

(The memorandum referred to follows:)

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C., February 9, 1968.

MEMORANDUM

To: Senator Henry M. Jackson.
From: Stewart French, committee counsel.
Subject: Exemption of Corps of Engineers projects from Land and Water Conservation Fund Act fees.

Neither the Committee records nor the reports of the Floor debate in the Congressional Record on the Land and Water Conservation Fund Act (S. 859 and H.R. 3486, 88th Congress) show that any amendment was offered either in Committee or from the Floor that would have exempted Corps of Engineers projects from the fee provisions.

The text of the bills as transmitted by President Kennedy on February 14, 1963, authorized establishment of fees "at any land or water area administered by or under the authority of the Federal agencies listed. . . ."

As it came to our Committee, H.R. 3846 provided in subparagraph (iv) of section 2(a) for:

"fees for the use within an area of sites, *bodies of water*, facilities . . ."
(italics supplied).

In Committee, we struck the words in italics, above, and also struck the words "land or water" from the following provision which read, prior to our committee amendment:

"Entrance and admission fees may be charged at *land or water* areas. . . ."

Again in a following provision we inserted the word "any" to make it read:

"No fee of any kind shall be charged under any provision of this Act for use of *any* waters."

(The italic "any" was our committee amendment).

During the Floor debate on August 12, 1964, Senator Monroney proposed a further amendment to the Senate amendment to section 2(a) (iv), above quoted, which added the words "or access thereto" after the word "water," so as to make the provision read:

"No fee of any kind shall be charged under any provision of this act for the use of any waters or access thereto."

This amendment was accepted by Senator Jackson and by the Senate (page 19118, Congressional Record, August 12, 1964).

On final passage of H.R. 3846, as amended, the vote was 92-1, with Senator Ellender casting the sole vote against.

The House refused to accept the Senate amendments, and on August 31, a conference was held at which the House receded from its disagreement to the Senate Amendment and agreed with an amendment as follows:

"No fee of any kind shall be charged by a Federal agency under any provision of this act for use of any waters."

This is the provision in the law (P.L. 88-578). Nowhere was there a proposal to exempt Corps projects, nor are Corps projects singled out for special treatment.

The CHAIRMAN. Senator Kuchel has a statement.

**STATEMENT OF HON. THOMAS H. KUCHEL, A U.S. SENATOR FROM
THE STATE OF CALIFORNIA**

Senator KUCHEL. Mr. Chairman, this decade has seen the greatest progress in the history of the United States in the field of conservation of our limited and priceless natural resources.

Since 1963, Congress has authorized the addition of 35 new areas to the national park system, including two national parks, three national seashores, and two national lakeshores. The chairman of the full committee and the chairman of the Parks and Recreation Subcommittee deserve the highest commendation for their efforts in making that legislation possible.