

It soon developed that this export restriction was undesirable because timber operators, expanding their productive capacity to include the National Forests as sources of log supply, could not successfully operate if required to supply only the demand for timber in the State or Territory in which the National Forests were situated. Accordingly, beginning in 1905, the year in which administration of the National Forests was transferred to this Department, and continuing until 1926, a provision was placed in each agricultural appropriation act which provided that the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut and removed from the National Forests to be exported from the State or Territory in which the forests were situated (see 16 U.S.C. 491). As this provision constituted legislation in an appropriation act, it was subject to a point of order. In 1924 the provision was deleted on a point of order in the House of Representatives but was restored by the Senate.

The legislative history shows that the 1926 act was enacted to give a permanent legal basis to the practice which had been carried on for many years through legislation in the agricultural appropriation acts. It also shows that the provisions in the 1926 act for a judgment as to the supply of timber for local use put into law a policy which had been followed by the Department consistently since the export restriction was removed through legislation in the appropriation acts. This policy was to safeguard the supply of timber for consumption by local residents, such as settlers, farming communities, near-by towns, local mines, power or irrigation developments, railroads whose nearest supply of ties is on the forests, and other industries which use or manufacture timber for local consumption. The Department's views regarding the previously followed policy of safeguarding the supply of timber for consumption by local residents, as well as regarding the policy of unrestricted timber exportation, are stated in the letter from the Secretary of Agriculture to the Chairman, Committee on the Public Lands, House of Representatives, in reporting on H.R. 6261, subsequently the act of April 12, 1926, (H.R. Rept. No. 208, 69th Cong., 1st Sess.; S. Rept. No. 419, 69th Cong., 1st Sess.). A copy of that letter and of the instructions in the "National Forest Manual", issued on February 1, 1926, at the time Congress had under consideration H.R. 6261, are attached.