

Your interpretation that the phrase "supply of timber for local use" means the supply of timber necessary for consumption by local residents is supported by the doctrine of contemporaneous construction. That doctrine holds that where the language of a statute is ambiguous and susceptible of two reasonable interpretations, the courts will give authoritative weight to an interpretation placed on the language by the administering department contemporaneously with the enactment of the statute, particularly where such construction has been consistently followed for many years. United States v. Johnston, 124 U. S. 236, 253 (1888); Davis, Administrative Law Treatise, Vol. 1, Sec. 5.06, p. 324. ^{5/}

It is our conclusion that the legislative history of the 1926 act and the contemporaneous construction placed on its meaning by this Department supports the interpretation of the phrase "the supply of timber for local use" heretofore applied by this Department. While Regulation S-3, quoted in part above, has represented the Secretary's continuing judgment that "the supply of timber for local use", as that phrase is understood by this Department, is not endangered by the sale of National Forest timber for export from the State or Territory where grown, under the circumstances the Secretary may wish to consider making a current determination.

Question 4: Also in regard to the authority of the Secretary to restrict the export of timber from the National Forests, you asked for our opinion as to the extent, if any, reliance could be placed on the phrase "to furnish a continuous supply of timber for the use and necessity of the citizens of the United States" in connection with the issuance by the Secretary of regulations against the export of timber cut from the National Forests under the provisions of 16 U.S.C. 551 and 476. The quoted language appears in the act of June 4, 1897 (16 U.S.C. 475), as follows:

"No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flow, and to furnish a continuous supply of timber for the use and necessity of citizens of the United States; . . ." (Emphasis supplied.)

^{5/} See also United States v. Alabama Great Southern Railway Company, 142 U. S. 615, 621 (1892); Hamilton National Bank v. District of Columbia, 176 F. 2d 624, 628 (1949), cert. denied 338 U. S. 891 (1949); Johnson v. Britton, 290 F. 2d 355, 359 (1961).