

Senator HARRIS. I respectfully disagree in one particular. I think there is this special situation in regard to the navigable waters of the United States as our statement indicated. Furthermore, as I said earlier, I have very grave misgivings about the whole fee program, anyway, with the burden it puts on people in this great rich, wealth country, and also on the cost of administration in connection with the income. I would hope the whole program could be reviewed but I think there are particularly distinguishing features about Corps of Engineers projects which we testified to.

Senator CHURCH. However, there are Forest Service camps that involve recreational facilities that relate to navigable waters, lakes, and rivers. It is difficult, I think, to draw a line of distinction that is completely tenable.

Senator HARRIS. I don't disagree with what the Senator says. I do, for example, urge that a facility such as Wichita Mountain Wildlife Refuge be a nonfee installation.

Senator MONRONEY. I think we are not asking for all or nothing in this. I think we are asking for a start and to take off the most obnoxious fees for the most incidental use of the facilities. I don't know when a picnic area becomes a genuine recreational area with bath facilities and with cabins or shelters and various things of that kind. This is going to be a hard line to draw.

I think when it does become a matter of habitation, of facilities beyond the normal day-to-day use, then we do have a right to collect a normal fee, whether it is a cabin or whether it is the Old Faithful Lodge.

Those things are matters of degree and the services rendered, particularly to the individual for his personal housing and comfort and safety might be subject to a nominal fee charge. I don't think the public would object to that.

The CHAIRMAN. Senator Anderson.

Senator ANDERSON. Are you distinguishing between fees on navigable waters and fees on other bodies of water?

Senator HARRIS. I think the history and policy of the U.S. Government has quite clearly always done that. As I said in my statement, since the ordinance of 1787 the navigable waterways of the United States are free. That has been our policy. Andrew Jackson reaffirmed it in 1830 when he said, "All improvements affected by the funds of the Nation for general use should be open to the enjoyment of all our fellow citizens exempt from payment of tolls or any imposition of that character."

That was renewed by the Congress in the Rivers and Harbors Act of 1882 and legislation ever since until the Land and Water Conservation Fund Act changed that historic policy.

The CHAIRMAN. Any further questions?

Thank you, gentleman. We appreciate having your statement and comments. We will review the entire matter of user fees in connection with your pending legislation and place the memorandum at this point.