute; Ira N. Gabrielson, President.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 24, 1967.

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

DEAR SENATOR JACKSON: This responds to your letter of October 20, 1967, regarding H.R. 12121, to extend the life of the Public Land Law Review Commission.

Several conservation leaders have asked that the bill be amended to extend also Public Law 88-607, the Classification and Multiple Use Act. You have asked whether the Department of the Interior agrees with this proposal, and also whether we believe Public Law 88-608, the Public Land Sale Act, should be similarly extended.

Both Public Law 88-607 and Public Law 88-608 recite that they are temporary legislation "pending the implementation of recommendations to be made by the Public Land Law Review Commission". The authorities granted expire on June 30, 1969, which is 6 months after the date the Public Land Law Review Commission is required to submit its report to Congress. The 6-month period was intended to leave Public Law 88-607 and Public Law 88-608 in effect for sufficient time after the Commission report to permit Congress to decide whether to continue them, amend them, or let them expire.

If the life of the Commission is extended, as proposed, Public Law 88-607 and Public Law 88-608 should also be extended if Congress' original purpose is to be accomplished. We believe the original purpose is sound, and we recommend the extension.

We do not recommend any modification in the substance of either Public Law. We are aware, of course, of criticisms that have been made and of problems that have arisen, but we believe the time for considering them is when the Commission report has been made and Congress decides whether the temporary laws should be made permanent.

Un accordance with your request, the following amendment to H.R. 12121 is submitted:

At the end of the bill add new sections 2 and 3 as follows:

"SEC. 2. Section 8 of the Act of September 19, 1964 (78 Stat. 986), is amended to read as follows:

"SEC. 8. The authorizations and requirements of this Act shall expire six months after the final report of the Public Land Law Review Commission has been submitted to Congress, except that any segregation prior to such time of any public lands from settlement, location, sale, selection, entry, lease, or other form of disposal under the public land laws shall continue for the period of time allowed by this Act."

"SEC. 3. Section 7 of the Act of September 19, 1964 (78 Stat. 988), is amended to read as follows:

"SEC. 7. The authority granted by this Act shall expire six months after the final report of the Public Land Law Review Commission has been submitted to Congress, except that sales concerning which notice has been given in accordance with section 3 hereof prior to such time may be consummated and patents issued in connection therewith after such time."

The Bureau of the Budget has advised that there is no objection to the submission of this recommended amendment.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Senator CHURCH. Mr. Pearl, I have also received this morning a letter from Senator Hayden, who is unable to be here. He has asked that certain questions be directed toward you so that we can include in the record your answers to them.

There are several here, and I think in order to accommodate Senator Hayden's request, the best way that I can do it is simply to read the questions into the record and wait for your replies. Then I will get on to some questions of my own.

The first question that Senator Hayden has asked me to ask you is as follows: At the August 16 hearings before the House committee, Staff Director Milton Pearl testified that the time extension and dollar authorization requested were predicated on the Commission's receiving additional funds by October 1. Since this date has come and passed without the funds being made available, is the schedule further delayed and will the dollar amount proposed in H.R. 12121 be sufficient?

Mr. PEARL. As indicated earlier, Mr. Chairman, yes; if we can proceed with our contract work by the middle of November, and may I for the record indicate what we have in mind?

We could send out requests for proposals to prospective contractors right now if we wanted to and get their bids in, but we feel that it would be dishonest and misleading to have people prepare bids. It takes their time and costs them money; and they put in an effort to prepare these bids, and to have them submit them to us if we don't have at least a reasonable assurance that we are going to be able to award the contract would be unfair.

So our timetable was established originally on the idea that we would not send out requests for proposals for contracts until we had

the money; but now we are shifting a little bit, as indicated in the Chairman's statement, and say that if we feel around November 15 reasonably certain that we will be able to get the money, we will then go out with requests for proposals for a couple or three of our studies and have the proposals come in and the contract would not have to be awarded until after the money is received.

So the answer to the question still is, "Yes." We can accommodate our program in the manner we indicated before.

Senator CHURCH. Well, I understand your concern about follow-through, but couldn't you simply put the bidders on notice of the situation and let them decide accordingly whether or not they want to submit bids?

In other words, the delays that have been involved here have been very considerable and, as you know, there is an old saying that old soldiers never die, and there is some feeling up here in the Congress that commissions never die, even temporary ones, and like a temporary building—you know there is nothing more permanent in life than a temporary building—can go on forever.

Now we are considering the extension of time for this Commission. I know that some members of this committee have expressed belief that this is just the first of a series of requests, and I should think it would be very much in the interests of the Commission to look for ways to cut the time requirements here.

Even if you can't be positively assured now of the followthrough, I should think that putting the bidders on notice of the situation and leaving it up to them as to whether or not in those circumstances they want to come forward with a bid would certainly be fully fair.

Mr. PEARL. Let me comment in answer to that, Mr. Chairman.

First of all, we have the greatest concern—and when I say "we," the Chairman and other members of the Commission, as well as I myself—that the Commission can wind up its job at a date certain and not go beyond it. That is why we were very careful in trying to estimate what that time limit should be and stating the time in the legislative proposal before you as our best estimate of when it can be done, and we intend to stick to that date.

The date that was in the existing law, in the original legislation, was one that was made up on a basis of really looking into a crystal ball and making an educated guess but, by the same token, not knowing the situation. The estimate you have today is one that is based on experience. We think it can be met.

Secondly, our contract program to date has not suffered. We have not slowed down the contract program. As we indicated earlier, we have bids in now on the forage study that are being evaluated. We have requests out for the fish and wildlife study, and those will be coming in to be awarded.

We are trying to expedite our study on the Outer Continental Shelf to get it out for proposals even before November 15 by reprogramming of money if necessary, and then the rest of our schedule would pick up from there.

Up until now, the contract program has not been stymied in any way by a lack of dollars. We have considered the possibility of going out without the money or without the reasonable knowledge that we would get the money and ask bidders if they would submit proposals and we came to the conclusion that we should not do that because the

ones that we want to submit proposals are the busiest people, the most informed people. We have organizations who would like to bid on every one of our projects, but we don't want their bids, necessarily.

As a matter of fact, some of them we don't even invite. We have a selective list to whom we send our requests for proposals, only those who we think can adequately perform. If we sent out a request for proposals on an "iffy" basis that we might not have the money, we fear that the busy people, whom we really want to attract, would say, "Well, we are not going to waste our time on this. We have better things to devote our time to." And the ones that we don't want to attract would be the very ones who would want to speculate and would be willing to come in with proposals, and then they would build in extra dollars into their proposal to take care of the time that they might lose by reason of us not getting the money.

So we think, in the long run, we can accomplish our program better, more efficiently, by doing it the way we outlined.

Senator CHURCH. I think that that is an ample answer. Let's get on with Senator Hayden's questions.

Mr. PEARL. Yes, sir.

Senator CHURCH. The second question is: At this same hearing it was stated that there were 16 studies awaiting funding. Why didn't the Commission request the balance of its original \$4 million in the 1968 appropriations to proceed with the funding necessary to complete these studies? Did not this failure to obtain the funds already authorized merely create further delay in completing the contract studies?

Mr. PEARL. We could not spell out all of our needs and therefore we could not satisfy the requirement to show how we could live within the \$4 million limitation, and we would have placed in jeopardy the possibility of our personnel being paid if we used the funds for contract work, assuming the Congress had granted the money, and then, if any additional authorization were not granted, we would be in a position of having to wind up our work and laying off personnel with an incomplete job.

Senator CHURCH. Four or five of these studies had their study proposals circulated to the Commission's official family by mid-May. Yet testimony before the House committee indicated that some of them are not scheduled to begin until March 1968. Why delay, on the plan basis, these studies when undoubtedly the Commission will be hard pressed to complete the review and write its report in the few months after the studies are terminated?

This bears, I think, on an earlier question that Senator Jordon asked.

Mr. PEARL. We have to schedule or stagger the request for proposals aside from anything else because some of the people to whom we send these requests overlap, and there are just so many that they can handle at any one time. If we are going to the University of Idaho, for example, to ask them to submit a proposal on a particular study, they have said to us, "Don't give us another one to work on at the same time," and then they want to know whether they will get that contract before they receive a proposal to submit a bid on another study.

These proposals have to be staggered for that reason, and this is why, as shown on the chart, we have some grouped for starting approx-

imately the same time and they will go out in bunches, but they do not overlap because we will not be appealing to the same potential contractors.

Senator CHURCH. The fourth question is: The "Revenue Sharing Study" proposal was circulated to the Commission members on September 3, 1966. Yet the contract to EBS was not let until May 17, 1967. Do you feel such delays, in this instance one of 8½ months, have contributed to the failure of the Commission to meet the original schedule contemplated?

Mr. PEARL. No, sir; certainly not materially. This was the first of our studies, the first of our major studies. We had a lot of work to do on refining it. We were very careful in working with potential contractors in advance to be sure that we were on the right track in the manner of our request for proposals. After the proposals came in, they all needed clarification, and we think we had a good timetable in order to assure an efficient job and also an effective one.

Senator CHURCH. The Commission seems to have reached the transitional point between preparation of study proposals and the actual study phase. Is it necessary, then, for the Commission to continue holding hearings across the country to learn of public land problems? Is there any purpose served by these hearings which I presume cost the Commission a considerable amount?

Mr. PEARL. Yes, sir. We think they have been very productive and, as indicated in the chairman's statement, the last meeting of this particular series will be here in Washington January 11 and carrying over to the 12th, if necessary, depending on the number of witnesses who want to be heard. I think all the members of the Commission who have attended have indicated that at each one of the meetings something new has come up. We have received new insights in problems. We have had members of the Advisory Council, Governors' representatives, in addition to members of the staff at each of these meetings. For some of the Governors' representatives, particularly, and also members of the Advisory Council, they have been educational in that, while some of these people are very familiar with some phases of the work, they don't have the depth of understanding of other phases so that we feel that what we have found out in these meetings has been very helpful and very beneficial to all of us.

Senator CHURCH. Following the January meeting are you contemplating further hearings in the field during the study period after the contracts have been let?

Mr. PEARL. Yes, sir. As indicated in the chairman's statement, again there will probably be some hearings, but we can't plan those until we know what our time frame is for the completion of the work. As indicated also, the Commission, as its meeting last April, authorized me to plan such hearings for the Commission but we have been waiting to find out what our time frame is. Of course, if the Commission must wind up its business next year there possibly would be one type of hearing, but in any event these will be more likely to focus on subjects rather than on general information, which is the subject matter of the current series.

Senator CHURCH. Section 6(d) of Public Law 89-606 authorizes the chairman to call a meeting of the Advisory Council each 6 months and authorizes the Commission to pay for travel and subsistence expenses of council members attending.

Beginning with June 1966, there have been eight meetings of the Advisory Council held in conjunction with regional hearings. This approximates a 2-month frequency of meetings rather than a 6 months' one. Are the duties and the contributions of the council to the work of the Commission such that these more frequent and enthusiastic costlier gatherings are justified?

Mr. PEARL. We think so, Mr. Chairman. As I indicated, we think that the members of the Advisory Council have benefited by attending the meetings at which the public has testified. We did not have formal advisory council meetings at each of these public meetings and we had, as I have indicated, six formal meetings of the Advisory Council. On the occasion of these other public meetings we have had members of the Advisory Council in attendance. They benefited not only from hearing the testimony but from going out on the ground and we think there is no substitute for seeing the actual lands.

Senator CHURCH. The last question that Senator Hayden would like asked is this: The Commission organized in mid-1965 and its staff was fairly complete by the end of that year. By the end of 1966, a number of proposed study plans were completed and had been circulated for review. Testimony at the August 16, 1967 House hearings showed that a substantial number of these plans had not yet been resolved into studies under contract. This record suggests the possibility of a serious constriction in this step of the Commission's procedure which may be a significant factor in the Commission's failure to meet the original time schedule. What is being done to reduce this timelag?

Mr. PEARL. Well after a study plan is designed and circulated among the Commissioners and the members of the Commission's official family, we get the comments back and the next step after that is to revise the study plan in conformance with those comments that we believe appropriate, then to discuss with members of the Advisory Council, members of the Commission, the Government agencies, how to go about doing the studies. We try to find out in that period of time what data are available from the departments so that we do not wind up paying a contractor to do the work of obtaining data that are available from the departments.

Then the final step in the process is to put the study plan into a request for proposal format and go out for bids. Well, it is only this last step that has not been taken on the bulk of these study plans, because we have been unable to go out for bids because of the failure to have the funds.

Senator CHURCH. You think that with the enactment of this bill the logjam, in other words will break quickly.

Mr. PEARL. Yes, sir; and then we can go ahead with the schedule that we have laid out and proceed immediately with these other studies.

Senator CHURCH. I wonder if you could tell us for the record just what is involved when the study is completed; that is, the contractor's study is returned to the Commission staff. How much time, for example do you contemplate will then be required by the staff to make its own analysis and evaluation of the study, and how do you propose to keep the members of the Commission advised? If you could explain what the plan is that you have in mind I think it would be helpful.

Mr. PEARL. Each one of our contracts is requiring first of all a summary of the manuscript report to accompany the manuscript itself. As soon as a manuscript is received—and we are asking each contractor to furnish us with sufficient copies to do this—it will be placed in the hands of the members of the Commission and the official family. At the same time the staff analysis and evaluation will proceed. The length of time that it will take to do this is going to depend in large measure on the complexity of the particular report, and parts of some reports are going to be more complex than others. The first one that we have coming due is the one on revenue sharing and payments in lieu of taxes. That will be a rather complex report. It will be a rather lengthy one.

Senator CHURCH. Let us take that one, for example. When that study is completed and the report comes back to you, will you then make that report immediately available to the members of the Commission?

Mr. PEARL. Yes, sir.

Senator CHURCH. The Commission itself. In other words, while your staff evaluation proceeds the report itself will be available to Commission members should they like to delve into it.

Mr. PEARL. Yes, sir.

Senator CHURCH. Then when your staff evaluation has been completed on the report, what is the next step with respect to the Commission?

Mr. PEARL. Might I also add that in the meantime we have for each contract a project officer and it is our hope that the project officer will know as much about this job as the contractor as it proceeds. He will be working with the contractor as it goes along so that he will keep up on the job. When the report comes in he will be ready to start his evaluation immediately. An exact procedure has not been worked out as to what the next step will be. The Commission has discussed the desirability of meeting as soon as one particular report may be ready for discussion after an evaluation has been completed or waiting until a group are ready and the final procedure has not been agreed upon. But it might depend on the complexity and degree of work that is entailed in any one report. Some of the reports on some of the subjects that lend themselves for, you might say, quicker review, might be lumped together and might wait until there are three or four or five for the Commission to get together and consider. Another report that may require a longer period of time may be taken up by itself. But the Commission has given this consideration. We will have a plan for the Commission to consider and to adopt as a plan of procedure before we actually institute it.

Senator CHURCH. When the staff makes its evaluation of a particular study and makes its recommendations to the Commission as to the changes in public law that would seem advisable based upon the study, has the Commission decided, as of now, whether to hold public hearings on those recommendations or has this all been left for future determination?

Mr. PEARL. Mr. Chairman, I do not contemplate, and I don't think the Commission does, that the staff will at any time make recommendations. The responsibility for recommendations for future law is with the Commission and the Commission alone.

Senator CHURCH. I meant by that that the staff would make recommendations to the Commission for the consideration of the Commission.

Mr. PEARL. Well, I really had never envisaged the case of completed staff work as requiring this but it may work out that way.

Senator CHURCH. You say the staff makes an evaluation of the study?

Mr. PEARL. Yes, sir.

Senator CHURCH. I suppose that the staff, when it makes an evaluation, has some recommendations to make with regard to the study. It passes upon the validity of certain findings. It may raise skeptical questions concerning other findings that the study has produced and these would be made available to the Commission for its evaluation.

Mr. PEARL. Yes, sir. I don't mean to get involved in semantics, Mr. Chairman, but in each of the manuscripts, in each of our studies, one of the key elements will be a listing and discussion of alternatives to the existing system or systems involved in the particular subject under study. So naturally, as part of the staff evaluation, there will be some comments as you indicate on the validity of data, validity of the arguments that are raised by the contractor. We hope that we will still maintain our objectivity in presenting this to the Commission so that the Commission will be able to choose ultimately from these various alternatives.

Getting on to your question, the Commission intends to hold hearings on policy changes by inviting interested people to come in and testify, but I don't think that the Commission has ever envisaged, and I certainly have not, that we would say as you do in the case of legislation, "Here is a proposal. We would like your comments on this proposal." It is rather a question of going to the affected user and those interested in that use to indicate what they can live with, what they would like the law to be, what they would like the policy to be, how they think it should be handled rather than commenting on a specific proposal. Of course, before we get to this stage of the hearings or concurrently with it the Commission will meet with its advisory groups, the advisory council and the Governors' representatives, who will sit before the Commission and comment on the study manuscripts, which will be the complete set of data and which will be the complete set of known alternatives. We are making every effort of our own to take from legislative proposals, bills that have been introduced, comments that have been made, to make certain that our project officer puts into the hands of a contractor alternatives that have been suggested one way or another so that we will have a complete catalog and a discussion of pros and cons in the report. This report, when it is received, will go to the members of the Advisory Council and the Governors' representatives so that when they come in to discuss this with the Commission they will have their comments on these same data and on these same possible alternatives.

Senator CHURCH. Of course, the Commission itself will decide upon the procedures to be followed but I just wanted to have it made clear that the end product of this whole process will be, I take it, a series of specific recommendations to the Congress as to the changes that ought to be made and the provisions that ought to be made in the public land laws.

Mr. PEARL. Yes, sir. The Commission contemplates, in fulfilling its responsibility, making recommendations to the Congress and the President as to those changes that should be made in the underlying policy of the public land law.

Senator CHURCH. In other words, we are not going to end up, are we, with a series of studies with various alternatives posed which we would hardly need the studies to point up to us? Could we not expect to draw from the expertise of this Commission, from the studies that are made and from the whole effort, a set of recommendations that can provide guidelines for the Congress in approaching its task of changing the law and revising and modernizing and improving the whole body of public land laws.

Mr. PEARL. This is absolutely correct, Mr. Chairman, and the studies will form the foundation, the background, so that anything that is recommended can be substantiated by some part of the record.

Senator CHURCH. Fine. Just one further question.

This bill, in authorizing the extension of time of the Commission, includes a provision that would authorize the Commission to place witnesses under oath. Is there a real need for this based upon your experience thus far?

Mr. PEARL. Well, of course, we have not held any hearings of that nature as yet and, as indicated in the Chairman's statement, the mere fact that the Commission has the authority may preclude the necessity to ever use it. It is the same as your authority to take testimony under oath in other commissions that are not investigatory in nature where the right to take testimony under oath is seldom, if ever, utilized. We do not know under what circumstances it may be necessary but we can envision the possibility where, if we did not have the right to take testimony under oath, some information that the Commission wants might not be available to it. If we find a gap, for example, in one of our studies, and we find some information that is lacking, and the contractor says, "Well, I just could not get this information. I could get no cooperation. People won't give me that information," the Commission can then decide if it wants to hold a hearing and bring in the people who would not furnish the information and put them under oath to furnish the information. It is against this type of contingency, in the hopes that we never use it, that we are asking for this authority.

Senator CHURCH. Well, I think that is all I have to ask.

Senator Jordan, do you have any further questions?

Senator JORDAN. Only this: You raised the matter of granting authority to take testimony under oath. This gave me some concern, too, because I could not visualize any situation that might require it. It caught me by surprise to find it in the Chairman's statement and I am pondering it at the moment.

Senator CHURCH. Thank you very much, Mr. Pearl.

Mr. PEARL. Thank you very much, Senator Church and Senator Jordan.

Senator CHURCH. Our next witness is Mr. Kenneth Pomeroy, Chief Forester, American Forestry Association. Mr. Pomeroy.

STATEMENT OF KENNETH POMEROY, CHIEF FORESTER, AMERICAN FORESTRY ASSOCIATION, WASHINGTON, D.C.

Mr. POMEROY. Mr. Chairman, Senator Jordan, I am Kenneth Pomeroy, the Chief Forester of the American Forestry Association.

With your permission I would like to submit this brief statement in support of S. 2255 for the record and also to extend it to include ex-

tension of the Classification and Multiple Use Acts of 1964. Instead of reading it I would like to take just a minute or two to tell you something about our association, its composition and the specific reasons why we are interested in this legislation.

Senator CHURCH. The statement will be included in the hearing record at this point and then you may make any comments you wish regarding the legislation.

(The statement referred to follows:)

STATEMENT OF KENNETH B. POMEROY, CHIEF FORESTER, THE AMERICAN FORESTRY ASSOCIATION

Mr. Chairman and members of the committee, I am Kenneth B. Pomeroy, Chief Forester of The American Forestry Association.

This organization strongly supported the legislation which established the Public Land Law Review Commission. We have been deeply interested in the activities of the Commission ever since that date.

In our opinion the Public Land Law Review Commission is engaged in a very worthwhile review of laws pertaining to the Public Lands. Of special interest will be ultimate Committee recommendations regarding modernization of mining laws, land exchanges to achieve better balance between private and public management of natural resources, and clarification of the Taylor Grazing Act.

These and other equally important questions require more study than the Commission now has time for. Therefore, we recommend extension of the Act of September 19, 1964 (78 Stat. 982) to June 30, 1970.

Mr. POMEROY. Our organization was established back in 1875 and since its beginning we have been deeply interested in the public lands.

Our membership, which now numbers about 55,000, is composed of housewives, urban dwellers, small landowners, a few industry people, some of the timber industry, and some in the public utilities industries. We even have a few members of Congress among our membership.

In 1947 and again in 1953 we convened American Forest Congresses to try and decide what the major problems of the public lands were. In each instance the No. 1 recommendation of each Congress was that studies be made by the States and the Federal Government of the public lands and how they should best be managed. Our membership endorsed these recommendations by more than 90 percent of those who cast their votes. When no State or the Federal Government proceeded to make such a study we went ahead ourselves and made studies in the States of California, Minnesota, and North Carolina. I served as staff member for the California and Minnesota ones and I conducted the North Carolina study myself.

In California we found that the major problem was the checkerboard ownership and, because many of the landlines were not properly identified, some of the public land surveys had never been made. There was a big problem of timber trespass on some lands, and I wrote a story about that. In Minnesota we found that the public domain lands consisted of about 80,000 acres scattered over some two dozen counties and that in the main these were small tracts of 40 acres or half a section. The nearest administrative office of the Bureau of Land Management was at Little Rock, Ark., at that time. Consequently these lands were not receiving protection and local pulpwood buyers and others were taking timber as they saw fit. We felt that the property should either be turned over to the State of Minnesota for that reason or else should be disposed of to private interests so that it could be properly managed. With this background you can see that we were delighted when the proposal was made to establish a Public Land Law

Review Commission. We are in wholehearted support of the objectives of the Commission. We are very interested in the work it is doing and we strongly suggest that the Commission be given time in which to complete its studies.

Now, in the same vein I would like to comment on the Classification and Multiple Use Act. We feel it is just simply sound procedure to examine what one has and then to decide how it is to be managed. It has to be examined before you can begin to prepare a management plan. These proposals, so far as we can determine, have been well received by the public. But some people have been alarmed with the alacrity with which the Bureau of Land Management has undertaken its task. From our own point of view we think that the Bureau ought to be commended because it is so infrequent that a Government agency does step forward with such speed. Nevertheless we also recognize that it is possible to make some mistakes and we have been in correspondence with the Governor of Nevada on this very point.

We feel that these lands can be unclassified as well as they could be classified so that if some mistakes are made they could be corrected.

Thank you, gentlemen.

Senator CHURCH. Thank you very much.

Senator Jordan, do you have any questions?

Senator JORDAN. No, no questions.

Thank you for your statement.

Senator CHURCH. We appreciate it.

Our next witness is Tom Kimball, the executive director of the National Wildlife Federation.

**STATEMENT OF THOMAS L. KIMBALL, EXECUTIVE DIRECTOR,
NATIONAL WILDLIFE FEDERATION, WASHINGTON, D.C.**

Mr. KIMBALL. Mr. Chairman, I am Thomas L. Kimball, executive director of the National Wildlife Federation, which has headquarters at 1412 16th Street NW., here in Washington, D.C.

The federation is a private organization which seeks to attain conservation goals through educational means. The federation has affiliates in 49 States. These affiliates, in turn, are made up of local groups and individuals who, when combined with associate members and other supporters of the National Wildlife Federation number an estimated 2 million persons.

I welcome the invitation to comment upon S. 2255, extending the life of the Public Land Law Review Commission. It is my intention to set out briefly two principles which I hope the subcommittee will consider with relation to this proposal, supplementing them with a few pertinent observations.

First, we have no objection to an extension of the life of the Public Land Law Review Commission for an additional 18 months. Neither do we object to the proposed increase of \$3.39 million in the maximum cost of the Commission's work. We are not in a position to evaluate these needs but have sufficient confidence in the members and staff personnel to approve when they say its life must be extended. We have been impressed with the quality of studies, either undertaken or planned, by the Commission, trusting they will develop sound and objective data upon which the Commission's recommendations will be based.

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Second, there is an important additional aspect to this proposal. We urgently request that the subcommittee add an amendment also extending the life of the Classification and Multiple Use Act of 1964 (Public Law 88-606) by a comparable period. Further, we hope that the Senate will insist that both acts be extended if any are extended. Mr. Chairman, the legislative history clearly shows that the life of the Multiple Use and Classification Act was intended to be geared to recommendations of the Public Land Law Review Commission. If that is extended so should be the life of the Multiple Use and Classification Act. Communications we have received from our people in the West unquestionably reveal a broad public sentiment for continued application of this act.

We sincerely regret that much misinformation has been distributed about this act and its administration. Therefore, I feel I must transmit to the subcommittee the experiences and observations of our organization.

Affiliates of the National Wildlife Federation are located in all of the so-called public land States, of the West, and in Alaska and Hawaii. Personnel of these affiliates have participated in most of the many hearings held by the Bureau of Land Management in localities for the express purpose of soliciting public views on the land classification proposals. Frankly, we have been surprised—and pleased—at the lack of opposition to the proposed classifications, either for disposal or retention for management under multiple-use principles. In our opinion, Bureau of Land Management people have performed an outstanding and workmanlike task on a most difficult job.

With this widespread public approval, Mr. Chairman, we were shocked and dismayed to learn that the Governors of several Western States recently asked that the classification process be slowed down or stopped. We can only speculate that they were ill advised by self-seeking individuals who ultimately hope that the public lands will be turned over to the private ownership at a fraction of their worth—a move, I might report, that will arouse the ire of every conservationist in this country.

In our opinion, classification of these lands is a necessary initial step before anything can be done with them, even for disposal. The apples must be sorted out from the oranges. It would be most unwise, for example, for the Federal Government to invest funds in the management of lands which obviously are not suitable for retention. Conversely, once lands are deemed suitable for retention, long-awaited—and urgently needed—management techniques must be applied to them as funds and other circumstances permit. These public assets must be properly managed. They have been abused for far too long a time. To dispel any misapprehensions about the National Wildlife Federation, we do recognize that grazing, mining, and lumbering are proper uses of public lands. We only ask that they be used in these manners in accordance with sound and demonstrated conservation principles.

We have heard implications from the West that these efforts are futile—that the classifications are effective only for the limited life of the act itself. Of course, this is not the case. The Office of the Solicitor, Department of the Interior, has rendered an opinion that classifications made under provisions of the act will remain effective until changed by administrative or legislative action.

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Mr. Chairman, I should like to conclude with one additional observation. It is our hope that the Public Land Law Review Commission will recommend legislation that directs multiple-use management of the public lands in a manner similar to that already specified for national forests. The Taylor Grazing Act, in our opinion, is a piece of single-purpose legislation that long ago outlived its usefulness. Thank you for the opportunity of appearing here today.

Senator CHURCH. Do you have any questions?
 Senator JORDAN. No; no questions.
 Senator CHURCH. I take it from your remarks that you would favor the extension of the Classification Act to correspond with the extension of time that is involved here for the Public Land Law Review Commission?

Mr. KIMBALL. Yes. We heartily endorse the extension of the Multiple Use and Classification Act along with the Public Land Law Review Commission. We think they go hand in hand.

Senator CHURCH. All right, Tom.
 I have no further questions. Thank you for your testimony.
 Our next witness is Mr. J. W. Penfold, who is the conservation director of the Izaak Walton League.

STATEMENT OF J. W. PENFOLD, CONSERVATION DIRECTOR, IZAAK WALTON LEAGUE, WASHINGTON, D.C.

Mr. PENFOLD. Mr. Chairman, Senator Jordan, the Izaak Walton League supported the legislation in the 88th Congress which established the Public Land Law Review Commission. We believe it essential that such a study in depth be carried out in order to provide a sound base for long-range planning for the public lands.

We have recognized the difficulties involved in getting the Commission, its staff, and its programs underway, and we have since watched its operation with keen interest. In our judgment it would be folly for the Commission to be terminated short of completion of its important responsibilities. Consequently, we support early and favorable action on the legislation before you.

Extension of the Commission's term, however, leaves two other acts of the 88th Congress in a kind of limbo; the Public Land Sales Act (Public Law 88-607, 78 Stat. 986) and the Classification and Multiple Use Act (Public Law 88-608, 78 Stat. 988). Both were signed on September 19, 1964. Both were enacted as interim measures with expiration dates tied to the expiration date of the Public Land Law Review Commission. In a sense, the three acts were a package.

The Bureau of Land Management has moved efficiently in its responsibilities under the Classification and Multiple Use Act. As a result of systematic studies, coupled with scores of public hearings, the Bureau of Land Management and the public are for the first time accumulating a meaningful inventory of the resource values of public domain. Upon such an inventory realistic policies can be developed for the identification of lands which are indeed available for exchange and disposal, and of lands which should be retained for public purposes. This operation has been long overdue and carried through to completion. This is vital to long-range objectives. Moreover, we believe that the information

the first instance, will be of compelling importance to the Public Land Law Review Commission itself.

While perhaps of lesser importance, Public Law 88-607 has proved useful, and should be continued until the Public Land Law Review Commission completes its studies and makes its recommendations for future policies on public land sales.

We respectfully urge therefore, Mr. Chairman, that the legislation before you be amended so as to extend the life of Public Law 88-607 and Public Law 88-608 until 6 months after the windup of the Public Land Law Review Commission.

We appreciate the privilege of presenting our views.

Senator CHURCH. Thank you, Mr. Penfold. I have no questions. Senator Jordan.

Senator JORDAN. Yes. I don't think there is any question in anyone's mind that any acts that had expiration dates corresponding with the expiration date of the Public Land Law Review Commission should be extended if the Public Land Law Review Commission is extended. I don't know how anyone could be opposed to likewise extending them.

Senator CHURCH. It seems logical.

Thank you, Mr. Penfold.

Mr. PENFOLD. Thank you.

Senator CHURCH. Our next witness is Franklin L. Orth who is executive vice president of the National Rifle Association of Washington, D.C.

STATEMENT OF FRANKLIN L. ORTH, EXECUTIVE VICE PRESIDENT, NATIONAL RIFLE ASSOCIATION, WASHINGTON, D.C.

Mr. ORTH. Mr. Chairman, Senator Jordan, members of the committee, the National Rifle Association of America numbers among its 850,000 members hundreds of thousands of ardent hunters who are vitally concerned with the provisions of H.R. 12121 and S. 2255 presently before the committee. We, as a national sportsman's association, perhaps more than any other group, speak for and represent the interests of many of the recreational users of public land. We believe that the work of the Public Land Law Review Commission should be continued until the much needed task of reviewing public land laws, policies and practices has been successfully concluded. We believe that it is of vital and lasting interest to all Americans that all policies and practices affecting the public domain—fully one-third of the land area of the Nation—be scrutinized by the Commission. We would go further and recommend strongly to the committee that the bill now being considered be amended to extend, also for 18 months, the authority of the Classification and Multiple Use Act of 1964 and the Public Sales Act, under which the Bureau of Land Management is proceeding with the orderly work of reviewing millions of acres of public domain and classifying them either for retention and management or for disposal.

We appreciate the opportunity to join with other conservation groups represented here today to appear before this committee and express our views in support of extending the life of the Public Land Law Review Commission in its full strength and increasing its operating budget, an issue which will have an historic and lasting effect on our country.

Thank you very much.

Senator CHURCH. Thank you very much, Mr. Orth.

If there are no questions, our last witness is Mr. Daniel A. Poole, Secretary of the Wildlife Management Institute, Washington, D.C.

**STATEMENT OF DANIEL A. POOLE, SECRETARY, WILDLIFE
MANAGEMENT INSTITUTE, WASHINGTON, D.C.**

Mr. POOLE. Mr. Chairman, I am Daniel A. Poole, secretary of the Wildlife Management Institute, with headquarters in Washington, D.C. The institute's program has been devoted to the restoration and improved management of renewable natural resources in the public interest since 1911.

I wish to say at the outset, Mr. Chairman, that the Wilderness Society has read our statement and has asked that I inform the committee that it desires to be associated with it.

Senator CHURCH. Very well.

Mr. POOLE. We are pleased to join other national conservation organizations in endorsing the objectives of S. 2255 and H.R. 12121. These bills would extend the life of the Public Land Law Review Commission for 18 months beyond its scheduled expiration and increase the authorized appropriation. We believe that this authority should be granted, Mr. Chairman, and that the Commission should receive the funds with which to conduct its important work.

We know that the Commission is working diligently to complete its assignment, that several contract studies are underway, and that others are to be started soon. We know that the Commission has set a high level of objectivity in its work and that it intends to leave no aspect of its assignment unexamined. At best, the Commission's task is both diverse and complicated, and we urge that it be given the time and the funds with which to assure that it may conduct the kind of overall study that will add to our understanding of the strengths and shortcomings of public lands laws, policies, and practices.

The institute believes that the unprecedented social pressures being expressed in this country today—population growth, need for raw materials, water and the protection of watersheds, the expansion of industry, municipalities and highways, and the demands for open space and recreation—to name only a few, add urgency to the Commission's work. We need the best analysis possible so that appropriate recommendations can be developed for future courses of action. Tremendous values are involved, and we should have all available information so that the proper determinations can be made.

These are some of the reasons that the institute supports the objectives of S. 2255 and H.R. 12121. But at the same time, I want to point out that we believe that extension of the Public Land Law Review Commission is only one approach to the solution of the massive public lands problem. Congressional authorization of the Commission in 1964 was only one part of a three-stage attack on the problem.

In 1964, Congress enacted a Classification and Multiple Use Act and a Public Sales Act, temporary measures like the Commission itself. We believe that these important programs should continue and that the proposal before the committee should be amended to so provide.

At this point, I wish to read into the record a telegram sent on October 16, 1967, to Senator Jackson, the chairman of this committee,

PUBLIC LAND LAW REVIEW COMMISSION
and signed by 11 of the country's foremost private conservation organizations:

Senator HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D.C.:

The undersigned national conservation organizations favor the objective of H.R. 12121, to extend the Public Land Law Review Commission, but prefer, however, that the proposal is amended to similarly extend the essential Classification and Multiple Use Act of 1964.

American Forestry Association, William E. Towell, Executive Vice President; Izaak Walton League of America, Joseph W. Penfold, Conservation Director; National Audubon Society, Charles H. Callison, Executive Vice President; National Recreation & Park Association, Russell E. DeGroat, Public Affairs Officer; National Wildlife Federation, Thomas L. Kimball, Executive Director; North American Wildlife Foundation, C. R. Gutermuth, Secretary; Sierra Club, Michael McCloskey, Conservation Director; Sport Fishing Institute, Philip A. Douglas, Executive Secretary; The Wilderness Society, Stewart M. Brandborg, Executive Director; The Wildlife Society, Fred E. Evenden, Executive Secretary; Wildlife Management Institute, Ira N. Gabrielson, President.

I know that the committee has been briefed from time to time of the Bureau of Land Management's procedures and progress in discharging its responsibilities under the Classification and Multiple Use Act. The Bureau of Land Management has explained the careful groundwork it laid for formulating its regulations to implement the act, of the many public hearings that were held in the field, the revisions that were made, and the second series of public hearings that preceded publication of the final regulations.

The Bureau of Land Management also has described the guidelines that have been adopted to determine whether public lands should be classified for disposal or for retention and multiple-use management. This work is proceeding and many field hearings have been held at the community level in the West to hear the wishes of the people with respect to classification proposals. These hearings have been attended by thousands of people. A tremendous body of public opinion is being developed. We believe that the records of these hearings can be of great assistance to the Public Land Law Review Commission in learning what the public at large desires from its lands. The Commission cannot gather such a detailed and expressive body of information on its own; its staff is too limited, its time is too short; and most of its field hearings have been held in large cities which are difficult for the average public lands user to reach.

The Bureau of Land Management is finding that the people are apprehensive about any wide-scale disposal of the public lands, preferring instead that the lands remain in public ownership. This has been proven to be true even in places where the Bureau staff expected to encounter hostile opinion. BLM is hearing the voices of the people on the land, the men who personally hold permits to graze livestock, the men who bid on timber sales, the men who like to have public lands on which to hike, hunt, camp, or pick rocks and watch birds. BLM is hearing from the people whose family interests are directly involved, not from the paid employee of a users association who travels and subsistence expenses are supported by an expense account.

In closing, Mr. Chairman, it should be pointed out that there is some confusion over the effect of the classifications that are being made. The classifications that have received final publication neither dispose of public lands nor lock them up so that they may not be available for valid programs in the future. Rather, the classifications merely represent the determination of resources professionals in the BLM as to which of its lands are best suited for retention. Formal actions to dispose or to retain will have to be taken under other authorities; they cannot be taken under this act.

The single desirable result of these temporary classifications to retain, however, is that for the first time the BLM can concentrate on specific areas of the public domain, undertake resources inventories of the lands involved, and prepare management programs to facilitate all of the worthwhile uses listed in the Classification and Multiple Use Act.

Certainly, there can be no substantial criticism of a program such as this that assures that the interests of all of the people are being protected.

We strongly urge, Mr. Chairman, that the bill under consideration be amended to authorize the parallel extension of the Classification and Multiple Use and the Public Sales Acts.

I thank you.

Senator CHURCH. Thank you very much, Mr. Poole, for your testimony. I think you make your position very clear. I have no questions.

Senator JORDAN. I have no questions.

Senator CHURCH. Very well.

Are there any other witnesses who wish to be heard? If not, I would like to include in the record at this point a letter that has been received from Congressman Morris K. Udall of Arizona, in favor of the bill; also a letter from Congressman Walter S. Baring, of Nevada, endorsing the measure.

(The letters referred to follow:)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 24, 1967.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR FRANK: I have your letter of October 19 advising of the October 26 hearings on various bills to extend the term of the Public Land Law Review Commission. I'll be unable to attend and testify but would ask that you submit this letter as stating my views.

The work of the Public Land Law Review Commission is, in my judgment, vitally important to the future of this country. Despite a most diligent effort by the Commission and its staff, it is now very clear that the original legislation does not give us time enough to complete our work.

I, therefore, strongly support the pending legislation which would grant the Commission additional time.

Sincerely,

MORRIS K. UDALL.

PUBLIC LAND LAW REVIEW COMMISSION

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 24, 1967.

HON. FRANK CHURCH,
Chairman, Public Lands Subcommittee, Interior and Insular Affairs Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR CHURCH: Thank you for your letter of October 19th inviting me to appear before your Subcommittee and testify on legislation to extend the term of the Public Land Law Review Commission.

Unfortunately, prior commitments prevents me from appearing, but I do appreciate your sincere invitation.

I know that testimony will be very ably presented by Mr. Milton Pearl, of the Public Land Law Review Commission, and that Mr. Pearl also will present Chairman Aspinall's statement. I am in complete agreement with the views expressed by Chairman Aspinall and stand in full support of his comments in support of this legislation and I would appreciate if you would convey this to the Members of your Subcommittee.

With thanks and very good wish, I am,

Sincerely,

WALTER S. BARING,
Congressman for Nevada.

Senator CHURCH. I have a letter here from Laurance Rockefeller. He regrets that he cannot be here in person today and also states that he heartily endorses this legislation. His letter will be included at this point.

(The letter referred to follows:)

NEW YORK, N.Y., October 25, 1967.

HON. FRANK CHURCH,
Chairman, Public Lands Subcommittee, Committee on Interior and Insular Affairs,
U.S. Senate, Washington D.C.

DEAR SENATOR CHURCH: Thank you for your invitation to testify or submit a statement on the bills to extend the term of the Public Land Law Review Commission.

I heartily endorse this proposal, but I am sure that the Chairman and staff director will be on hand to explain it in detail. Unfortunately, my schedule will not permit me to be with you.

I greatly appreciate the courtesy of your invitation to be with you.

Sincerely,

LAURANCE S. ROCKEFELLER.

Senator CHURCH. I also have a letter here from Mr. Spencer Smith, secretary of the Citizens Committee on Natural Resources, that without objection will be included in the hearing record at this point.

(The letter referred to follows:)

CITIZENS COMMITTEE ON NATURAL RESOURCES,
Washington, D.C., October 23, 1967.

Senator HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, Senate Office Building,
Washington, D.C.

DEAR SCOOP: We have supported the Public Land Law Review Commission from its inception and we also support the extension that would be authorized by H.R. 12121. We feel it would be inappropriate, however, to extend the Commission without extending the Classification and Multiple Use Act of 1964 at the same time.

If you will recall, both measures have been connected from the time that they were originally considered. The Public Land Law Review Commission had the task of historical appraisal and recommendations for public planning as to policy. It was generally considered, as indicated in the legislative history of both Acts, that the Classification and Multiple Use Act would not prejudice the Commission but was necessary to continue a much needed ongoing program. The coupling of these two Acts was to give assurance to any and all that needed programs would go forward concomitant with evaluation and planning.

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It is therefore in keeping with what appears to us to be the intent of Congress to extend both of these measures at the same time.

Cordially,

SPENCER M. SMITH, Jr.,
Secretary.

Senator CHURCH. I think that should conclude the hearing today. I want to thank the witnesses who have come today for their testimony.

The hearing is adjourned.

(Whereupon, at 11:50 a.m. the subcommittee recessed, to reconvene subject to the call of the Chair.)

