

The original documents are located in Box 56, folder “9/28/76 S327 Land and Water Conservation Fund Amendments (2)” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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STATEMENT BY THE PRESIDENT

Today, with great pleasure, I am signing into law S. 927, a bill which will substantially increase the authorization levels for the Land and Water Conservation Fund over the next several years.

I believe it can be fairly said that few Federal programs have given more wholesome recreation to Americans than the activities financed from the Land and Water Conservation Fund. In the decade of the Fund's existence, some \$2 billion has been channeled into the purchase and development of outdoor recreation lands -- places where Americans can participate in competitive sports, learn about nature, or simply find relief from crowds and bustle.

About \$800 million over the last ten years has been used to finance the purchase of Federal recreation lands -- over 1.5 million acres of land for National Parks, Wildlife Refuges, Wilderness, and other recreational areas. \$1.2 billion has been channeled to States and local communities as matching grants supporting the purchase of 1.4 million acres of land and the development of 10,000 recreational projects.

With the increased authorization for the Land and Water Conservation Fund, we estimate that over 6 million more acres of land will be purchased and set aside for recreational purposes through

Back ground info



fiscal year 1989. Over the 25-year life of the Fund, land in excess of the area of the States of Connecticut, Rhode Island, and Massachusetts will have been bought for Land and Water Fund recreational purposes. This truly will be a heritage treasured by future generations.

In addition, S. 327 will establish the National Historic Preservation Fund to provide matching Federal assistance to State governments and private individuals for the acquisition and preservation of important historic sites.

What better way can there be, in this Bicentennial year, to commemorate our Nation's rich history than to pledge to preserve outstanding examples of it for future Americans? In celebrating our Bicentennial this year, I and millions of others have been inspired to think back over our history and to realize how far our Nation has come. The National Historic Preservation Fund will assure that our historic sites and structures will continue to be available to provide this inspiration. This preservation of historic sites and structures will be achieved through a creative partnership between various levels of government and the private sector. The Federal Government will provide technical and financial assistance, the States will plan the programs, and the bulk of the actual preservation work will be done at the local level, by private

individuals.

Unfortunately, S. 327 also provides for certain changes in the procedures of the Advisory Council on Historic Preservation which would compromise Executive Branch functions. I find these provisions unacceptable, as well as unnecessary to the effective operation of the Advisory Council.

The first provision would require the concurrent submission of Advisory Council budget requests to Congress and to the President. This would in effect undercut the provisions of the Budget and Accounting Act of 1921, which requires the President to submit to Congress a single, coordinated budget, and will make it more difficult for me to review all requests for Federal spending in advance of submission to Congress.

Second, as with the budget requests, S. 327 would require concurrent submission of the Advisory Council's legislative proposals. Such a requirement would make it difficult for me to develop and present to the Congress a coherent, coordinated legislative program.

We will submit to the Congress legislation which would correct these provisions, and I will strongly urge its passage during the first session of the next Congress.

In summary, I am very pleased today to sign S. 327. With my Bicentennial Land Heritage Program

and S. 327, we will have a program of which we can be proud. These two measures will provide increased recreational opportunities for present and future Americans, and will preserve for the future a great treasure of natural areas and historic resources. S. 327 provides the authorization for greatly accelerated land acquisition and historic preservation efforts, while the Bicentennial Land Heritage Program will assure that these resources are developed and maintained to the highest standards.

As America looks toward her third century, we draw strength from our past. Our heritage of natural areas and the remaining records of our cultural history provide a reassuring sense of the direction from which we have come, and a respite from the tensions of continuing progress. It is essential that we preserve our natural areas and historic resources in the face of progress. I pledge to do all I can to further this goal.

THE WHITE HOUSE
WASHINGTON

Doug: Attached is the OMB signing statement for Land & Water bill. There is a ceremony tomorrow morning as you know.

The attached version incorporates changes made by Sarah Massengale.

Please substitute this version for the one you presently have.

Judy 9/27

9/22 - 12:35 pm
~

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 22

Time: 1100am

FOR ACTION: George Humphreys
Sarah Massengale
Max Friedersdorf
Bobbie Kilberg
Robert Hartmann

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 23

Time: noon

SUBJECT:

S. 327-Land and Water Conservation Fund
Amendments

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

please return to judy johnston, ground floor west wing

9/22 - copy sent for researching. nm

9/23 - Researched copy returned.
op

as edited

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President



THE WHITE HOUSE

9/22/76 - 12:35 pm

ACTION MEMORANDUM

WASHINGTON

LOG NO.: To Res

9/22 1:02 PM
MR

Date: September 22

Time: 1100am

FOR ACTION: George Humphreys
Sarah Massengale
Max Friedersdorf
Bobbie Kilberg
Robert Hartmann

cc (for information): Jack Marsh
Jim Connor
Ed Schmults
Bill Seidman

to DJS
9-23 2:38
GAM

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- For Your Recommendations
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MWB

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With the increased authorization for the Land and Water Conservation Fund, we estimate that over 6 million more acres of land will be purchased and set aside for recreational purposes through fiscal year 1989. Over the 25-year life of the Fund, land in excess of the area of the States of Connecticut, Rhode Island, and Massachusetts will have been bought for Land and Water Fund recreational purposes. This truly will be a heritage treasured by future generations.

In addition, S. 327 will establish the National Historic Preservation Fund to provide matching Federal assistance to State governments and private individuals for the acquisition and preservation of important historic sites.

What better way can there be, in this Bicentennial year, to commemorate our Nation's rich history than to pledge to preserve outstanding examples of it for future Americans? In celebrating our Bicentennial this year, I and millions of others have been inspired to reflect on our history and the progress we have made. The National Historic Preservation Fund will assure that our historic sites and structures will continue to be available to provide this inspiration.

This preservation of historic sites and structures will be achieved through a creative partnership between various levels of government and the private sector. The Federal Government will provide technical and financial assistance, the States will plan the programs, and the bulk of the actual preservation work will be done at the local level, by private individuals. This is appropriate. The preservation movement is a citizen's movement, an example of productive cooperation among the Federal, State, and local governments, and the private sector. Government can nurture this movement, but we must remember that it gains its greatest strength from the individual pride in the nation's past.

Unfortunately, S. 327 also provides for certain changes in the procedures of the Advisory Council on Historic Preservation which would compromise Executive Branch functions. I find these provisions unacceptable, as well as unnecessary to the effective operation of the Advisory Council.

The first provision would require the concurrent submission of Advisory Council budget requests to Congress and to the President. The second would require concurrent submission of the Advisory Council's legislative proposals. Each requirement would make it difficult for me to develop and present to the Congress coherent and coordinated budget and legislative programs.

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In summary, I am pleased today to sign S. 327. With my Bicentennial Land Heritage Program and S. 327, we will have a program of which we can be proud. These two measures will provide increased recreational opportunities for present and future Americans, and will preserve for the future a great treasure of natural areas and historic resources. S. 327 provides the authorization for greatly accelerated land acquisition and historic preservation efforts assuring the continued momentum of our national preservation program. The Bicentennial Land Heritage Program will assure that these resources are developed and maintained to the highest standards.

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OMB
version

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Handwritten signature and note:
 O Kan edited

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AMENDING THE LAND AND WATER CONSERVATION FUND ACT OF 1965, AS AMENDED, AND ESTABLISHING THE NATIONAL HISTORIC PRESERVATION FUND

SEPTEMBER 11, 1975.—Ordered to be printed

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

REPORT

[To accompany S. 327]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 327) to amend the Land and Water Conservation Fund Act of 1965, as amended, to establish the National Historic Preservation Fund, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

COMMITTEE AMENDMENTS

The substantive amendments are as follows:

1. Page 5, line 1, after "(16 U.S.C. 742f[5])" and before the semicolon "; insert, "except migratory waterfowl areas which are authorized to be acquired by the Migratory Bird Conservation Act of 1929, as amended (16 U.S.C. 715-715s)".

2. Page 3, lines 5-21, delete subsection 101(e) and insert in lieu thereof the following new subsection 101(e):

"(e) In subsection 6(e) delete the paragraph numbered (2) and substitute the following new paragraph:

"(2) DEVELOPMENT.—For development of basic outdoor recreation facilities to serve the general public, including the development of Federal lands under lease to States for terms of twenty-five years or more: Provided, however, That not more than 25 per centum of the total amount allocated to a State in any one year may be ap-

proved by the Secretary for the planning and development of sheltered facilities for swimming pools and ice skating rinks in areas where the Secretary determines that (1) the unavailability of land or climatic conditions provide no feasible or prudent alternative to serve identified unmet demands for recreation resources; and (2) the increased public use thereby made possible justifies the construction of such facilities."

3. On Page 6 at the end thereof, add the following new sections:
 Sec. 202. The Act of October 15, 1966 (80 Stat. 915), as amended, is further amended as follows:

(a) Section 106 is amended by inserting after the words "included in" the phrase "or eligible for inclusion in".

(b) Section 201 (a) is amended by—

(1) inserting after the word "established" the phrase "as an independent agency of the United States government";

(2) striking the phrase "twenty members" and inserting in lieu thereof the phrase "twenty-eight members".

(3) adding the following after paragraph (8) and renumbering paragraphs "(9)" and "(10)" as paragraphs "(14)" and "(15)":

"(9) The Secretary of State.

"(10) The Secretary of Defense.

"(11) The Secretary of Health, Education, and Welfare.

"(12) The Chairman of the Council on Environmental Quality.

"(13) The Chairman of the Federal Council on the Arts and Humanities."

(4) inserting the following new subsection:

"(16) The President of the National Conference of State Historic Preservation Officers."

(5) striking the word "Ten" in paragraph (11), inserting the word "Twelve" in lieu thereof, and renumbering the paragraph as paragraph "(17)".

(c) Section 201 (b) is amended by—

(1) striking the term "(10)" and inserting in lieu thereof the term "(16)".

(2) striking the phrase "department or agency" and inserting in lieu thereof the phrase "department, agency or organization".

(d) Section 201 (c) is amended by striking the term "(11)" and inserting in lieu thereof the term "(17)".

(e) Section 201 (e) is amended by inserting after the word "Chairman" the phrase "and the Vice Chairman" and by adding the following sentence at the end of the subsection:

"During the absence or disability of the Chairman or when the office is vacant, the Vice Chairman shall act in the place of the Chairman."

(f) Section 201 (f) is amended by striking the word "Eleven" and inserting in lieu thereof the word "Fifteen".

(g) Section 201 (g) is amended by deleting the entire section.

(h) Section 204 is amended by striking the term "(10)" in the first sentence and inserting in lieu thereof the term "(16)", and by striking the term "(11)" in the second sentence and inserting in lieu thereof the term "(17)".

(i) Section 205 is amended by—

(1) striking the first sentence of subsection (a) and redesignating the subsection as subsection (f);

(2) inserting the following new subsection (a):

"(a) There shall be an Executive Director of the Council who shall be appointed in the competitive service by the Chairman with the concurrence of the Council. The Executive Director shall report directly to the Council and perform such functions and duties as the Council may prescribe."

(3) redesignating subsection (b) as subsection (d) and striking the word "Council" and inserting in lieu thereof the phrase "Executive Director".

(4) inserting the following new subsection (b):

"(b) The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor. The Executive Director shall appoint such other attorneys as may be necessary to assist the General Counsel, represent the Council in courts of law whenever appropriate, assist the Department of Justice in handling litigation concerning the Council in courts of law, and perform such other legal duties and functions as the Executive Director and the Council may direct."

(5) inserting the following new subsection (c):

"(c) The Executive Director of the Council may appoint and fix the compensation of such officers and employees in the competitive service as are necessary to perform the functions of the Council at rates not to exceed that now or hereafter prescribed for the highest rate for grade (15) of the General Schedule under Section 5332 of title 5, United States Code; *Provided, however,* That the Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed five employees in the competitive service at rates not to exceed that now or hereafter prescribed for the highest rate of grade 17 of the General Schedule under section 5332 of title 5, United States Code."

(6) striking subsection (c) and inserting the following new subsection (e):

"(e) The Executive Director of the Council is authorized to procure expert and consultant services in accordance with the provisions of section 3109 of title 5, United States Code."

(7) redesignating subsection (d) as subsection (g), striking the last sentence and substituting in lieu thereof the following:

"The members of the Council specified in paragraphs (1) through (15) of section 201 (a) shall provide the Council, with or without reimbursement as may be agreed upon by the Chairman and the members, with such funds, personnel, facilities, and services under their jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. To the extent of available appropriations, the Council may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties."

SEC. 203. The Act of October 15, 1966 (80 Stat. 915), as amended, is further amended by adding the following new sections:

(1) "SEC. 207. So much of the personnel, property, records and unexpended balances of appropriations, allocations, and other funds employed, held, used, programmed, or available or to be made available by the Department of the Interior in connection with the functions of the Council, as the Director of the Office of Management and Budget shall determine, shall be transferred from the Department to the Council within 60 days of the effective date of this Act.

(2) "SEC. 208. Any employee in the competitive service of the United States transferred to the Council under the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer."

(3) "SEC. 209. The Council is exempt from the provisions of the Federal Advisory Committee Act (86 Stat. 770), and the provisions of the Administrative Procedure Act (80 Stat. 381) shall govern the operations of the Council."

(4) "SEC. 210. Whenever the Council transmits any legislative recommendations, or testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit copies thereof to the House Committee on Interior and Insular Affairs and the Senate Committee on Interior and Insular Affairs. No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress. In instances in which the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of such actions in its legislative recommendations, testimony, or comments on legislation which it transmits to the Congress."

(5) "SEC. 211. The Council is authorized to promulgate such rules and regulations as it deems necessary to govern the implementation of Section 106 of this Act."

(6) "SEC. 212. (a) The Council shall submit its budget annually as a related agency of the Department of the Interior. To carry out the provisions of this title, there are authorized to be appropriated not more than \$1,250,000 in fiscal year 1976, \$1,500,000 in fiscal year 1977, and \$1,750,000 in fiscal year 1978, and \$2,000,000 in fiscal year 1979.

(b) Whenever the Council submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the House and Senate Appropriations Committees and the House Committee on Interior and Insular Affairs and the Senate Committee on Interior and Insular Affairs."

SEC. 204. Section 5316 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(135) Executive Director, Advisory Council on Historic Preservation."

PURPOSE OF THE MEASURE

TITLE I

Title I is a response to the increasing backlog of recreation needs at both the Federal and State and local levels. Federal recreation land acquisition backlogs were estimated to exceed \$2.9 billion by the Administration during the last round of hearings before the Subcommittee on Parks and Recreation. State needs over the remaining life of the Fund were estimated by the Bureau of Outdoor Recreation to be in the neighborhood of \$45 billion.

The Land and Water Conservation Fund Act, signed into law in 1964, established a program of matching grants to State and local units of government for the planning, acquisition, and development of outdoor recreation lands. Amendments to the Act in 1968 designated portions of the Federal receipts from the Outer Continental Shelf leasing program to be covered into the Fund. This reflected the intent of Congress that at least some part of the revenues collected by the Federal Government for disposing of natural resources should be re-invested in the acquisition and development of other natural resources of lasting value.

The fund is currently authorized at a level of \$300,000,000 per year. Unless appropriations are made to the contrary, sixty per cent of the appropriations made from the fund are to be used for matching grants to State and local governments. This program has met with enthusiastic response at all levels of government. The matching grant program has funded over \$1 billion to date. Thus, the fund has brought forth a massive response to the program, and state park systems and community outdoor recreation programs have benefited.

The remaining 40% of the Fund used for Federal land acquisition has been the source of over \$700,000,000 for land acquisition programs by the Federal agencies involved in managing recreation lands. In the

case of the National Park Service, the Fund has become the sole Federal funding source for land acquisition within the National Park System.

The Bureau of Outdoor Recreation has estimated the capability of States to match Land and Water Funds to be between \$500 and \$600 million at present.

The additional provisions of Title I as reported by the Subcommittee would, first, increase the match formula for land acquisition from the present 50-50 to 70-30. This provision it to provide an added incentive to States to commit additional sums to acquisition rather than development. Second, the maximum grant allocation percentage to which any one state is eligible is raised from 7 per centum to 10 per centum. This amendment would allow the larger urban States to receive a slightly larger allocation under the present distribution formula. *Third*, provisions are inserted to give large urban areas and local governmental units a greater voice in the formulation of the Statewide Comprehensive Outdoor Recreation Plan and in project grant approval. This provision is coupled with one requiring States to account for the funds received during the fiscal year. This information would enable the Department to better estimate trends in resource allocation and the various priorities which will be needed for preparation of the Nationwide Outdoor Recreation Plan which the Department is required to periodically revise. *Fourth*, a provision is included to clarify the extent to which Land and Water Funds can be used to acquire land for endangered species or for wildlife refuges. The clarification is necessary due to a conflicting interpretation of the present language in the Land and Water Fund Act and the Migratory Bird Conservation Act of 1929.

TITLE II

Title II is addressed to the needs of the Historic Preservation Act of 1966.

The National Historic Preservation Act of 1966, as amended, provided for a program of matching grants to the States for the preservation of significant historic properties. Currently, the authorization for this program is at the level of \$25,000,000 per annum. The Federal funds are authorized to be appropriated from miscellaneous receipts. The funds are then made available on the basis of 50/50 matching grants to State and local entities.

As with the Land and Water Conservation Fund, the response to this program has been enormous. In fiscal year 1975, the State Historic Preservation Officers have identified over \$180,000,000 in requests for matching funds for historic preservation. The current level of Federal support is vastly insufficient to assist the demonstrated needs for preservation activities. In addition, many historic properties are being lost to other uses due to the lack of available support. The approach of the Bicentennial year has led to widespread willingness to support historic preservation projects on a variety of levels. However, increased Federal funding of matching grants is needed to catalyze this interest.

The demonstrated willingness on the State and local level to match a greatly expanded level of funding is particularly critical for this program. Great numbers of structures of identified historic value are

lost each year, as a lack of funds to make preservation or restoration possible consigns them to further decay or outright destruction. Also lost are the positive economic benefits that have been demonstrated in cases in which historic restoration work has taken place. Past experience has shown that the restoration of one structure in an area will frequently stimulate the repair, the improvement of nearby buildings, raising property values and stimulating interest throughout the locality. The positive impact of this program extends far beyond the dollars from the Federal grants to benefit entire communities.

The present authorization is set at \$24 million and expires this fiscal year. States have submitted warrants in excess of \$180 million. Title II would provide \$150 million toward matching those available funds.

Title II alters the present 50-50 match formula to 70-30 for planning and inventory purposes, preservation of sites of national significance, demonstration projects, and historic meeting houses. One of the critical needs at this time is to complete the inventory of historic sites. Monies have tended to be used for "bucks and mortar" to preserve as much as possible rather than for inventory purposes.

TITLE III

Title III would require the President to make appointments to certain Federal offices with the advice and consent of the Senate. The offices, all of which are in the Department of the Interior, are: The Director of the Bureau of Land Management, the Director of the National Park Service, the Director of the Bureau of Outdoor Recreation, the Commissioner of Reclamation and the Governor of American Samoa.

It has long been the conviction of many of the members of the Interior Committee that many Federal officials who have a great deal of discretionary authority with respect to the Nation's public lands and its resources and who are, therefore, in important policymaking positions should be subject to Senate confirmation. Today, some are and many are not. There is no uniformity. This provision would be consistent with existing practice with respect to officials in similar positions, and in fact, in some cases Senate confirmation is required for offices having far less discretionary and policymaking authority, such as the Director of the Bureau of Mines, Department of the Interior, which is now mostly a factfinding and statistics-gathering agency.

TITLE IV

Title IV contains amendment offered by Senator Haskell during the last Congress and adopted by the Committee to amend section 35 of the Mineral Leasing Act of 1920 (30 U.S.C. 191) with respect to revenues from oil shale leases.

Section 35 of the Mineral Leasing Act provides that 37½ percent of the revenues from mineral leasing are paid to the State in which the public lands involved are located. The law requires that the States use this money "for the construction and maintenance of public roads or for the subject of public schools or other public institutions, as the legislature of the State may direct".

This amendment would permit each State to use its share of oil shale revenues for planning construction and maintenance of public facilities and provision of public services.

This Nation has recently embarked on a program of leasing those public lands for the development of our shale resources.

If, as seems likely, there is a substantial oil shale boom, State and local governments will have to provide a wide range of community service to large numbers of new residents. Roads and schools are just part of such services.

The need to provide the necessary flexibility to State and local governments to use funds derived from sales, bonuses, royalties, and rentals of public lands for oil shale development is obvious. The local people will bear the impact of helping to meet national energy needs. This provision will help provide the necessary planning and construction funds to help them.

The provisions contained in this amendment were passed last Congress by the Senate in S. 3009, also sponsored by Senator Haskell, and again this Congress as S. 834 on April 22, 1975.

SECTION-BY-SECTION ANALYSIS

TITLE I

Title I addresses the Land and Water Conservation Fund.

Section 101(a).—This subsection raises the minimum annual level of the Fund from the present \$300 million to \$1 billion.

Section 101(b).—This subsection raises the maximum percentage of allocated grant funds in any one year to which a State is entitled from the present 7 per centum to 10 per centum.

Section 101(c).—This subsection changes the match formula for land acquisition grant monies from the present 50-50 to 70-30.

Section 101(d).—This subsection requires States to submit their Statewide plans to the areawide clearing houses created under the Intergovernmental Cooperation Act for comment. The Secretary, in his review of the Statewide plans and of individual project applications, is directed to consider the comments of such clearing houses and/or the views of any local subdivision of the affected State provided the comments have first been submitted to the Governor.

Section 101(e).—This subsection provides for not to exceed 25 per centum of a State's annual allocation to be available for sheltered facilities.

Section 101(f).—This subsection provides that States account for funds received on a project-by-project basis.

Section 101(g).—This subsection clarifies the extent of the authority available to the Fish and Wildlife Service to employ Land and Water Funds for Endangered Species or Wildlife Refuge land acquisition.

TITLE II

Title II addresses the National Historic Preservation Act of 1966.

Section 201(a).—This subsection alters the existing 50-50 match formula for grants to 70-30 for (1) planning, (2) nationally significant properties, (3) demonstration projects, and (4) meeting houses.

Section 201(b).—Repeals the 50 per centum limit on planning.

Section 201(c).—Creates a five year, \$150 million per annum fund to provide funds for the purposes of the Historic Preservation Act.

TITLE III

Title III provides for Senate confirmation of future appointments to the office of: (1) Director of the Bureau of Land Management, (2) Director of the National Park Service, (3) Director of the Bureau of Outdoor Recreation, (4) Commissioner of Reclamation, and (5) Governor of American Samoa.

TITLE IV

Title IV expands the permissible uses to which States can put their share of revenues derived pursuant to the Mineral Leasing Act of 1920.

EXPLANATION OF AMENDMENTS

AMENDMENT 1

The proposed language in section 101(g) will clarify the types of fish and wildlife acquisition programs which qualify for Land and Water Conservation Fund financing. The amendment would clearly authorize the use of the fund for the protection of natural resources. Currently, the use of the fund for "Recreation at Refuges" is limited to the acquisition of land for incidental recreation purposes in areas within or adjacent to existing refuges as authorized by section 2 of the Act of September 28, 1962. The interpretation of incidental recreation with respect to that Act requires development of recreational facilities upon the lands acquired with the fund. Recreation is a product of each unit of the National Wildlife Refuge System and a worthy recreational experience does not necessarily require a special facility. A recreational experience on a refuge is similar to like experiences available within wilderness areas, scenic rivers or other undeveloped natural areas. The proposed amendment would resolve the question of recreational developments as a requirement for acquisition. It would clearly authorize the use of the fund to acquire needed additional lands and inholdings within national wildlife refuges to protect the integrity of the area for both wildlife and people.

The Department of the Interior has interpreted Section 7(a)(1) of the Land and Water Conservation Act which relates to the authorization of "areas now or hereafter authorized to be administered by the Secretary of the Interior for outdoor recreation purposes" to apply to any area administered by the Secretary with recreational value. Recreation is one of the many values of wetlands and natural areas, but because of the interpretation of this section by the Congress—that this relates to areas other than refuges—the Fish and Wildlife Service's use of LWCF to acquire natural areas has been limited. Thus far the Service has been directed by Congress to acquire specific lands for establishment of San Francisco Bay National Wildlife Refuge by Public Law 92-326. The precedent has been established for the use of the Land and Water Conservation Fund Act to acquire natural areas for refuge purposes, but only because of specific Congressional recommendation. The proposed amendment will clarify the language of the LWCF Act so that acquisition of new refuges other than those

which would qualify for migratory bird conservation funds can continue.

The Department of the Interior's briefing before the Senate Interior Committee, Subcommittee on Parks and Recreation, on February 5, 1975, presented the Fish and Wildlife Service's prospective LWCF acquisition program of \$453.7 million. About three-fourths of this program could be acquired under existing authorizations. The remainder would require special Congressional authorization. Over one-half the \$453.7 million target is for the acquisition of habitat for endangered and threatened species, the most important acquisition program within the Service. Appropriations for the Service's LWCF programs have never exceeded \$9.5 million in any one year, as compared to the acquisition program target of \$453.7 million. The amendatory language in section 101(g) including the proposed language change to subparagraph (c) would not substantially change the Service's prospective LWCF acquisition program of \$453.7 million. About \$18.3 million of the \$453.7 million represents acquisitions which could not be carried out under the existing authority.

AMENDMENT 2

This amendment would conform the text of subsection (e) to that of S. 288 which passed the Senate earlier this year.

S. 288 was the product of extensive hearings conducted during the 92nd and 93rd Congresses. As introduced S. 288 closely resembled the proposal submitted by the Administration during the 93rd Congress.

Similar legislation passed the Senate during the last Congress as an independent measure (S. 2473) and as a part of more extensive amendments to the Land and Water Conservation Fund Act (S. 3839).

The language provides for either completely enclosed facilities with permanent walls and roof or facilities protected by sun shades, wind screens, plastic bubbles (or geodesic domes) designed with permanent framing even though the walls and roof are opened or removed during the normal season for the activity.

Although the primary activity is restricted to swimming or ice skating, the amendment would not preclude the use of the facility for other secondary activities during the off season. For example, many communities are building ice rinks which have sun shades to maintain the ice surface on a continuous uninterrupted basis; a situation which could not normally be expected without a sunshade. Then during the summer when temperatures are warm and interest in skating is lower, the rink area is kept dry for the court games and other activities. The main point is that sheltering or enclosure would be allowable only when the primary purpose of the facility is swimming or ice skating. Enclosure of surface areas in addition to that required for the pool or rink would not be allowed. Multiple use is secondary.

The 25 percent applies to the total cost of the facility and not just to the cost of enclosure. For example, a \$500,000 sheltered pool might contain labor and material expenses of \$100,000 which could

be directly attributable to the enclosure. Nevertheless, the full \$500,000 would be charged against the States 25 percent. The Committee does not propose to allow States to use L&WCF monies to construct a pool or rink and then use their own funds for enclosure after the date of the amendment. In that situation, the amount of Fund assistance would be charged against the 25 percent limitation.

AMENDMENT 3

The purpose of this amendment is to establish the Advisory Council on Historic Preservation as an independent agency in the Executive Branch. The Advisory Council was created by the Historic Preservation Act of 1966 with two specific mandates to advise the Congress and the President on matters relating to historic preservation and to conduct the review under section 106 of Federal agency actions which might affect properties listed on the National Register of Historic Places.

The Council has had considerable difficulty in reviewing Department of the Interior actions since they are staffed by the National Park Service whose Director sits as Executive Director. In addition, the Council has had difficulty in formally supporting legislation, such as Title II of S. 327, which the Office of Management opposes. Dr. Clement M. Silvestro, testifying before the Committee in support of this amendment stated:

Now, Mr. Chairman, I would like to turn to the question in your letter of May 19, 1975, concerning the ability of the Council to provide independent advice to the President and the Congress. This question is particularly relevant to my testimony before you today. As I said earlier, the Council first considered the provisions of S. 327 at its August, 1974 meeting. After passing a supporting resolution, the Council's comments were referred to the Office of Management and Budget. The Office of Management and Budget did not favor sending the comments forward at that time. However, subsequent discussion with representatives of the Office of Management and Budget permitted us to forward our comments without OMB clearance, as we have done today. This exchange with the Office of Management and Budget is one example of the difficulties the Council has encountered as it has attempted to fulfill its responsibilities under the 1966 Act to provide independent advice relating to Historic Preservation.

When Congress passed the National Historic Preservation Act of 1966, Congress clearly intended that the Advisory Council serve the function of advising Congress, the President, and Federal agencies on an equal and independent basis. But a number of difficulties that could not be anticipated in 1966 have compromised the Council's independence.

In part, these difficulties are inherent to the organizational structure of the Council as established by the 1966 Act:

1. By law, the Director of the National Park Service serves as the Executive Director of the Council. In addition, the Council's staff are all presently classified as

employees of the National Park Service. This is despite the fact that some 250 cases, or one-fourth of the requests for comments in the last two years have been from the Department of the Interior.

2. Similarly, the Council's budget is treated as a part of the National Park Service budget. The Council's budget can only be established within limits set by the Department and the National Park Service. The Council cannot defend its budget in this process except through representatives of the Park Service. Moreover, any increase in Council funds requires a corresponding decrease in funds available to the Park Service for its programs.

3. Although the Council's need for independent legal services was recognized by the Department and the Council in early 1974, the two lawyers now employed by the Council cannot be classified as attorneys. As employees of the Park Service, they are subject to Department regulations which provide that all attorneys report to the Solicitor of the Department. Thus, despite the Department's recommendation that the Advisory Council have its own legal staff, the present legal council has a title without proper authorization.

4. In spite of the intent of the 1966 Act that the Council be independent, the Office of Management and Budget has classified the Council as a "Presidential Advisory Committee" subject to all the procedural restrictions of agencies in this category. The Office of Management and Budget has assigned the Department of the Interior to be responsible for assuring that the Council comply with the Advisory Committee Act. This means that the Department of the Interior controls the Council's procedures for holding and closing meetings, approving budget requests, receiving and reviewing reports to the President, and handling requests related to the Freedom of Information Act.

The Secretary of the Interior and the Director of the National Park Service have recognized that the present arrangement results in conflicts of interest. To achieve the original intent of Congress under the 1966 Act, the Council believes that amending legislation is needed, specifically, the Council recommends—

that the statutory designation of the Director of the National Park Service as Executive Director be repealed and that the Chairman, with the concurrence of the Council, have the authority to appoint the Executive Director; that the Executive Director be authorized to appoint the Council staff in the competitive service, including a limited number of supergrade positions;

that the Council be an independent agency and submit its annual budget requests, as a related agency of the Department of the Interior, simultaneously to the Office of Management and Budget and the Congress;

that the Council be authorized to provide its own legal services; and

that the Council be exempted from the provisions of the Federal Advisory Committee Act and be authorized to conduct its business in accordance with the provisions of the Administrative Procedure Act.

A number of other "housekeeping" amendments should be considered, relating to such matters as transfer of employees, hiring of consultants, procedures for requiring agency comments on properties determined eligible for inclusion in the National Register and increasing membership on the Council.

Finally, recognizing that the authorization provision of the 1966 Act only applies to Title I, the Council recommends that appropriation authorization language be included in Title II. In this regard, the Council recommends an authorization limited to \$1.25 million in Fiscal Year 76, with annual increments of \$250,000 through Fiscal Year 79.

This amendment would accomplish those goals.

COST OF THE MEASURE

Title I of S. 327 would not authorize any additional expenditures than are already authorized under existing statutes. For example, the \$700 + million backlog in the National Park Service is fully authorized and can be funded whether or not S. 327 is enacted. Title I of S. 327 makes the policy statement that to the extent possible Federal expenditures for recreation land acquisition and the preservation of our natural heritage should be paid for out of revenues generated by the depletion of our natural resources. With respect to the matching grant program, an additional \$420 million would become available if appropriated and unless otherwise specified in appropriation acts.

Title II of S. 327 would authorize \$150 million per annum for five years to achieve the purposes of the Historic Preservation Act of 1966. The authorized budget for the Advisory Council on Historic Preservation would be \$1.25 million for fiscal year 1976 with \$250,000 increments to fiscal year 1979.

Title III involves no expenditure of funds.

Title IV would not affect existing expenditures under the Mineral Leasing Act of 1920.

LEGISLATIVE HISTORY

Since the Land and Water Conservation Fund Act was first passed on the 88th Congress, it has been necessary, in order to achieve the original purpose of the legislation, to amend it several times by providing new sources of revenue and raising the level of the fund due to land price escalation and the increased recognition and identification of recreation needs. During the 93d Congress, S. 3839, which was identical to S. 327 as introduced, passed the Senate. S. 327 was the subject of hearings before the Subcommittee on Parks and Recreation on February 11, and June 19, 1975.

COMMITTEE RECOMMENDATION

On September 10, 1975, in open session of the Committee on Interior and Insular Affairs, with a quorum present S. 327 was unanimously ordered reported favorably to the Senate as amended.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, S. 327, 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):

SEC. 2 OF 6 OF THE LAND AND WATER CONSERVATION FUND ACT OF 1965, AS AMENDED (78 STAT. 897; 16 U.S.C. 460)

SEC. 2. (c) (1) In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the fund not less than \$200,000,000 for each of the fiscal years 1968, 1969, and 1970, [and not less than \$300,000,000 for each fiscal year thereafter through June 30, 1989.] *not less than \$300,000,000 for each of the fiscal years 1971 through 1974, and not less than \$1,000,000,000 for each of the fiscal years thereafter through June 30, 1989.*

(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund amount to \$200,000,000 [or \$300,000,000] *\$300,000,000 or \$1,000,000,000* for each of such fiscal years as provided in clause (1) an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended: *Provided*, That notwithstanding the provisions of section 4607-6 of this title, money's covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purpose of section 4607-1 to 4607-11 of this title.

* * * * *

SEC. 6. (b) Sums appropriated and available for State purposes for each fiscal year shall be apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

(1) two-fifths shall be apportioned equally among the several States; and

(2) three-fifths shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of section 4607-4 to 4607-11 of this title. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States.

The total allocation to an individual State under paragraphs (1) and (2) of this subsection shall not exceed [7] 10 per centum of the total amount allocated to the several States in any one year[.], *without regard to the 10 per centum limitation to an individual State specified in this subsection.*

* * * * *

(c) [Payments to any State shall cover not more than 50 per centum of the cost of planning, acquisition, or development projects that are undertaken by the State.] *Payments to any State shall not cover more than 50 per centum of the cost of planning or development projects, and not more than 70 per centum of the cost of acquisition projects, which are undertaken by the State.*

The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. No payment may be made to any State for or on account of any cost or obligation incurred or any service rendered prior to September 3, 1964.

(d) A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. *Each State requesting assistance under this Act shall submit its plan to all relevant areawide planning agencies designated pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1968 and for title IV of the Intergovernmental Cooperation Act of 1968. The Secretary is directed to consider any views or comments submitted to him by such agencies as well as by any subdivision of a State, which views have first been submitted to the Governor of such State, in his evaluation of the statewide plan and in his consideration of individual projects pursuant to subsection (f) of this section.* The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of sections 4607-4 to 4607-11 of this title. The plan shall contain—

(1) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of sections 4607-4 to 4607-11 of this title;

(2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

(3) a program for the implementation of the plan; and

(4) other necessary information, as may be determined by the Secretary.

* * * * *

(e) In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of projects or combinations thereof if they are in accordance with the State comprehensive plan:

(1) For the acquisition of land, waters, or interests in land or waters (other than land, waters, or interests in lands or waters acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition. Whenever a State provides that the owner of a single-family residence may, at his option, elect to retain a right of use and occupancy

for not less than six months from the date of acquisition of such residence and such owner elects to retain such a right, such owner shall be deemed to have waived any benefits under sections 4623, 4624, 4625, and 4626 of Title 42 for the purposes of those sections such owner shall not be considered a displaced person as defined in section 4601(6) of Title 42.

(2) [For development, including but not limited to site planning and the development of Federal lands under lease to States for terms of twenty-five years or more.] *Development.*—For development of basic outdoor recreation facilities to serve the general public, including the development of Federal lands under lease to States for terms of twenty-five years or more: Provided, however, That not more than 25 per centum of the total amount allocated to a State in any one year may be approved by the Secretary for the planning and development of sheltered facilities for swimming pools and ice skating rinks in areas where the Secretary determines that (1) the unavailability of land or climatic conditions provide no feasible or prudent alternative to serve identified unmet demands for recreation resources; and (2) the increased public use thereby made possible justifies the construction of such facilities.

(f) Payments may be made to States by the Secretary only for those planning, acquisition, or development projects that are approved by him. No payment may be made by the Secretary for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given him under any other Federal program or activity for or on account of any project with respect to which assistance has been given or promised under sections 4607-4 to 4607-11 of this title. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of individual projects: Provided, That the approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of the particular project, and to operate and maintain by acceptable standards, at State expense, the particular properties or facilities acquired or developed for public outdoor recreation use.

No payment shall be made to any State until the State has agreed to (1) provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under sections 4607-4 to 4607-11 of this title [and (2)] (2) provide to the Secretary not later than 90 days after the close of each fiscal year, a list of all projects funded during that fiscal year, including, but not limited to, a description of each project, the amount of Federal funds employed in such project, the source of other funds, and the estimated cost of completion of the project, and (3) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State under sections 4607-4 to 4607-11 of this title.

SEC. 7(a) (1) [Endangered Species and Threatened Species.—For lands, waters, or interests therein, the acquisition of which, is authorized under section 1534(a) of this title, needed for the purpose of conserving endangered or threatened species of fish or wildlife or plants.

Recreation at refuges.—For the incidental recreation purposes of section 460k-1 of this title; and]

NATIONAL WILDLIFE REFUGE SYSTEMS.—Acquisition for (a) Endangered Species and Threatened Species authorized under section 5(a) of the Endangered Species Act of 1973; (b) areas authorized by Section 2 of the Act of September 28, 1962 as amended (16 U.S.C. 460k-1); (c) national wildlife refuge areas under Section 7(a) (5) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(5)), except migratory waterfowl areas which are authorized to be acquired by the Migratory Bird Conservation Act of 1929, as amended (16 U.S.C. 715-715a); (d) any areas authorized for the National Wildlife Refuge System by specific acts; and

SELECTED SECTIONS OF THE NATIONAL HISTORIC PRESERVATION FUND ACT OF OCTOBER 15, 1966, AS AMENDED (80 STAT. 915, 16 U.S.C. 470)

SEC. 102(c) The Secretary may in his discretion waive the requirements of paragraph (3) of subsection (a) of this section for the purposes of making grants (i) for the preparation of statewide historic preservation plans and surveys and project plans, (ii) for projects to preserve historic properties of national significance, (iii) for projects to demonstrate methods and techniques of historic preservation, and (iv) for projects to restore certain historic properties with a view to designating and preserving such properties for use as meeting houses in connection with this Nation's bicentennial. Any grant made pursuant to this subsection may not exceed 70 per centum of the cost of a project, and the total of such grants made pursuant to this subsection in any one fiscal year may not exceed one-half of the funds appropriated for that fiscal year pursuant to section 108 of this Act.

[(c)] (d) No State shall be permitted to utilize the value of real property obtained before October 15, 1966, in meeting the remaining cost of a project for which a grant is made under sections 470 to 470b and 470c to 470n of this title.

SEC. 103. (a) The amounts appropriated and made available for grants to the States for comprehensive statewide historic surveys and plans under sections 470 to 470b and 470c to 470n of this title shall be appropriated among the States by the Secretary on the basis of needs as determined by him: [Provided, however, That the amount granted to any one State shall not exceed 50 per centum of the total cost of the comprehensive statewide historic survey and plan for that State, as determined by the Secretary.]

SEC. 106. The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking

in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under title II of this Act a reasonable opportunity to comment with regard to such undertaking.

SEC. 108. [To carry out the provisions of sections 470a, 470b and 470c to 470h of this title, there are authorized to be appropriated not more than \$15,600,000 in fiscal year 1974, \$20,000,000 in fiscal year 1975, and \$24,400,000 in fiscal year 1976. Such appropriations shall be available for the financial assistance authorized by sections 470a, 470b and 470c to 470h of this title and for the administrative expenses of the Secretary in connection therewith, and shall remain available until expended.]

SEC. 108. To carry out the provisions of this Act, there is hereby established in the Treasury of the United States a special fund to be known as the National Historic Preservation Fund (hereafter referred to as the "Fund"). During the period commencing July 1, 1974, and ending June 30, 1979, there shall be covered into such Fund \$150,000,000 annually from revenues due and payable to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462, 469), as amended (43 U.S.C. 1338, and/or under the Act of June 4, 1920 (41 Stat. 813), as amended (30 U.S.C. 191), which otherwise would be credited to miscellaneous receipts of the Treasury. Such moneys shall be used only to carry out the purposes of this Act. Moneys covered into the Fund shall be available for expenditure only when appropriated therefor. Any moneys not appropriated shall remain available in the Fund until appropriated for said purposes: Provided, That appropriations made pursuant to this paragraph may be made without fiscal year limitation.

SEC. 201. (a) There is established as an independent agency of the United States Government an Advisory Council on Historic Preservation (hereinafter referred to as the "Council") which shall be composed of [twenty] twenty-eight members as follows:

- (1) The Secretary of the Interior.
- (2) The Secretary of Housing and Urban Development.
- (3) The Secretary of Commerce.
- (4) The Administrator of the General Services Administration.
- (5) The Secretary of the Treasury.
- (6) The Attorney General.
- (7) The Secretary of Agriculture.
- (8) The Secretary of Transportation.
- (9) The Secretary of State.
- (10) The Secretary of Defense.
- (11) The Secretary of Health, Education, and Welfare.
- (12) The Chairman of the Council on Environmental Quality.
- (13) The Chairman of the Federal Council on the Arts and Humanities.

(14) [9] The Secretary of the Smithsonian Institution.

(15) [10] The Chairman of the National Trust for Historic Preservation.

(16) The President of the National Conference of State Historic Preservation Offices.

(17) Twelve [(11) Ten] appointed by the President from outside the Federal Government. In making these appointments, the President shall give due consideration to the selection of officers of State and local governments and individuals who are significantly interested and experienced in the matters to be considered by the Council.

(b) Each member of the Council specified in paragraphs (1) through (16) [10] of subsection (a) of this section may designate another officer of his [department or agency] department, agency, or organization to serve on the Council in his stead.

(c) Each member of the Council appointed under paragraph [11] (17) of subsection (a) of this section shall serve for a term of five years from the expiration of his predecessor's term; except that the members first appointed under that paragraph shall serve for terms of from one to five years, as designated by the President at the time of appointment, in such manner as to insure that the terms of not less than one nor more than two of them will expire in any one year.

* * * * *

(e) The Chairman and the Vice Chairman of the Council shall be designated by the President. During the absence or disability of the Chairman or when the office is vacant, the Vice Chairman shall act in the place of the Chairman.

(f) [Eleven] Fifteen members of the Council shall constitute a quorum.

[(g) The Council shall continue in existence until December 31, 1985.]

* * * * *

SEC. 204. The members of the Council specified in paragraphs (1) through (16) [10] of section 470i(a) of this title shall serve without additional compensation. The members of the Council appointed under paragraph (17) [11] of section 470i(a) of this title shall receive \$100 per diem when engaged in the performance of the duties of the Council. All members of the Council shall receive reimbursement for necessary travelling and subsistence expenses incurred by them in the performance of the duties of the Council.

SEC. 205. (a) There shall be an Executive Director of the Council who shall be appointed in the competitive service by the Chairman with the concurrence of the Council. The Executive Director shall report directly to the Council and perform such functions and duties as the Council may prescribe.

(b) The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor. The Executive Director shall appoint such other attorneys as may be necessary to assist the General Counsel, represent the Council

in courts of law whenever appropriate, assist the Department of Justice in handling litigation concerning the Council in courts of law, and perform such other legal duties and functions as the Executive Director and the Council may direct.

(c) *The Executive Director of the Council may appoint and fix the compensation of such officers and employees in the competitive service as are necessary to perform the functions of the Council at rates not to exceed that now or hereafter prescribed for the highest rate for grade (15) if the General Schedule under Section 5332 of title 5, United States Code; Provided, however, That the Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed five employees in the competitive service at rates not to exceed that now or hereafter prescribed for the highest rate of grade 17 of the General Schedule under section 5332 of title 5, United States Code.*

(d) [(b)] *The Council shall have power to appoint and fix the compensation of such additional personnel as may be necessary to carry out its duties, without regard to the provisions of the civil service laws and chapter 51 and subchapter III of chapter 53 of Title 5.*

[(c) *The Council may also procure, without regard to the civil service laws and chapter 51 and subchapter III of chapter 53 of Title 5, temporary and intermittent services to the same extent as is authorized for the executive departments by section 55a of Title 5, but at rates not to exceed \$50 per diem for individuals.*]

(e) *The Executive Director of the Council is authorized to procure expert and consultant services in accordance with the provisions of section 3109 of title 5, United States Code.*

(f) [(a) *The Director of the National Park Service or his designee shall be the Executive Director of the Council.*] *Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the Secretary of the Interior: Provided, That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments (section 46e of Title 5) shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of said Secretary for the administrative control of funds (section 665(g) of Title 31) shall apply to appropriations of the Council: And provided further, That the Council shall not be required to prescribe such regulations.*

(g) [(d)] *The members of the Council specified in paragraphs (1) through (9) of section 470i(a) of this title shall provide the Council, on a reimbursable basis, with such facilities and services under their jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such facilities and services are requested by the Council and are otherwise available for that purpose. [To the extent of available appropriations, the Council may obtain, by purchase, rental donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties.]*

The members of the Council specified in paragraphs (1) through (15) of section 201(a) shall provide the Council, with or without

reimbursement as may be agreed upon by the Chairman and the members, with such funds, personnel, facilities, and services under their jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. To the extent of available appropriations, the Council may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties.

SEC. 207. *So much of the personnel, property, records and unexpended balances of appropriations, allocations, and other funds employed, held, used, programmed, or available or to be made available by the Department of the Interior in connection with the functions of the Council, as the Director of the Office of Management and Budget shall determine, shall be transferred from the Department to the Council within 60 days of the effective date of this Act.*

SEC. 208. *Any employee in the competitive service of the United States transferred to the Council under the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer.*

SEC. 209. *The Council is exempt from the provisions of the Federal Advisory Committee Act (86 Stat. 770), and the provisions of the Administrative Procedure Act (80 Stat. 381) shall govern the operations of the Council.*

SEC. 210. *Whenever the Council transmits any legislative recommendations, or testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit copies thereof to the House Committee on Interior and Insular Affairs and the Senate Committee on Interior and Insular Affairs. No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress. In instances in which the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of such actions in its legislative recommendations, testimony, or comments on legislation which it transmits to the Congress.*

SEC. 211. *The Council is authorized to promulgate such rules and regulations as it deems necessary to govern the implementation of Section 106 of this Act.*

SEC. 212. (a) *The Council shall submit its budget annually as a related agency of the Department of the Interior. To carry out the provisions of this title, there are authorized to be appropriated not more than \$1,250,000 in fiscal year 1976, \$1,500,000 in fiscal year 1977, and \$1,750,000 in fiscal year 1978, and \$2,000,000 in fiscal year 1979.*

(b) *Whenever the Council submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the House and Senate Appropriations Committees and the House Committee on Interior and Insular Affairs and the Senate Committee on Interior and Insular Affairs.*

TITLE 5 U.S.C.

§ 5316. Positions at level V

Levle V of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is \$26,000:

- (1) Administrator, Agricultural Marketing Service, Department of Agriculture.

* * * * *

(135) Executive Director, Advisory Council on Historic Preservation.

SEC. 35 OF THE MINERAL LEASING ACT OF FEBRUARY 25, 1920, AS AMENDED (41 STAT. 450; 30 U.S.C. 191)

* * * * *

SEC. 35. All money received from sales, bonuses, royalties, and rentals of public lands under the provisions of this chapter shall be paid into the Treasury of the United States; 37½ per centum thereof shall be paid by the Secretary of the Treasury as soon as practicable after December 31 and June 30 of each year to the State within the boundaries of which the leased lands or deposits are or were located; said moneys to be used by such State or subdivision thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct; and, excepting those from Alaska, 52½ per centum thereof shall be paid into, reserved and appropriated, as a part of the reclamation fund created by the Act of Congress known as the Reclamation Act, approved June 17, 1902, and of those from Alaska 52½ per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof: *Provided*, That all moneys which may accrue to the United States under the provisions of this chapter from lands within the naval petroleum reserves shall be deposited in the Treasury as "miscellaneous receipts", as provided by the Act of June 4, 1920 (41 Stat. 813), as amended June 30, 1938 (52 Stat. 1252) [.] : *And provided further*, That all moneys paid to any State from sales, bonuses, royalties, and rentals of oil shale in public lands may be used by such State and its subdivisions for planning, construction and maintenance of public facilities, and provision of public services, as the legislature of the State may direct giving priority to those subdivisions of the State socially or economically impacted by the development of the resource. All moneys received under the provisions of this chapter not otherwise disposed of by this section shall be credited to miscellaneous receipts.

* * * * *

DEPARTMENTAL REPORTS

The reports of the Department of the Interior, and the Advisory Council on Historic Preservation are set out in full as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 9, 1975.

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

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on S. 327, a bill "To amend the Land and Water Conservation Act of 1965 as amended and to establish the National Historic Preservation Fund."

We recommend against the enactment of S. 327 because we believe that such a massive increase in the authorized level of the Fund at this time would jeopardize the Administration's efforts to hold down Federal spending.

Title I of S. 327 would increase the existing \$300 million annual income level of the Land and Water Conservation Fund to \$1 billion each fiscal year through fiscal year 1989 by utilizing Outer Continental Shelf mineral leasing receipts. The bill would also amend the Land and Water Conservation Fund Act to increase the percentage of the total State allocation available to any one State from 7 percent to 10 percent and allow a State to use up to 50 percent of its share for planning or development projects and up to 70 percent for land acquisition. In addition, the bill would require a State requesting assistance from the Fund to submit its plan to the areawide planning agencies designated under Section 204 of the Demonstration Cities and Metropolitan Development Act of 1968 and for Title IV of the Intergovernmental Cooperation Act of 1968. The States would also be authorized to use not more than 25 percent of their total annual allocation for the planning and development of sheltered facilities for recreation activities normally pursued outdoors under certain conditions. The bill would also amend the Act to authorize funds for the acquisition of lands for inclusion in the National Wildlife Refuge System administered by the Fish and Wildlife Service of this Department.

Title II would amend Section 108 of the Act of October 15, 1966 (80 Stat. 915) to authorize the Secretary of the Interior to waive the 50 percent matching requirement with respect to Statewide historic preservation plans and project plans, but would require that any such grant not exceed 70 percent of the cost of such plans. In addition, Title II would amend Section 108 of the 1966 Act by creating a separate fund in the Treasury of the United States, termed the "national historic preservation fund," from which appropriations may be made for grant purposes. This fund would comprise \$150 million annually derived from revenues due and payable to the United States under the Outer Continental Shelf Lands Act and/or the Act of June 4, 1920, the Mineral Leasing Act.

Title III would require the Presidential appointment and Senate confirmation of the Directors of the Bureau of Land Management, National Park Service and Bureau of Outdoor Recreation as well as the Governor of America Samoa and the Commissioner of Reclamation.

Title IV would authorize the States to use their share of the receipts from oil shale leases on public lands for the planning, construction and maintenance of such public facilities and services as the State legislature may direct. Current law now limits the State's use of such receipts to the construction and maintenance of public roads or for the support of public school or other public educational institutions. We would note that separate legislation (S. 834) similar to Title IV of S. 327 passed the Senate on April 22, 1975.

The Land and Water Conservation Fund Act of 1965. (P.L. 88-578; 78 Stat. 897) established a fund in the United States Treasury to provide a program for (1) the acquisition of lands for federally administered recreation areas; and (2) matching grants to State and local governments for planning, acquisition and development of recreation lands and facilities. The Fund is administered by the Bureau of Outdoor Recreation of this Department and revenues are derived from the sale of Federal surplus real property, the Federal motorboat fuel tax, and Outer Continental Shelf mineral receipts.

The amount of land authorized to be acquired with funds from the LWCF and the value of this land has increased substantially since the enactment of the program. For example, the National Park Service will have approximately \$573 million worth of land to acquire after fiscal year 75. This includes over \$215 million of land at Big Cypress, Big Thicket, and Cuyahoga National Recreation Area which are areas that the Congress directed that the acquisition be substantially completed within six years.

However, our economy today is plagued by the twin problems of inflation and recession. Unless we develop a strategy both to reduce the rate of inflation and selectively to stimulate recovery, our economy and the high standard of living it has brought us will be imperiled. Meeting our economic goals of recovery and future growth without an eroding inflation rate is a more immediate priority than increasing the funding authorization for these programs.

As you are aware there is \$262 million currently authorized for the Land and Water Conservation Fund but not appropriated to date. This amount excludes the \$300 million recommended in the President's Budget for 1976. If fiscal policy constraints can be diminished in the future, we could propose as a Departmental budget initiative the use of the approximately \$200 million portion of these unappropriated funds which is not needed to repay advances to the Fund to finance the acquisition of authorized lands. This could be done without increasing the authorized level of the Fund at this time.

The Act of October 15, 1966 (80 Stat. 915), was a landmark in this Nation's commitment to preserve the significant aspects of our historic heritage at all levels—Federal, State and local. The 1966 Act authorized matching grants to the States and the National Trust for Historic Preservation in the United States for planning and for projects having as their purpose the acquisition and development of "any district, site, building, structure, or object that is significant in American history, architecture, archeology, and culture." Since the 1966 Act was passed, a total of more than \$52 million has been appropriated for grants to States, and the National Trust, for State, local, and private historic

preservation projects and plans. Active projects to preserve historic districts, sites, and structures are now continuing in all 50 States, the District of Columbia, American Samoa, and Guam.

As it was last amended by Public Law 93-54 of July 1, 1973, 87 Stat. 139, the Act authorizes funds for grants only through fiscal year 1976. We have recently transmitted to the 94th Congress a legislative proposal which would amend the existing law to extend the authorization through fiscal year 1978 at the fiscal year 1976 level of \$24.4 million.

This recommendation is consistent with the President's moratorium on new Federal spending programs other than those involving energy production, national defense and certain humanitarian efforts, and his stated policy to avoid excessive growth of Federal spending in the long run.

The Office of Management and Budget has advised that there is no objection to the presentation of this report and that enactment of S. 327 would not be in accord with the President's program.

Sincerely yours,

NATHANIEL P. REED,
Assistant Secretary of the Interior.

TITLE II of S. 327,

A BILL TO AMEND THE LAND AND WATER CONSERVATION FUND ACT OF 1965, AS AMENDED, AND TO ESTABLISH THE NATIONAL HISTORIC PRESERVATION FUND, AND FOR OTHER PURPOSES

A Report of the Advisory Council on Historic Preservation to the Senate Committee on Interior and Insular Affairs, Subcommittee on Parks and Recreation, June 1975.

Title II of S. 327 would amend the National Historic Preservation Act of 1966 to (1) authorize the Secretary of the Interior, in his discretion; to make grants to States of up to 70 percent of the costs for the preparation of statewide historic preservation plans, surveys and project plans; for projects to preserve nationally significant historic properties; for demonstration projects; and for restoration of certain historic properties for use as meeting houses in connection with the Nation's Bicentennial; and (2) establish a special fund in the Treasury of the United States to be known as the National Historic Preservation Fund with \$150 million covered into that fund annually through June 30, 1979, from revenues accruing to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462, 469), as amended (43 U.S.C. 1338) and/or under the Act of June 4, 1920 (41 Stat. 813), as amended (30 U.S.C. 191).

At its meeting of August 8, 1974, the Advisory Council reviewed legislation then pending before the 93rd Session, a bill that was identical to S. 327. The Council considered the provisions of Title II, as well as the Administration's opposition to the bill on economic grounds. Except for the abstention of the Secretary of the Interior's representative, the Council voted unanimously to support the provisions now contained in S. 327, and adopted the following Resolution:

Whereas the Advisory Council on Historic Preservation is charged by the National Historic Preservation Act with advising the President and Congress on matters involving historic preservation; and

Whereas the Advisory Council on Historic Preservation, at its meeting of August 8, 1974, considered proposed amendments to the Land and Water Conservation Fund Act which would establish a National Historic Preservation Fund, now, therefore, be it hereby

Resolved, That the Advisory Council on Historic Preservation endorses the concept of using funds derived from nonrenewable energy resources to preserve nonrenewable historic and cultural resources as proposed in H.R. 15357 and S. 3806; and further

Resolved, That the Advisory Council on Historic Preservation finds that the proposal to expand the National Register

funding program by increasing appropriations to match the States' capability is a viable concept, to be undertaken at such time as the economic situation of the country will permit.

Adopted August 8, 1974.

The Advisory Council's experiences throughout the Nation indicate that the major obstacle facing preservation in America today is lack of adequate funding. The Council's report, "Historic Preservation: Federal-State Cooperative Efforts," (June 1975), which is based on a survey of State Historic Preservation Officers in forty-nine States and three Territories, indicates that over thirty-five States believed lack of funding was the greatest obstacle toward achieving satisfactory preservation programs in the States.

By itself, funding is not a panacea. A comprehensive national preservation program requires tax incentives, legal sanctions, and a variety of administrative mechanisms. But the single most important element in such a program is adequate funding. This guarantees a systematic approach to preservation, ensuring that all efforts are cumulative and coordinated, rather than fragmentary and contradictory.

First of all, the Advisory Council notes the importance of adequate funding for *inventory*, the basis of all successful preservation programs. In a large number of the approximately 1000 cases and 600 Environmental Impact Statements before the Council for review under Section 106 of the 1966 Act and the National Environmental Policy Act of 1969, the Council has found the initial problem to be that existing historic resources have not been identified. In order to develop a responsible preservation program, it is imperative to identify existing resources, then to evaluate them for registration and planning purposes, and finally to allocate funds for the preservation of those resources in accordance with national, State and local preservation priorities.

When resources are not identified until late in project planning, or when there are insufficient funds to develop a feasible and prudent preservation plan, then historic resources are lost to so-called progress. When resources are not identified, then they are inadvertently lost—as occurred, for example, in the loss of the 1846 railroad terminal in Salem, Massachusetts, one of the first such stations in the United States—which was demolished before its significance was recognized.

To prevent such occurrences in the future, our present inventory efforts must be intensified. The National Register only lists about 10,000 properties at this time out of an estimated total in excess of 50,000 when the Register is complete. The major cause of this lag is lack of funds. The National Park Service has stated that less than 5 percent of the grants to the States are used for inventory purposes. Given limited funds, the States have had to use most of their monies for "bricks and mortar" preservation of already inventoried properties in imminent danger of loss. S. 327 would increase the Federal matching share to 70 percent. This would be a significant step in assisting the States and localities to develop effective preservation programs. It would also expedite Federal activities affecting historic resources, as an agency could rely on State inventories when preparing required environmental assessments.

One result of the current funding situation is that the backlog of work to be done in identifying and preserving properties will continue to increase. If the program is left unchanged, in a few years such massive funding may be required to eliminate the backlog that it may not be possible to reach a state of parity with the needs. This would be a crucial problem because the current preservation movement has shifted from the preservation of nationally significant sites pursuant to the Historic Sites Act of 1935 and the preservation of individual sites of State or local importance under the 1966 Act to the conservation of basic elements of the human environment. This is particularly true in urban areas. Entire neighborhoods are now the focus for preservation, although they would not have met the older tests of outstanding historical or architectural merit. Areas of cultural significance, such as Chinatown in Honolulu, or Beale Street in Memphis, benefit from the present Federal preservation programs. In this manner, preservation becomes more relevant to a broader segment of American society and local enthusiasm for the program continues to increase. Federal participation should keep pace with this expanding base of support.

If the Federal government continues to emphasize this broader concept of historic preservation, then funding for preservation can begin to have more significant side benefits. A particularly timely secondary benefit is the conservation of our raw materials and energy resources.

The value of recycling existing buildings, long recognized in Europe, is evidenced in S. 865, the "Public Buildings Cooperative Use Act," which directs that the General Services Administration utilize existing buildings to satisfy Federal space requirements wherever feasible and prudent, rather than using new construction. While the cost of rehabilitation may not be less than the cost of new construction in every case, the savings of raw materials and the fact that older buildings require less energy for heating and cooling make this a sound approach consistent with national energy policy. Similarly, increasing the Federal share for funding will facilitate certain projects which, at the 50 percent ratio, the States are unable to undertake unless other projects are sacrificed.

This is appropriate for demonstration projects that may provide benefits to the national preservation movement through pioneering new technology or innovative reuse of a building and also where a project involving a nationally significant property would siphon off funds from local projects. For example, rather than have the Federal government actually undertake a massive project, such as the preservation of Chicago's historic skyscrapers, increasing the Federal share will enable the States and localities to do this while not totally depleting the State's preservation budget. This approach is consistent with the "Federal-State partnership" envisioned under the 1966 Act. As of today, rising costs of preservation in the face of an inadequate funding authorization and the 50 percent matching requirement have effectively reduced the Federal input into the partnership. New programs such as general revenue sharing have failed to supplement the existing program. In the Council's survey of State Historic Preservation Officers, 90 percent indicated that revenue sharing has not benefitted historic preservation in their State. Over one-third of the responses stated

that revenue sharing had actually been disadvantageous, as less Federal grant money is now available for preservation. The increasing local and State interest in the preservation grant program creates a situation where the States are now capable of exceeding the Federal matching capability under the 1966 Act. The National Park Service's figures indicate that the States, the National Trust and the Territories had a matching capability for fiscal year 1975 of \$158,978,458 while the Federal capability for that same year was \$20 million, or less than 13 percent of the non-Federal matching capability.

It is also useful to look at the cost of not enacting Title II of S. 327. The historic resources of this country continue to be depleted daily. Much of this attrition is induced by economic pressures, such as detrimental Federal tax policies addressed in S. 667, the proposed "Historic Structures Tax Act" pending before the Senate Committee on Finance. The costs of maintenance and rehabilitation continue to rise, jeopardizing such properties as the Marquette Building in Chicago and the Wainwright Building in St. Louis. In Washington, D.C., experience with rehabilitation of the Old Post Office and the Willard Hotel emphasizes that the costs of preservation continue to rise at a rapid rate. In many instances, it is no longer feasible for the private sector to preserve these structures. Immediate Federal action is required. Failure to act would mean writing off many important properties in the Nation's patrimony simply because it will soon become too expensive to act.

Human needs must also be considered. In some cities the community has fought to revive older sections of the city because of the importance of that area to the human environment, in addition to the intrinsic historic or architectural merit of the physical structures. Pike Place Market in Seattle is such an area. Here, a way of life is being preserved, not just the physical vestiges of our past. The preservation grants program can be a catalyst for this kind of positive local initiative. However, if funding continues to be inadequate, the stimulus will be lacking and the decay of older neighborhoods will only accelerate, resulting in loss of irreplaceable resources.

The Advisory Council's past experiences indicate that the Federal funding provided by S. 327 will stimulate vigorous local response. Throughout the Nation, when resources are identified and planning funds exist to explore alternative methods for preservation, a constituency builds around a property and community support enables a preservation project to proceed.

In reviewing S. 327 and the \$150,000,000 authorization level, it is important to note that not all old buildings should be preserved. Each property must be evaluated separately. The funding proposed by S. 327 would be the initial step in this direction. Now, because of the lack of a sufficient inventory to evaluate the relative significance of properties, preservation funding decisions are made without true reflection of preservation priorities, an essential factor when dealing with limited financial resources. The proposed funding level would initiate a new stage in the preservation movement, one in which a *systematic consideration and evaluation of our resources* would be undertaken. The amount authorized by S. 327 is by no means all that is required. It does not meet the States' matching capability for fiscal year 1975, let alone 1976, nor does it meet the approximate \$400,000,000 annual need

estimated in the National Park Service's report, "Project Protection" or by the State Historic Preservation Officers. S. 327 is, nevertheless, a major step forward. It creates an improved funding mechanism to meet the objectives articulated by the Congress in 1966 and provides a substantially increased funding level. In addition, the assurance of multi-year funding at this level will enable the Federal government, in cooperation with the States and localities, to stop the increasing backlog of unfunded projects and to undertake proper and timely identification and planning actions regarding historic properties.

It is within this context that the Advisory Council endorses the enactment of Title II of S. 327.

THE STATUS OF THE ADVISORY COUNCIL ON HISTORIC PRESERVATION UNDER THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

A Report of the Advisory Council on Historic Preservation to the Senate Committee on Interior and Insular Affairs, Subcommittee on Parks and Recreation, June 1975.

This report summarizes the principal administrative and substantive issues of concern to the Advisory Council on Historic Preservation in carrying out its responsibilities under the National Historic Preservation Act of 1966.

Title II of the National Historic Preservation Act (80 Stat. 915), as amended (84 Stat. 204, 87 Stat. 139), authorized the establishment of the Advisory Council on Historic Preservation to advise the President and the Congress on matters relating to historic preservation; to comment on Federal, federally assisted and federally licensed undertakings affecting properties listed on the National Register of Historic Places; to recommend measures to coordinate Federal, State and local activities and private efforts in the field of historic preservation; and to coordinate the United States' membership in the International Centre for the Study of the Preservation and Restoration of Cultural Property.

The Council is composed of ten ex officio members—the Secretaries of the Interior, Housing and Urban Development, Commerce, the Treasury, Agriculture, and Transportation, the Attorney General, the Administrator of the General Services Administration, the Secretary of the Smithsonian Institution, and the Chairman of the National Trust for Historic Preservation and the ten non-Federal members appointed by the President. A member, designated by the President, serves as Chairman.

The 1966 Act specifies that the Director of the National Park Service or his designee, shall serve as Executive Director of the Council and that the Secretary of the Interior shall provide the Council financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) on a reimbursable basis.

Although it was the clear intent of the Congress in the 1966 Act, it has become increasingly difficult for the Council to provide advice to the President and the Congress pursuant to Section 202(a)(1) and to comment upon Federal undertakings pursuant to Section 106 on an equal and independent basis. The following factors, which result from the language of the 1966 Act, contribute to this difficulty:

1. Since the Council's establishment, its budget has been a part of the National Park Service's budget as a sub-line item under Preservation of Historic Properties.¹⁷ This means that the Council must channel all requests for budget increases through the National Park Service, instead of representing itself independently before the Office of Management and Budget and the Congress.

This status as a sub-line item also forces the Council into counter-productive competition with the National Park Service's and the Department of the Interior's preservation programs. As it stands now, any increase in the Council's budget requires a corresponding decrease in historic preservation program activities of the Department.

2. Similarly, since the Council's establishment, its staff have all been employees of the National Park Service. This has caused certain difficulties. For example, when the Gettysburg tower controversy came before the Council pursuant to Section 106, National Park Service employees were responsible both for proposing the undertaking and for conducting the Council's professional investigation and evaluation of the undertaking. This is a continuing problem. Of the almost 1000 requests for Council comments pursuant to Section 106 in the last two years, 25% involved agencies of the Department of the Interior.

3. From the time of the Council's establishment until February 24, 1974, the Department of the Interior's Solicitor's Office provided all legal services for the Council. By early 1974, the jurisdictional conflict was apparent and led to the decision of the Solicitor's Office that it could no longer provide legal services to the Council. The Solicitor's Office further stated that "Because the Council is not a part of the Department of the Interior and because the Department, including its agencies, is subject to the Council's jurisdiction pursuant to the National Historic Preservation Act and Executive Order 11593 'Protection and Enhancement of the Cultural Environment,' the Council should give consideration to retaining its own legal staff." Since that date the Chairman of the Council has designated a Council staff member, an attorney, as Legal Counsel. However, because the present legal counsel is technically an employee of the National Park Service he cannot be classified as an attorney under existing regulations of the Department. Hence, he has a title without authorization.

4. Furthermore, pursuant to the Federal Advisory Committee Act, the Office of Management and Budget has classified the Council as a "Presidential Advisory Committee" and has assigned regulatory responsibility for the Council under that Act to the Department of the Interior. The Department's responsibilities include designating the "Federal employee" required by the Act to hold meetings, approving meeting closing requests, approving budget requests, receiving and reviewing reports to the President, and handling Freedom of Information Act requests. This means that one Council member, the Department of the Interior, effectively controls the operation of the Council as if it were a subordinate advisory body composed of private citizens selected to advise a single agency.

The Department and the National Park Service have cooperated to the extent possible to enable the Council independently to fulfill its responsibilities. Nevertheless, the 1966 Act created an organizational relationship that can only be corrected through legislative action. The Department and the National Park Service have recognized the need to provide the Council with the independent status envisioned in the

1966 Act. Jointly they have supported actions in furtherance of independence for the Council by requesting the Office of Management and Budget to make the Council a "related agency" of the Department for budget purposes and offering to take whatever administrative steps are possible to give the Council maximum independence during the interim period while legislation is being developed.

In order to give the Council the ability to provide the independent expert advice envisioned by the Congress in the 1966 Act, the Council recommends that amending legislation provide:

That the statutory designation of the Director of the National Park Service as Executive Director be repealed and that the Chairman, with the concurrence of the Council, have the authority to appoint the Executive Director in the competitive service;

That the position of the Executive Director be placed at Executive Level V of the Executive Schedule;

That the Executive Director be authorized to appoint the Council staff in the competitive service, including a limited number of supergrade positions;

That the Council be an independent agency of the United States and submit its annual budget requests, as a related agency of the Department of the Interior, simultaneously to the Office of Management and Budget and the Congress. (The Department would continue to provide financial and administrative services on a reimbursable basis in order to avoid duplication of administrative costs.);

That the Council be authorized to provide its own legal services; and

That the Council be exempted from the provisions of the Federal Advisory Committee Act and be authorized to conduct its business in accordance with the provisions of the Administrative Procedure Act.

For administrative purposes, other amendments to the 1966 Act should cover such items as providing for the transfer of present National Park Service employees assigned to the Council to the Council directly, creating the office of Vice Chairman, and providing for assistance from Federal members to the Council in the conduct of its activities.

With respect to the substantive work of the Council, Section 106 requires Federal agencies to provide the Council with a reasonable opportunity to comment on their undertakings that affect properties listed on the National Register of Historic Places. Since 1966, the National Environmental Policy Act of 1969 and Executive Order 11593 of 1971 have expanded the Council's review responsibilities, conducted pursuant to the Council's procedures (36 C.F.R. 800), to include properties that are eligible for inclusion in the National Register. Recognition of these existing responsibilities, by amendment of Section 106 to include "properties eligible for inclusion in the National Register," would clarify and support the Council's present project review activities.

As noted above, the Council has been involved in the review of some 1,000 projects in the last two years. These undertakings have involved all of the major Federal agencies. An important aspect in the Council's

consideration of these matters is the benefit of having the principal Federal agencies with cases before the Council serving on the Council. Based on the Council's experience, these members have been particularly responsive to the Council's recommendations. In order to promote the effectiveness of the Council's recommendations and comments, it is desirable to add several new Federal members, some of whom now sit with the Council as invited participants at all meetings. The Council recommends that consideration be given to adding the Secretaries of Defense; Health, Education and Welfare; and State; the Chairman of the Council on Environmental Quality and the Chairman of the Federal Council on the Arts and Humanities to the Council. Because the private sector component of the Council's membership is extremely important in determining the public interest in matters before the Council, any new legislation should also provide for Presidential appointment of additional non-Federal members to maintain an equal balance with the Federal members. With respect to the Council's non-Federal membership, in recognition of the partnership approach to preservation between the Federal government and the States, the President of the National Conference of State Historic Preservation Officers should be added as a non-Federal, ex officio member. These additions would give the Council a total membership of 28, equally shared by Federal and non-Federal representation.

Finally, it should be recognized that in its current form Section 108, the authorization provision of the 1966 Act, only authorizes the expenditure of funds to carry out the provisions of Title I of the Act. To provide a specific appropriation authorization for the Council under Title II would be consistent with the Council's independent status. In this regard, the authorized funding level should be sufficient to enable the Council to meet all of its statutory responsibilities. Recognizing that the Council's funding level has remained relatively unchanged since fiscal year 1972, the Council recommends a budget level of \$1.5 million for fiscal year 1976 with annual increments through fiscal year 1979 to keep pace with rising costs and an increasing workload.

Attached is a draft bill incorporating the material discussed above. If enacted into law, the bill would better implement the original intent of the Congress to establish an independent Advisory Council on Historic Preservation and would result in a significantly more effective national historic preservation program.

A BILL To amend the Act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of October 15, 1966 (80 Stat. 915), as amended (84 Stat. 204; 87 Stat. 139) is further amended in the following respects:

(a) Section 106 is amended by inserting after the words "included in" the phrase "or eligible for inclusion in".

(b) Section 201 (a) is amended by—

(1) inserting after the word "established" the phrase "as an independent agency of the United States government".

(2) striking the phrase "twenty members" and inserting in lieu thereof the phrase "twenty-eight members".

(3) adding the following after paragraph (8) and renumbering paragraphs "(9)" and "(10)" as paragraphs "(14)" and "(15)":

"(9) The Secretary of State.

"(10) The Secretary of Defense.

"(11) The Secretary of Health, Education and Welfare.

"(12) The Chairman of the Council on Environmental Quality.

"(13) The Chairman of the Federal Council on the Arts and Humanities.

(4) inserting the following new subsection:

"(16) The President of the National Conference of State Historic Preservation Officers."

(5) striking the word "Ten" in paragraph (11), inserting the word "Twelve" in lieu thereof, and renumbering the paragraph as paragraph "(17)".

(c) Section 201 (b) is amended by—

(1) striking the term "(10)" and inserting in lieu thereof the term "(16)".

(2) striking the phrase "department or agency" and inserting in lieu thereof the phrase "department, agency or organization".

(d) Section 201 (c) is amended by striking the term "(11)" and inserting in lieu thereof the term "(17)".

(e) Section 201 (e) is amended by inserting after the word "Chairman" the phrase "and the Vice Chairman" and by adding the following sentence at the end of the subsection: "During the absence or disability of the Chairman or when the office is vacant, the Vice Chairman shall act in the place of the chairman."

(f) Section 201 (f) is amended by striking the word "Eleven" and inserting in lieu thereof the word "Fifteen".

(g) Section 201 (g) is amended by deleting the entire section.

(h) Section 204 is amended by striking the term "(10)" in the first sentence and inserting in lieu thereof the term "(16)", and by striking the term "(11)" in the second sentence and inserting in lieu thereof the term "(17)".

(i) Section 205 is amended by—

(1) striking the first sentence of subsection (a) and redesignating the subsection as subsection (f);

(2) inserting the following new subsection (a):

"(a) There shall be an Executive Director of the Council who shall be appointed in the competitive service by the Chairman with the concurrence of the Council. The Executive Director shall report directly to the Council and perform such functions and duties as the Council may prescribe."

(3) redesignating subsection (b) as subsection (d) and striking the word "Council" and inserting in lieu thereof the phrase "Executive Director".

(4) inserting the following new subsection (b):

"(b) The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor. The Executive Director shall appoint such other attorneys as may be necessary to assist the General Counsel, represent the Council in courts of law whenever appropriate, assist the Department of Justice in handling litigation concerning Council in courts of law, and perform such other legal duties and functions as the Executive Director and the Council may direct."

(5) inserting the following new subsection (c):

"(c) The Executive Director of the Council may appoint and fix the compensation of such officers and employees in the competitive service as are necessary to perform the functions of the Council at rates not to exceed that now or hereafter prescribed for the highest rate for grade (15) of the General Schedule under Section 5332 of title 5, United States Code; *Provided, however,* That the Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed five employees in the competitive service at rates not to exceed that now or hereafter prescribed for the highest rate of grade 17 of the General Schedule under section 5332 of title 5, United States Code."

(6) striking subsection (c) and inserting the following new subsection (e):

"(e) The Executive Director of the Council is authorized to procure expert and consultant services in accordance with the provisions of section 3109 of title 5, United States Code."

(7) redesignating subsection (d) as subsection (g), striking the last sentence and substituting in lieu thereof the following: "The members of the Council specified in paragraphs (1) through (14) of section 201(a) shall provide the Council, with or without reimbursement as may be agreed upon by the Chairman and the members, with such funds, personnel, facilities, and services under their jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. To the extent of available appropriations, the Council may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties."

SEC. 2. The following new sections are added to the Act of October 15, 1966, *supra*:

(1) "SEC. 207. So much of the personnel, property, records and unexpended balances of appropriations, allocations, and other funds employed, held, used, programmed, or available or to be made available by the Department of the Interior in connection

with the functions of the Council, as the Director or the Office of Management and Budget shall determine, shall be transferred from the Department to the Council within 60 days of the effective date of this Act."

(2) "SEC. 208. Any employee in the competitive service of the United States transferred to the Council under the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer."

(3) "SEC. 209. The Council is exempt from the provisions of the Federal Advisory Committee Act (86 Stat. 770), and the provisions of the Administrative Procedure Act (80 Stat. 381) shall govern the operations of the Council."

(4) "SEC. 210. Whenever the Council transmits any legislative recommendations, or testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit copies thereof to the House Committee on Interior and Insular Affairs and the Senate Committee on Interior and Insular Affairs.

No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress. In instances in which the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of such actions in its legislative recommendations, testimony, or comments on legislation which it transmits to the Congress."

(5) "SEC. 211. The Council is authorized to promulgate such rules and regulations as it deems necessary to govern the implementation of Section 106 of this Act."

(6) "SEC. 212. (a) The Council shall submit its budget annually as a related agency of the Department of the Interior. To carry out the provisions of this title, there are authorized to be appropriated not more than \$1,250,000 in fiscal year 1976, \$1,500,000 in fiscal year 1977, and \$1,750,000 in fiscal year 1978, and \$2,000,000 in fiscal year 1979.

(b) Whenever the Council submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the House and Senate Appropriations Committees and the House Committee on Interior and Insular Affairs and the Senate Committee on Interior and Insular Affairs."

SEC. 3. Section 5316 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(135) Executive Director, Advisory Council on Historic Preservation."

AMENDING THE LAND AND WATER CONSERVATION FUND ACT OF 1965, AS AMENDED, AND AMENDING THE ACT OF OCTOBER 15, 1966, ESTABLISHING A PROGRAM FOR THE PRESERVATION OF ADDITIONAL HISTORIC PROPERTIES THROUGHOUT THE NATION, AS AMENDED, AND FOR OTHER PURPOSES

APRIL 8, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

REPORT

together with

SEPARATE VIEWS

[To accompany H.R. 12234]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 12234) to amend the Land and Water Conservation Fund Act of 1965, as amended, and to amend the act of October 15, 1966, to establish a program for the preservation of additional historic properties throughout the Nation, as amended, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

H.R. 12234,¹ as reported by the Committee on Interior and Insular Affairs, would raise the existing Land and Water Conservation Fund from the present \$300,000,000 per year authorization to \$450,000,000 in fiscal year 1978, \$625,000,000 in fiscal year 1979, and \$800,000,000 in each succeeding fiscal year thereafter through 1989. Other amendments to the existing Act are made, including:

(1) A change in the distribution formula for matching grants to States under the fund, which would allow sums in excess of \$240,000,000 appropriated and available in a given fiscal year for State purposes to be apportioned on the basis of 20 percent equally, 75 percent according to need, and 5 percent on the basis of special or emergency need at the discretion of the Secretary of the Interior;

(2) An increase from 7 percent to 10 percent in the maximum percentage of the matching grants any one State can receive from the available fund;

(3) Deletion of language requiring repayment of advances made to the fund in previous years, thus allowing some \$62,000,000 to remain in the fund and available for appropriation;

(4) An adjustment of the status of the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa to allow the five areas to collectively receive a single State share under the first portion of the allocation formula;

(5) Authorization to use up to 25 percent of the allocation made to a State as matching grants for the construction of sheltered swimming pools or ice skating rinks, or to construct shelters over existing pools and rinks, subject to certain findings being made by the Secretary.

(6) Direction for the Secretary of the Interior to conduct a review of urban recreation needs, problems, and opportunities, with a report on the options available for meeting such needs to be sent to the Committees on Interior and Insular Affairs in one year;

(7) A requirement that ample opportunity for public participation be made by the States in the preparation and periodic review of their comprehensive outdoor recreation plans;

(8) A restriction on the charging of differential entrance or facility use fees based on the place of residence of visitors to areas acquired or developed through the use of matching grants;

¹ H.R. 12234 is a clean bill introduced to reflect the deliberations of the Committee. H.R. 12234 and identical bills (H.R. 12235, H.R. 12660, H.R. 12661, and H.R. 12662) were introduced by Representative Taylor of North Carolina and cosponsored by Haley, Don H. Clausen, Johnson of California, Udall, Ruppe, Phillip Burton, Kastenmeier, Lujan, Mink, Meeds, Sebelius, Kazen, Stephens, Steelman, Vigorito, Melcher, Young of Alaska, Roncalio, Bingham, Bauman, Seiberling, Won Pat, Lagomarsino, Eckhardt, Benitez, Pettis, Santini, Tsongas, Howe, Weaver, Risenhoover, Beard of Rhode Island, Bell, Bennett, Cleveland, Conlan, Goldwater, Hamilton, Hanley, Harrington, Koch, Mazzoli, Montgomery, Mottl, Nowak, Oberstar, Patterson of California, Pepper, Quie, Regula, Roe, Roush, St Germain, Vanik, Young of Georgia, Bonker, Bowen, Cochran, Conte, Corman, Dellums, Derrick, Edgar, Esch, Gude, Hammerschmidt, Harris, Hays of Ohio, Hubbard, Hughes, Macdonald of Massachusetts, Moakley, O'Hara, Pressler, Preyer, Pritchard, Rodino, Sarasin, Studds, Burke of California, Thompson, Ullman, and Wilson of Texas.

In addition, the following related bills were before the Committee: H.R. 1347 by O'Brien; H.R. 2763 and H.R. 2764 by Taylor of North Carolina, Johnson of California, Udall, Don H. Clausen, Phillip Burton, Ruppe, Foley, Kastenmeier, Sebelius, Mink, Regula, Kazen, Steelman, Vigorito, Melcher, Young of Alaska, Bingham, Bauman, Seiberling, Burke of California, Won Pat, de Lugo, Eckhardt, Bell, Cleveland, Frey, Gibbons, Goldwater, Hamilton, Harrington, Hechler of West Virginia, Koch, McKay, Mollohan, Morgan, Pepper, Roe, Roush, Pickle, Quie, Stark, Vanik, Conlan, Fascell, and Wolff; H.R. 6703 by Fithian; H.R. 7805 by Roncalio; H.R. 7951 by Hanley; H.R. 8356 by Steelman; H.R. 8545 by Mottl; H.R. 8869 by Aspin; H.R. 8955 by Andrews of North Dakota; H.R. 10045 by Oberstar; H.R. 10570 by Bennett; H.R. 11241 by Patterson of California; H.R. 11632 by Oberstar and D'Amours; H.R. 11648 by Montgomery; and H.R. 11884 by St Germain.

Two measures involving the same matters addressed by H.R. 12234 have been approved by the Senate. S. 283 (approved May 21, 1975) deals with the development of indoor recreation facilities in certain areas and S. 327 (approved October 29, 1975) involves the expansion of the Land and Water Conservation Fund and the creation of the Historic Preservation Fund.

(9) Establishment of an annual reporting system to the Congress on the use of the fund;

(10) A requirement that temporary signs be erected at projects supported by the use of monies from the fund;

(11) Specific statutory language requiring division of appropriations from the Fund to be 40 per centum for Federal purposes and 60 per centum for State purposes; and

(12) Revision of the requirements for Federal land acquisition in the National Forest System to permit more rapid acquisition of areas authorized by specific Acts of Congress, and increased opportunities for purchases in recently approved National Forest areas.

Title II of H.R. 12234 amends the Historic Preservation Act of 1966. A fund for historic preservation purposes is established at a level of \$24,400,000 for fiscal year 1977, \$75,000,000 annually for fiscal years 1978 and 1979, and \$100,000,000 for each following fiscal year through 1989. This fund would draw its revenue completely from Federal Outer Continental Shelf leasing receipts, and would replace the existing authorization section in the 1966 Act. Left unchanged are existing provisions in the parent Act which provide for 50/50 matching Federal grants with State or local funds.

The bill was also amended to extend the existing authorization for appropriations to support the United States membership in the International Centre for the Study of the Preservation and Restoration of Cultural Property. The authorization is limited to the \$175,000 per annum recommended by the Advisory Council on Historic Preservation.

BACKGROUND AND NEED FOR LEGISLATION

The Land and Water Conservation Fund Act, signed into law in 1964, established a program of matching grants to State and local units of government for the planning, acquisition, and development of outdoor recreation lands. The Act also provided a funding source for the acquisition of Federal recreation lands. Amendments to the Act in 1968 designated portions of the Federal receipts from the Outer Continental Shelf leasing program to be covered into the fund. This reflected the intent of Congress that some part of the revenues collected by the Federal Government from the sale of the Nation's natural resources should be reinvested in other national resources of lasting value for public benefit.

The fund is currently authorized to be credited with an income of \$300,000,000 each year. Unless appropriations are made to the contrary, sixty percent of the allocations made from the fund are to be used for matching grants to State and local governments. This program has met with enthusiastic response at all levels of government. Some \$1,200,000,000 has been appropriated to date, and this has been matched by an equal amount from State and local sources. State park systems and community outdoor recreation programs across the Nation have greatly benefited from the grants made through the fund. (Appendix I shows the amounts which have been received by the States since the creation of the fund. Appendix II reflects the future allocations to the States based on the formula contained in H.R. 12234 if the authorization is fully funded.)

The remaining 40% of the fund used for Federal land acquisition has been the source of some \$800,000,000 for land acquisition programs

by Federal agencies involved in managing recreation lands. In the case of the National Park Service, the fund has become the sole Federal funding source for land purchases within the system administered by the agency.

But the level of response to the program has now far exceeded the capacity of the fund at its presently authorized level. State administrators of the program have emphasized in testimony before the Committee that State and local governments have both the identified needs and the funding capabilities to effectively utilize a matching program at a much higher level. This response is especially impressive when it is considered that the matching grants are made on a 50/50 basis. Each dollar of Federal grant money is bringing forth an equal response from the State and local agencies which benefit from the program. The salutary effects of the recreation benefits derived through the projects are apparent in every part of the country. In any consideration of efforts to improve the quality of life for our nation, the Land and Water Conservation Fund must rank as a major positive influence.

In addition to the willingness of other levels of government to match the grants made available through the fund, there are other factors which should be taken into account in contemplating an increase in the authorized level. Because of inflation, it is estimated that the \$300,000,000 level of the fund today is worth only \$184,000,000 in 1970 dollars. The real purchasing power of the fund has actually decreased over the past several years. Moreover, the increasing rate of allocation and development of lands for other purposes across the Nation is rapidly depleting, for all time, the land resources available for preservation and outdoor recreation use. Once gone, with particular regard to unique resource areas, they are usually gone forever.

When offshore oil leasing receipts were first specified as a revenue source for the fund, it was anticipated that a substantial percentage of the revenues from this sale of a non-renewable national asset would be returned to public and facilities ownership through the fund. In fact, during the first four fiscal years using these receipts, some 34% of the total collections from this source were transferred to the fund. But in the past three fiscal years, as an accelerated leasing program has greatly increased these revenues, only 5% of the receipts have been committed to the fund. It would therefore take a major increase in the level of the fund to again achieve a transfer of a substantial percentage of the receipts from the Outer Continental Shelf leases into the lasting investments made by the Land and Water Conservation Fund.

The demands on the fund have also increased enormously. On the Federal side, the cost of lands authorized by law to be included in the National Park System, but not yet acquired, is now estimated to be over \$500,000,000. Recreation land acquisition needs within the National Forests are estimated to exceed \$1,000,000,000. On the State side of the fund, an increasing emphasis on land acquisition and development programs near urban areas has meant that needs for higher amounts of matching funds have intensified. A recent survey found that the States able to activate some \$600,000,000 worth of projects in the next fiscal year if matching grants were available. The identified needs for park and recreation purposes have apparently far exceeded the authorized capacity of the fund at its current level.

Other modifications to the Act have also been recommended. While outdoor recreation developments are eligible for matching grants, it has been pointed out that in areas of the country with severe climatic conditions, an outdoor swimming pool, for example, is hardly feasible due to the short length of the usable season for such a facility. There has been a need expressed to permit the use of matching grants for the development of sheltered facilities for recreational activities normally pursued outdoors when the severity of the climate in an area warrants such action. This would maximize the use of expenditures, in the sense that the facility could be used and enjoyed over the entire year, rather than during only a short use season.

The National Historic Preservation Act of 1966, as amended, provides for a program of matching grants to the States for the preservation of significant historic properties. Currently, the authorization for this program is at the level of \$24,400,000 per annum, to be appropriated from miscellaneous receipts. The funds are then made available on the basis of 50/50 matching grants to State and local entities.

As with the Land and Water Conservation Fund, the response to this program has been enormous.² For fiscal year 1976, the State Historic Preservation Officers have identified over \$200,000 in requests for matching funds for historic preservation. The current level of Federal support is far from sufficient to assist these demonstrated needs for preservation activities. In addition, many historic properties are being lost to other uses due to lack of available support. The Bicentennial observance has led to a significant increase in the willingness to support historic preservation projects on a variety of levels. However, increased Federal funding of matching grants is needed to provide the necessary impetus for this interest.

The demonstrated eagerness on the State and local level to match a greatly expanded level of funding is particularly critical for this program. Great numbers of structures of identified historic value are lost each year, as a lack of funds to make preservation or restoration possible consigns them to further decay or outright destruction. Also lost are the positive economic benefits that have been demonstrated in cases in which historic restoration work has taken place. Past experience has shown that the restoration of one structure in an area will frequently stimulate the repair and improvement of nearby buildings, raising property values and stimulating interest throughout the locality. The positive impact of this program extends far beyond the dollars from the Federal grants, to the benefit of entire communities. How the need is to increase the matching grants program to meet this demonstrated ability to utilize the available funds.

LEGISLATIVE HISTORY

A variety of bills dealing with changes in funding for both the Land and Water Conservation fund and historic preservation activities were introduced in the 93rd Congress. After public hearings and extensive deliberations, the Committee reported a comprehensive bill for House consideration. The Congress adjourned, however, before the bill could be considered for passage by the House of Representatives.

² Appendix III shows the amount of matching funds received by the States for historic preservation programs. Appendix IV shows the current needs estimated by the States for matching assistance.

A reintroduction of this text was then made in the 94th Congress. Additional hearings were conducted by the Subcommittee on National Parks and Recreation, allowing updated information to be received on the issues at hand. Testimony received at these latest hearings supported the conclusions reached in the 93rd Congress; the Land and Water Conservation Fund can be effectively used at a far higher level, and historic preservation funding is also woefully inadequate to meet the demonstrated needs for this program.

The testimony of the Department of the Interior recommended against the enactment of the bill as introduced at this time. The Departmental report points out the concerns of the Administration that any increase in Federal spending for fiscal year 1977 would increase inflationary pressures. The members of the Committee took note of this concern, and the bill was therefore amended to delay the first step of the phased increases in authorization for both programs until fiscal year 1978. The gradual increase over a period of several years was also retained to provide for an orderly transition to a higher funding level for both programs. The Committee recognized that the needs in these areas could justify an immediate increase to the maximum levels proposed by H.R. 12234. The deferred and gradual increase in the funding is an attempt to find a middle ground which can be accepted by all interested parties.

The Committee also expressed concern that the increase in authorization for the fund would not lead to a dilution of those purposes for which the Land and Water Conservation Fund was established. The bill as reported includes a provision to extend matching grants for sheltering swimming pools and ice skating rinks under specified conditions. Such limited additional uses, however, are not intended to detract from the use of the fund to secure additional public recreation lands. The Committee notes the rapidly escalating prices of undisturbed lands, particularly near urban areas. The States and local units of government should be encouraged to secure such properties, particularly those possessing significant natural features, at an early date. Although these lands may not always or necessarily be suited for highly intensive recreational use, the ability of the fund to conserve such properties and provide for appropriate recreational uses consistent with their protections should not be overlooked.

Members of the Committee also noted that the fund is not now capable of meeting all the demands for traditionally appropriate uses. There should, therefore, be a careful review by the Bureau of Outdoor Recreation of any proposed additional uses of the fund. An earlier proposal by the Bureau to use matching grants to acquire and develop areas for gardening was considered by the Committee to be an inappropriate venture for the fund, inasmuch as such areas are used exclusively by an individual for an entire season and represent too great a per capita use of the limited resources of the fund. The Committee intends that the administering agency exercise continuing supervision over the uses of the fund and avoid any proliferation of qualifying uses of grants that may have only a remote or tenuous connection with the purposes of this program.

The Committee also notes the urgent need for an increase in the Federal side of the Land and Water Conservation Fund. The fund has become the only source of the appropriations used for the recreation land acquisition programs of the affected Federal land man-

aging agencies. In the case of the National Park System, there is a backlog of lands authorized for purchase, but not yet acquired, which amounts to over \$500,000,000. Without sufficient funding to acquire these lands in a reasonable amount of time, land prices tend to increase enormously. In addition, the public is unable to make use of these authorized but unacquired areas and, in some cases, there may even be irreparable damage done by adverse use or development on lands pending acquisition.

The Committee has recommended that the authorized but unappropriated balance remaining in the fund be appropriated in the near future to reduce this backlog. The prompt use of the Federal share of the fund for direct land acquisition purposes at an early date should be emphasized to hold these costs within the limits contemplated by the Congress in authorizing additions to the National Park System.

SECTION-BY-SECTION ANALYSIS

H.R. 12234 is divided into two titles:

Title I consists of amendments to the Land and Water Conservation Fund Act (78 Stat. 897), as previously amended (16 U.S.C. 4601-5 et seq.). The amendments to the Act accomplish the following:

Paragraph 1 deletes a reference to an additional period of existence for the fund to repay certain advances made in earlier years. Adoption of the amendment contained in paragraph 4 of H.R. 12234 cancels the repayment provision of the Act and makes the reference deleted here unnecessary.

Paragraphs 2 and 3 together constitute an increase in authorization for the Land and Water Conservation Fund from the current level of \$300,000,000 per annum to: \$450,000,000 in fiscal year 1978, \$625,000,000 in fiscal year 1979, \$800,000,000 in fiscal year 1980, and continuing at that level for each fiscal year through September 30, 1989. Fiscal year 1989 is the existing expiration date for the fund as currently authorized.

Paragraph 4 deletes a subsection which provided for the repayment of certain advances made to the fund in previous years. This repeal has the effect of retaining in the fund and available for appropriation some \$62,000,000 which otherwise would be repaid to the Treasury. The amendment also deletes a now outdated provision which allowed the President to vary the percentage distribution of appropriations from the fund. The revised text causes the division of appropriations from the fund to conform to a fixed ratio of 60 percent for State and 40 percent for Federal purposes. The deleted language had made this ratio effective only if there were no provisions to the contrary in any Act making appropriations from the fund.

Paragraph 5 modifies the allocation of the portion of the fund which is used for grants-in-aid to the several States. Up to an appropriation of \$240,000,000 available for State purposes in a given fiscal year (which would mean an appropriation for the total fund of \$400,000,000) there would be no change in the current distribution formula.

In any fiscal year in which the appropriation available and committed by the Administration for distribution to the State side of the fund exceeds \$240,000,000, any funds in excess of this amount are to be allocated under a revised formula which directs that 20 percent be divided equally among the States, 75 percent be apportioned on the

basis of need as determined by the Secretary, and 5 percent be made available for special or emergency needs as determined by the Secretary. For example, if the full, authorized amount of the fund in fiscal year 1980 of \$800,000,000 was to be actually appropriated, \$480,000,000 of that amount would be available to the States. The first \$240,000,000 of that amount would be distributed under the existing formula. The remaining \$240,000,000 would then be distributed according to the formula included in the amendment. Since the determination of need made by the Secretary is based principally on population and urban concentrations within a State, the effect of this amendment is to allow highly populous States to qualify for a larger percentage allocation of the matching grant moneys at the upper end of the appropriation levels authorized by this legislation. The \$240,000,000 threshold which must be achieved in order to trigger a new distribution somewhat favoring the more populous States, was incorporated as a "hold harmless" provision so as to assure that in no event would a State be confronted with dropping back in its proportionate funding share from what it has heretofore received.

While there is no specific statutory authority to do so, it should be noted that the Secretary customarily retains some 5% of the funds appropriated for the State side of the fund in a contingency reserve. H. R. 12234 provides for a statutory reserve. While a flexible reserve of moderate size can be useful in responding to emergency needs, the Committee believes that most matching funds should be regularly programmed. Thus, as the 5% statutory reserve comes into effect at higher appropriated levels, it is expected that the Secretary will maintain the reserve at a level comparable to the average amount reserved during the years prior to fiscal year 1977. The net effect would be that the reserve would not expand in proportion to the increased fund authorization. It would appear appropriate for the Secretary to promptly establish some guidelines to govern this matter, which would be routinely followed through the years.

Paragraph 6 changes the maximum share of the State portion of the fund which may be allocated to any one State from 7% to 10%. This change would allow a State with a large population to qualify for a somewhat greater share of the appropriations allocated from the fund.

Paragraph 7 revises the Act to conform with the allocation formula altered in paragraph 5. This allows any funds which become available for reapportionment to be made available to individual States as determined by the Secretary.

Paragraph 8 alters the way in which the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa are covered by the fund. These areas will now be able to divide up, on the basis of the relative sizes of their populations, a single State share under the initial apportionment made from the fund to the States in equal shares. The areas will continue to be treated as individual States for all other distributions.

Paragraph 9 provides that no State comprehensive outdoor recreation plan shall be approved without the Governor's certification that ample public participation has been accorded in its development or revision, such participation to be in accordance with criteria developed by the Secretary. These criteria are expected to be developed within six months of the date of enactment of this Act, and are to themselves

be a product of formulation through consultation with interested parties. Implementation of the public participation process in plan development and/or revision is expected to occur soon after the development of the criteria. This process would provide a clear opportunity for the involvement of local officials and organizations in the planning process for each State, although it requires nothing more specific than the consideration of their views.

Paragraph 10 provides that up to 25% of the total amount allocated to a given State during any one year may be approved by the Secretary for projects consisting of the planning and development of sheltered facilities for swimming pools and ice skating rinks. Such sheltered facilities would only be approved in areas where the Secretary finds that both the severity of climatic conditions precludes any feasible alternative to serve identified recreation demands, and also under circumstances where there would be sufficient increased use made possible so as to justify such sheltered facilities. These facilities might be used for multiple purposes, although they would be intended primarily to serve one of the two specific activities as stated above. The intent here is to allow necessary sheltering of these particular activities as dictated by severe weather, but not to allow use of the fund for gymnasium or other construction purposes. Sheltering of previously constructed swimming pools and ice skating rinks, where justified on the basis of severe climate and a significantly extended usable season, would be permitted. Where shelters are constructed over an existing facility, which was developed before the date of enactment of this provision, only the cost of the shelter itself would be applied to the 25% limitation. For all facilities constructed with matching grants after this change in the statute, the entire Federal grant to the project, including the base facility, is to be applied to the 25% limit, whether the shelter is constructed concurrently with, or later than, the facility to be protected.

Paragraph 11 sets up an annual reporting program in which each State is required to make an evaluation of the accomplishments of the program made possible by the fund. This evaluation will itself be eligible for matching funding on a 50/50 basis. The Bureau of Outdoor Recreation is directed to forward a summary of these reports, an analysis of the accomplishments made through the use of the fund, and any recommendations for improvements in the operation of the program to both the House and Senate Committees on Interior and Insular Affairs. In light of the increased oversight responsibilities of the Committee, along with the significant dollar increase in the level of the fund, it was considered important to establish a recurring opportunity for a review of the accomplishments of the fund. The Committee seeks a general overview, however, and does not intend that the reporting effort at any level entail great expenditures of time and money and become a red tape exercise.

An additional requirement is made which specifically prohibits discrimination on the basis of residence with respect to the use of property acquired or developed with assistance from the fund, with the exception that a reasonable differential fee may for admission or specific uses be charged to out-of-state versus local residents. This difference would be permitted in consideration of, and generally proportional to, the additional operating and maintenance expenses

borne by the local managing agency. The restriction does not affect such activities as hunting and fishing licensing fees, which are controlled by State and local residency requirements, nor does it preclude establishing reduced charges based on user groups such as handicapped, low-income, or elderly visitors. The use of a facility for team practices or community functions would not be interfered with. It would insure that access to areas of general use, as well as participation in basic services such as reservation systems, would be afforded to any visitor to areas receiving these Federal grants.

Paragraph 12 modifies the provisions for Federal recreation land acquisition in the National Forest System. Lands to be acquired for outdoor recreation purposes within purchase units approved by the National Forest Reservation Commission since the effective date of the Land and Water Conservation Fund Act would now qualify for appropriations from the fund. The current limitation on the acquisition of lands adjacent to but outside of a national forest boundary for recreation purposes is raised from 500 to 3,000 acres, thus permitting some additional flexibility in Forest Service planning for recreational needs.

Finally, the limitation on the addition of lands west of the 100th meridian to not more than 15% of the National Forest lands purchased through the fund is eliminated with respect to areas authorized by specific Acts of Congress. This will allow less constrained acquisition of lands in congressionally designated wilderness areas, national recreation areas, units of the wild and scenic rivers system, and other such specifically identified national forest areas west of the 100th meridian, but the current 15% limitation would continue to apply to the remainder of the Forest Service recreation land acquisition program.

Paragraph 13 provides that temporary, standardized signs (which may identify the source, percent, and dollar amounts of Land and Water Conservation Fund monies, as applicable) shall be placed at or near any acquisition or development project undertaken through use of the fund. The Secretary is to determine the standards and guidelines for any such signing.

Paragraph 14 adds a new section to the Act. The Secretary of the Interior is directed to make a comprehensive review of the needs, problems, and opportunities involved in meeting urban outdoor recreation needs in highly populated regions of the country. The study is to be developed as a series of options for meeting these needs, including a discussion of the resources which are potentially available to implement the various options considered. The study is to be submitted to the House and Senate Interior Committees within one year from the date of enactment of the section.

The Committee recognizes that numerous efforts have been made in the past in considering strategies for coping with urban recreation needs. The study directed by this legislation should therefore be as specific as possible. The land and water resources which could satisfy the unmet needs in particular urban areas should be identified, and various approaches to meeting recreation needs in each of these areas should be detailed. The Federal land managing agencies, particularly the National Park Service, which might be involved under some of the options to be identified, should play an active role in the study from the time of its inception and continuing through its presentation to the

Committees. The Committee expects to receive a document which, policy considerations aside, can serve as a factual basis for making informed decisions with regard to future directions to follow in addressing these needs. The report may also include recommendations based upon the factual assessment and findings of the study.

Title II of the bill consists of amendments to the National Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470).

Section 108 of the Act is amended by establishing the historic preservation fund in the United States Treasury. In fiscal 1977, \$24,400,000 is to be covered into the fund, \$75,000,000 per year in fiscal 1978 and 1979, and in each succeeding fiscal year through September 30, 1989, \$100,000,000 is to be covered into this fund. All of these credits are to come from revenues payable to the United States under the Outer Continental Shelf Lands Act, or under the Act of June 4, 1920, which provides for the sale of oil and gas from Naval Petroleum Reserves. The historic preservation fund will be similar to the Land and Water Conservation Fund in its principal source of revenues. The fund will be available only through the normal appropriations process. Any moneys not appropriated are to remain in the fund until appropriated for the purposes of the Act, and it is provided that appropriations from the fund may be made without any limitation by fiscal year.

The National Trust for Historic Preservation is a beneficiary of funding under this program. The Committee recognizes that there may be some question as to the need for that share of the funding going to the Trust to rise in proportion to the level of the increased authorization for this program. The Secretary is therefore requested to advise the House and Senate Interior Committees as to his recommendations for allotments to the Trust under an expanded program. These recommendations should be forwarded to the Committees within six months after the enactment of this legislation.

Section 206(c) is amended to extend the authorization for United States participation in the International Centre for the Study of the Preservation and Restoration of Cultural Property for an additional three years. The current authorization expires in fiscal year 1976, and the annual \$175,000 authorization included in this section permits funding at the level recommended by the Advisory Council on Historic Preservation.

Cost

The current authorization for the Land and Water Conservation Fund is \$300,000,000 per annum. Title I of the bill would increase this level to \$450,000,000 in fiscal year 1978, \$625,000,000 in fiscal year 1977, and \$800,000,000 in each fiscal year, 1980 through 1989, inclusive. Receipts from the Outer Continental Shelf Lands Act are the principal source of income for the fund. These revenues have increased greatly in the past several years, averaging over \$4 billion per annum. The expanded fund will thus represent only a small percentage of these Federal revenues which accrue to the United States through the disposal of a non-renewable resource.

Title II of the bill establishes an historic preservation fund of \$24,000,000 in fiscal year 1977, \$75,000,000 in fiscal year 1978, \$75,000,000 in fiscal year 1979, and \$100,000,000 in each fiscal year

1980 through 1989, inclusive. The income source for this fund would be similar to the Land and Water Conservation Fund. Current funds for this program are appropriated from miscellaneous receipts, and are authorized at \$24,400,000 in fiscal year 1976.

BUDGET ACT COMPLIANCE³

Title I of H.R. 12234 does not affect authorization for fiscal year 1977.

³ Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared a cost estimate for this measure which is here printed in full:

CONGRESSIONAL BUDGET OFFICE

COST ESTIMATE

FEBRUARY 13, 1976.

1. Bill No.: H.R. 2763.
2. Bill title: The Land and Water Conservation Fund Act.
3. Purpose of bill:

General.—The Land and Water Conservation Fund Act of 1965 provides funds for: (1) assisting states in financing up to 50 percent of the cost of preparing recreation plans, acquiring land and water areas and developing areas for public outdoor recreation purposes; (2) the National Park Service, Forest Service, U.S. Fish and Wildlife Service, and the Bureau of Land Management to acquire certain areas for recreation; and (3) administering state and federal programs and reviewing state recreation plans. The fund is financed by (1) receipts from annual surplus property sales plus (2) annual receipts from the motorboat fuels tax and (3) receipts from the revenues collected from the Outer Continental Shelf Lands Act, sufficient to make the total annual income of the fund not less than \$300 million for each fiscal year until the end of FY 89.

Title I.—Essentially, this bill authorizes increased funding, and is subject to appropriation. The bill would make several amendments to the Land and Water Conservation Fund Act of 1975 (78 Stat. 897) as amended (16 USC 4601-5, et. seq.). The amendments include the following:

1. Increase the authorization level of the fund from \$300 million per year to \$450 million in FY 1978, \$625 million in FY 1979, and \$800 million for FY 1980 and each year thereafter until the end of FY 1989.
2. Require each state to evaluate its grant programs annually.
3. Direct the Secretary of the Interior to submit a comprehensive review of the needs, problems and opportunities associated with urban recreation in highly populated regions.

Title II.—The amendments for Title II are asking for a reauthorization of funding for the National Historic Preservation Act of 1966 (80 Stat. 915). This act provides (1) matching grant in aid to states and the National Trust for Historic Preservation, and (2) funds for the Advisory Council on Historic Preservation which coordinates the activities of federal, state and local agencies relating to historic preservation matters. The amendments proposed by this bill include:

(a) The establishment of a historic preservation fund in the Treasury. Beginning in FY 1977, \$24.4 million would be included in the fund, \$75 million in FY 1978, \$75 million in FY 1979, and \$100 million in FY 1980 through FY 1989. This would be funded by receipts from the Outer Continental Shelf Lands Act and money from this fund could only be used for the National Historic Preservation Act. Expenditures can only occur when appropriated by Congress.

(b) Authorize appropriation of not more than \$175,000 per year for FY 1977, FY 1978 and FY 1979 for U.S. participation as a member of the International Centre for the Study of the Preservation and Restoration of Cultural Property. The U.S. is not to contribute more than 25 percent of the Centre's budget.

4. Cost estimate:

Cost

[Millions of dollars; fiscal year]

	1977	1978	1979	1980	1981
Title I, sec. 2(a) (1) ³		150.000	325.000	500.000	500.000
Title II, sec. 108.....	24.400	75.000	75.000	100.000	100.000
Title II, sec. 206.....	.150	.156	.175		
Total	24.556	225.156	400.175	600.000	600.000

5. Basis for Estimate: For title I and title II, sec. 108, the basis for the estimates is the level requested for authorization; the estimate for title II, sec. 206 is based upon U.S. contributions equaling 25 percent of the Centre's budget.

6. Estimate comparison: No other estimate available.

7. Previous CBO estimate: No previous estimate.

8. Estimate prepared by: Jack Garrity (225-5275).

9. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

Title II of the bill extends the authorizations for matching grants for historic preservation and for United States participation in the International Centre for the Study of the Preservation and Restoration of Cultural Property. Both of these programs expire at the close of fiscal year 1976. Both have been recommended by the Administration for continued authorization at their current levels.

INFLATIONARY IMPACT

In assessing the possible inflationary impact of an increase in the Land and Water Conservation Fund, it is useful to consider the two distinct categories into which the use of the fund is divided.

Some 40 percent of the appropriations made from the fund is used to acquire authorized Federal recreation lands. The fund here becomes the mechanism through which appropriations are actually disbursed to retire the outstanding commitments previously made by the authorizations to acquire such lands. Analyses of the increasing costs of these unacquired lands indicate that their purchase prices are generally increasing at a rate exceeding that of inflation. Thus, an increase in the fund which would result in expeditious Federal land acquisition could well mean a decreased long-term effective cost to the Federal Government. Land acquisition programs should also have minimal inflationary impact on the local economies where the purchases occur.

The approximately 60 percent of the fund which goes to the States as matching grants is used for development projects as well as for land acquisition. Although a higher level of development projects could lead to some changes in local economic situations, it should be kept in mind here that the fund is available to the States only as matching grants. Since local and State budgets are generally rather constrained in their abilities to increase, greater availability of matching funds through the fund would most likely result in a reordering of local expenditures, rather than a substantial change in their magnitude. This same effect would be the case with the increased authorization for historic preservation funding, which would also occur on a matching basis.

OVERSIGHT STATEMENT

Although the extensive hearings over the last two Congresses on this legislation were primarily on the various proposals to increase the funding of these programs, an extensive review of the current status of the existing operations was also an integral part of the deliberations of the Committee.

The results of this concern with the program functions may be seen in specific provisions of H.R. 12234. A requirement for an annual summary of the use of the Land and Water Conservation Fund to be compiled and transmitted to the Congress is included in the bill. This provision should assist the Committee in monitoring the effectiveness of the fund as its authorized level expands.

An additional provision of the bill requires that the Governor of each State must certify that the statewide comprehensive outdoor recreation plan which will guide the use of the fund has had full opportunity for public participation in both its preparation and subsequent revisions. The Secretary is to develop appropriate guidelines for such public participation. The Committee intends that these

guidelines will be completed within six months of the date of enactment of this legislation, and that they will serve to make the use of the fund in each State more open to public scrutiny and review.

Finally, the Committee has initiated discussions with the General Accounting Office in regard to conducting a thorough review of the administration of the existing Land and Water Conservation Fund and Historic Preservation programs. The Committee notes that a review of the operation of the fund has already begun, and intends that the scope of this appraisal be widened to include areas identified by the current legislative consideration as worthy of some further evaluation. This review should assist the Congress in assuring optimum benefits from these programs as they are expanded in size. The historic preservation program, in particular, is given considerable statutory latitude in the allocation of grants. The proportion of these funds going to the National Trust for Historic Preservation, as well as the allocations by State, should be reviewed as the authorization increases.

The Committee expects that these reviews will be used as a means of continuing the oversight function with respect to these programs in the 95th Congress. No recommendations were submitted to the Committee pursuant to Rule X, Clause 2(b)2.

COMMITTEE AMENDMENT

H.R. 12234 reflects all of the changes recommended by the Committee when it considered the legislation (H.R. 2763).

COMMITTEE RECOMMENDATION

On February 10, 1976, after adopting the amendments as discussed, the Committee on Interior and Insular Affairs, meeting in open session, reported H.R. 2763, with amendments, by voice vote. On March 9, 1976, the Committee vacated its earlier proceedings on the measure and by voice vote reported, H.R. 12234—a measure identical with the text of H.R. 2763, as amended. The Committee recommends that H.R. 12234 as reported be approved.

DEPARTMENTAL REPORTS

The reports of the Department of the Interior, dated July 11, 1975, and of the Department of Agriculture, dated June 16, 1975, are here printed in full. Also printed here are the executive communications of the Department of the Interior dated May 15, 1975, and February 16, 1976, which respectively recommend the continued authorization of funds for historic preservation grants, and for United States participation in the International Centre for the Preservation and Restoration of Cultural Property.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 11, 1975.

HON. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on H.R. 2763 and H.R. 2764, identical bills "To

amend the Land and Water Conservation Fund Act of 1965, as amended, and to amend the Act of October 15, 1966, to establish a program for the preservation of additional historic properties throughout the Nation, as amended, and for other purposes."

We recommend against the enactment of these bills because we believe that such an increase in the authorized level of the Fund at this time would jeopardize the Administration's efforts to hold down Federal spending.

Title I of H.R. 2763 and H.R. 2764 would amend the Land and Water Conservation Fund Act to, among other things: (1) increase the size of the Fund to \$450 million for fiscal year 1976, to \$625 million for fiscal year 1977, and to \$800 million for fiscal year 1978 through fiscal year 1989; (2) permit up to 25 percent of the total Fund amount allocated to a State in any one year to be used for planning and developing sheltered facilities for recreation activities normally pursued outdoors; and (3) require each State to annually evaluate its grant programs under guidelines promulgated by the Secretary of the Interior, with 50/50 cost-sharing funding available for that purpose. Title II amends the National Historic Preservation Act to establish the "historic preservation fund" (\$75 million in fiscal year 1976-77, \$100 million in fiscal year 1978 and thereafter) from revenues accruing under the Outer Continental Shelf Lands Act, and/or the Mineral Leasing Act of 1920.

The Land and Water Conservation Fund Act of 1965 (P.L. 88-578; 78 Stat. 897) established a fund in the United States Treasury to provide a program for (1) the acquisition of lands for federally administered recreation areas; and (2) matching grants to State and local governments for planning, acquisition and development of recreation lands and facilities. The Fund is administered by the Bureau of Outdoor Recreation of this Department and revenues are derived from the sale of Federal surplus real property, the Federal motorboat fuel tax, and Outer Continental Shelf mineral receipts.

The amount of land authorized to be acquired with funds from the LWCF and the value of this land has increased substantially since the enactment of the program. For example, the National Park Service will have approximately \$573 million worth of land to acquire after fiscal year 1975. This includes over \$215 million of land at Big Cypress, Big Thicket, and Cuyahoga National Recreation Area which are areas that the Congress directed that the acquisition be substantially completed within six years.

However, our economy today is plagued by the twin problems of inflation and recession. Unless we develop a strategy both to reduce the rate of inflation and selectively to stimulate recovery, our economy and the high standard of living it has brought us will be imperiled. Meeting our economic goals of recovery and future growth without an eroding inflation rate is a more immediate priority than increasing the funding authorization for these programs.

As you are aware, there is \$255 million currently authorized for the Land and Water Conservation Fund but not appropriated to date. This amount excludes the \$300 million recommended in the President's Budget for 1976. If fiscal policy constraints can be diminished in the future, we could propose as a Departmental budget initiative the use of the approximately \$200 million portion of these unappropriated funds which is not needed to repay advances to the

Fund to finance the acquisition of authorized lands. This could be done without increasing the authorized level of the Fund at this time.

The Act of October 15, 1966 (80 Stat. 915), was a landmark in this Nation's commitment to preserve the significant aspects of our historic heritage at all levels—Federal, State and local. The 1966 Act authorized matching grants to the States and the National Trust for Historic Preservation in the United States for planning and for projects having as their purpose the acquisition and development of "any district, site, building, structure, or object that is significant American history, architecture, archeology, and culture." Since the 1966 Act was passed, a total of more than \$52 million has been appropriated for grants to States, and the National Trust, for State, local, and private historic preservation projects and plans. Active projects to preserve historic districts, sites, and structures are now continuing in all 50 States, the District of Columbia, American Samoa, and Guam.

As it was last amended by Public Law 93-54 of July 1, 1973, 87 Stat. 139, the Act authorizes funds for grants only through fiscal year 1976. We have recently transmitted to the 94th Congress a legislative proposal which would amend the existing law to extend the authorization through fiscal year 1978 at the fiscal year 1976 level of \$24.4 million.

This recommendation is consistent with the President's moratorium on new Federal spending programs other than those involving energy production, national defense and certain humanitarian efforts, and his stated policy to avoid excessive growth of Federal spending in the long run.

The Office of Management and Budget has advised that there is no objection to the presentation of this report and that enactment of H.R. 2763 or H.R. 2764 would not be in accord with the President's program.

Sincerely yours,

NATHANIEL P. REED,
Assistant Secretary of the Interior,

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 16, 1975.

HON. JAMES A. HALEY
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: As you requested, here is the report of the Department of Agriculture on H.R. 2763 and H.R. 2764, identical bills "To amend the Land and Water Conservation Fund Act of 1965, as amended, and to amend the Act of October 15, 1966, to establish a program for the preservation of additional historic properties throughout the Nation, as amended, and for other purposes."

The Department of Agriculture recommends that proposed amendments to increase the annual level authorized for the Land and Water Conservation Fund, as contained in Title I of the bills, not be enacted. We defer to the Department of the Interior with respect to recommendations on the other proposed amendments.

Title I of the bills would increase the present \$300 million annual level of money authorized for the Land and Water Conservation Fund to \$450 million for fiscal year 1976, \$625 million for fiscal year 1977, and \$800 million for fiscal year 1978 and for each fiscal year thereafter through September 30, 1989. Other proposed amendments contained in Title I affect the grants to States' portion of the Land and Water Conservation Fund program administered by the Bureau of Outdoor Recreation in the Department of the Interior. These other amendments would not affect Department of Agriculture operations or responsibilities.

Title II of the bills would amend the National Historic Preservation Act to establish a historic preservation fund to carry out the purposes of that Act. Monies would be covered into the fund from revenues due the United States under the Outer Continental Shelf Lands Act and the Act of June 4, 1920.

Under section 7(a)(1) of the Land and Water Conservation Fund Act, monies from the fund are authorized to be allotted to the Forest Service of this Department to acquire lands within the National Forests for outdoor recreation purposes. To date approximately 750,000 acres of such lands have been acquired by the Forest Service. This program, as well as all government programs, must relate to the overall economic and budgeting situation. It is the conclusion of the Administration that spending programs of this nature cannot be expanded without having an adverse effect on the Federal budget. Consequently, we do not support an increase in the level of the Land and Water Conservation Fund.

The Office of Management and Budget advises that there is no objection to the presentation of this report, and that enactment of H.R. 2763 and H.R. 2764 would not be in accord with the President's program.

Sincerely,

RICHARD A. ASHWORTH,
Deputy Under Secretary.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 15, 1975.

HON. CARL ALBERT,
*Speaker of the House of Representatives,
Washington, D.C.*

DEAR MR. SPEAKER: Enclosed is a draft bill "To amend the Act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes."

We recommend that the bill be referred to the appropriate Committee for consideration and that it be enacted.

The Act of October 15, 1966 (80 Stat. 915), was a landmark in this Nation's commitment to preserve the significant aspects of our historic heritage at all levels—Federal, State and local. The 1966 Act authorized matching grants to the States and the National Trust for Historic Preservation in the United States for planning and for projects having as their purpose the acquisition and development of

"any district, site, building, structure, or object that is significant in American history, architecture, archeology, and culture." Since the 1966 Act was passed, a total of more than \$52 million has been appropriated for grants to States and the National Trust for State, local, and private historic preservation projects and plans. Active projects to preserve historic districts, sites, and structures are now continuing in all 50 States, the District of Columbia, American Samoa, and Guam. The record of funding authorized and appropriated for grants pursuant to the Act is shown in the following table:

Fiscal year:	Authorized	Appropriated
1967	\$2,000,000	
1968	10,000,000	\$300,000
1969	10,000,000	100,000
1970	10,000,000	969,000
1971	7,000,000	5,980,000
1972	10,000,000	5,980,000
1973	15,000,000	7,505,000
1974	15,600,000	11,505,000
1975	20,000,000	20,000,000
1976	24,400,000	12,000,000

¹ Proposed.

The National Trust for Historic Preservation and the States have submitted to the National Park Service certified warrants for grants in FY 1975 amounting to \$159 million. These certified warrants indicate the availability of State or other non-Federal dollars to match the Federal grants on a 50/50 basis. In addition, the Park Service currently has estimates from the States and the National Trust indicating their ability to match \$186 million in FY 1976.

As it was last amended by Public Law 93-54 of July 1, 1973, 87 Stat. 139, the Act authorizes funds for grants only through fiscal year 1976. Our proposal would amend the existing law to extend the authorization through FY 1978 at the FY 1976 level of \$24.4 million. This recommendation is consistent with the President's moratorium on new Federal spending programs other than those involving energy production, national defense and certain humanitarian efforts, and his stated policy to avoid excessive growth of Federal spending in the long run.

The Office of Management and Budget has advised that there is no objection to the submission of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

Enclosure.

A BILL To amend the Act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 108 of the Act of October 15, 1966 (80 Stat. 915), as amended (16 U.S.C. 470), is further amended by changing the first sentence to read as follows: "To carry out the provisions of this title, there are authorized to be appropriated \$24,400,000 for fiscal years 1976, 1977 and 1978."

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 16, 1976.

HON. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed is a draft bill "To amend the Act of October 15, 1966 (80 Stat. 915), as amended, to extend the authority for appropriations for United States participation in the activities of the International Centre for the Preservation and Restoration of Cultural Property, and for other purposes."

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

Established in 1958, the International Centre for the Study of the Preservation and Restoration of Cultural Property is an international, intergovernmental organization devoted to the study of the preservation and restoration of cultural property. Formed under the auspices of UNESCO, the International Centre is now an independent body, consisting of 59 member States.

The United States became a member of the Centre on January 20, 1971, under authority provided in an amendment to the National Historic Preservation Act of May 9, 1970, which became effective on January 20, 1971. Section 206(c) of the May 9 amendment authorized an appropriation not to exceed \$100,000 annually for fiscal years 1971, 1972, and 1973. On July 1, 1973, the Congress extended appropriation authority through fiscal year 1976. The amendment provided that appropriations should not exceed "\$100,000 in fiscal year 1974, \$100,000 in fiscal year 1975, and \$125,000 in fiscal year 1976; *Provided*: That, effective January 1, 1974, no appropriation is authorized and no payment shall be made to the Centre in excess of 25 per centum of the total annual assessment of such organization." The proviso in the July 1, 1973 amendment was prompted by Public Law 92-544 (86 Stat. 1109), which prohibited the United States from paying to the United Nations or certain other international bodies an amount in excess of 25 percent of that organization's total annual assessment.

The purpose of the enclosed draft amendment is to preserve the existing percentage limitation on the U.S. contribution, while deleting the language which would result in the expiration of existing funding authority on June 30, 1976.

The International Centre budget is established on a biennial basis, beginning on January 1 of odd years. Member States are billed annually. Once the budget is approved for the two-year period, the addition of new member States during that biennium does not affect the payment made by the United States. It is during the next budget period that the United States contribution would be affected subject, of course, to the 25 percent limitation.

The International Centre fee formula requires member States to pay an amount equal to one percent of their annual assessed contributions to UNESCO, with the proviso that no member State shall pay more than 25 percent of the total budget. Because of the size of its UNESCO assessment, and consistent with the statutory 25 percent limitation on United States' contributions to the Centre, the United States falls under this proviso. The United States' payments are affected not only by any increases in UNESCO dues but by the addition of new members to the Centre.

Because of the relative variables of the International Centre fee formula, as applied to the United States, it is difficult to determine what the exact amounts of United States payments will be. For fiscal year 1976, the authorization is \$125,000 and the actual membership fee \$114,597. For fiscal year 1977, an appropriation of \$156,000 has been requested to meet the United States contribution. It is estimated that \$175,000 will be sufficient for fiscal years 1978 and 1979. Primarily, these amounts would meet increases in the United States fee due to the addition of new members. For the next three year cycle, it is anticipated that \$250,000 will be appropriate. Appropriations will, of course, match only the actual annual membership fee. However, because of the uncertainty mentioned above, we recommend the proposed language without monetary or fiscal year limitation, as the best means of authorizing the necessary level of appropriations as it is determined.

The United States has accrued considerable benefits from its membership since 1971. With the technical or financial assistance of the Centre, 42 Americans have received training of various kinds, 149 Americans participated in a precedent-setting International Conference held at Williamsburg, Virginia, and Philadelphia, Pennsylvania, and 25 Americans recently traveled to Poland to exchange views in a three-week seminar. The Centre has also arranged for two missions to the United States to assist in the resolution of special preservation problems. Passage of the enclosed legislation will provide the means for continued U.S. participation and assistance, while limiting our assessment to the 25 percent level.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

THOMAS S. KLEPPE,
Secretary of the Interior.

Enclosure.

A BILL To amend the Act of October 15, 1966 (80 Stat. 915), as amended, to extend the authority for appropriations for United States participation in the activities of the International Centre for the Preservation and Restoration of Cultural Property, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 206(c) of the Act of October 15, 1966 (80 Stat. 915) as amended (16 U.S.C. 470n), is further amended to delete the existing language and insert the following language in lieu thereof:

"(c) For the purposes of this section there are authorized to be appropriated such sums as may be necessary: *Provided*, That no appropriation is authorized and no payment shall be made to the Centre in excess of 25 percentum of the total annual assessments of such organization."

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 italics, existing law in which no change is proposed is shown in roman):

LAND AND WATER CONSERVATION FUND ACT OF 1965, AS AMENDED (78 STAT. 897; 16 U.S.C. 4601-5 ET SEQ.)

SEC. 2. SEPARATE FUND.—During the period ending June 30, 1989, [and during such additional period as may be required to repay any advances made pursuant to section 4(b) of this Act,] there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the "fund", the following revenues and collections:

(a) SURPLUS PROPERTY SALES.—All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of those provisions of law set forth in section 485(b)(e), title 40, United States Code, or the Independent Offices Appropriation Act, 1963 (76 Stat. 725) or in any later appropriation Act) hereafter received from any disposal of surplus real property and related personal property under the Federal Property and Administrative Services Act of 1949, as amended, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this Act shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

(b) MOTORBOAT FUELS TAX.—The amounts provided for in section 201 of this Act.

(c)(1) OTHER REVENUES.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the fund not less than [\$200,000,000 for each of the fiscal years 1968, 1969, and 1970, and not less than \$300,000,000 for each fiscal year thereafter through June 30, 1989.] \$300,000,000 for fiscal year 1977, \$450,000,000, for fiscal year 1978, \$625,000,000 for fiscal year 1979, and \$800,000,000 for fiscal year 1980 and for each fiscal year thereafter through September 30, 1989.

(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund [amount to \$200,000,000 or \$300,000,000 for each of such fiscal years, as] equivalent to the amounts provided in clause (1), an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.): *Provided*, That notwithstanding the provisions of section 3 of this Act, moneys covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purpose of this Act.

* * * * *

ALLOCATION OF LAND AND WATER CONSERVATION FUND FOR STATE AND FEDERAL PURPOSES [: AUTHORIZATION FOR ADVANCE APPROPRIATIONS]

SEC. 5. [(a)] ALLOCATION.—There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund. [In the absence of a provision to the contrary in the Act making an appropriation from the fund, (i) the appropriation therein made shall be available in the ratio of 60 per centum for State purposes and 40 per centum for Federal purposes, but (ii) the President may, during the first five years in which appropriations are made from the fund, vary said percentages by not more than 15 points either way to meet, as nearly as may be, the current relative needs of the States and the Federal Government.] The appropriation from the fund shall be available in the ratio of 60 per centum for State purposes and 40 per centum for Federal purposes.

[(b) ADVANCE APPROPRIATIONS; REPAYMENT.—Beginning with the third full fiscal year in which the fund is in operation, and until the end of fiscal year 1969, advance appropriations are hereby authorized to be made to the fund from any moneys in the Treasury not otherwise appropriated in such amounts as to average not more than \$60,000,000 for each fiscal year. Such advance appropriations shall be available for Federal and State purposes in the same manner and proportions as other moneys appropriated from the fund. Such advance appropriations shall be repaid without interest, beginning at the end of the next fiscal year after the first ten full fiscal years in which the fund has been in operation, by transferring, annually until fully repaid, to the general fund of the Treasury 50 per centum of the revenues received by the land and water conservation fund each year under section 2 of this Act prior to July 1, 1989, and 100 per centum of any revenues thereafter received by the fund. Revenues received from the sources specified in section 2 of this Act after July 1, 1989, or after payment has been completed as provided by this subsection, whichever occurs later, shall be credited to miscellaneous receipts of the Treasury. The moneys in the fund that are not required for repayment purposes may continue to be appropriated and allocated in accordance with the procedures prescribed by this Act.]

FINANCIAL ASSISTANCE TO STATES

SEC. 6. GENERAL AUTHORITY; PURPOSES.—(a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide financial assistance to the States from moneys available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this Act, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interests in land or waters, or (3) development.

(b) APPORTIONMENT AMONG STATES; NOTIFICATION.—Sums appropriated and available for State purposes for each fiscal year shall be apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

(1) two-fifths shall be apportioned equally among the several States; and

(2) three-fifths shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States and of the use of outdoor recreation resources of individual States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States [.] : *Provided, That whenever more than \$240,000,000 is appropriated and available for State purposes in a given fiscal year, such sums in excess of that amount shall be apportioned among the several States in the following manner:*

(A) 20 per centum shall be apportioned equally among the several States, as defined in paragraph (1) of this subsection;

(B) 75 per centum shall be apportioned on the basis of need to individual States as determined by the Secretary according to this paragraph; and

(C) 5 per centum shall be made available to individual States to meet special or emergency needs, as determined by the Secretary.

The total allocation to an individual State under paragraphs (1) and (2) of this subsection shall not exceed [7 per centum] 10 per centum of the total amount allocated to the several States in any one year.

The Secretary shall notify each State of its apportionments; and the amounts thereof shall be available thereafter for payment to such State for planning, acquisition, or development projects as hereafter prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) [of this subsection.] (C) of this subsection without regard to the limitation for any one State.

[The District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa shall be treated as States for the purposes of this title, except for the purpose of paragraph (1) of this subsection. Their population also shall be included as a part of the total population in computing the apportionment under paragraph (2) of this subsection.] *For the purposes of paragraph (1) of this subsection, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa shall be treated collectively as one State, and shall receive shares of such apportionment according to the relative size of their populations. The above listed areas shall be treated as States for all other purposes of this Title.*

(c) MATCHING REQUIREMENTS.—Payments to any State shall cover not more than 50 per centum of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. No payment may be made to any State for or on account of any cost or obligation incurred or any service rendered prior to the date of approval of this Act.

(d) COMPREHENSIVE STATE PLAN REQUIRED; PLANNING PROJECTS.—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assist-

ance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this Act [.] : *Provided, That no plan shall be approved unless the Governor of the respective State certifies that ample opportunity for public participation in plan development and revision has been accorded. The Secretary shall develop, in consultation with others, criteria for public participation, which criteria shall constitute the basis for the Governors' certification.* The plan shall contain—

(1) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this Act;

(2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

(3) a program for the implementation of the plan; and

(4) other necessary information, as may be determined by the Secretary.

The Plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Housing and Home Finance Agency, any statewide outdoor recreation plan prepared for purposes of this Act shall be based upon the same population, growth, and other pertinent factors as are used in formulating the Housing and Home Finance Agency financed plans.

The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when such plan is not otherwise available or for the maintenance of such plan.

(e) **PROJECTS FOR LAND AND WATER ACQUISITION; DEVELOPMENT.**—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of projects or combinations thereof if they are in accordance with the State comprehensive plan:

(1) **ACQUISITION OF LAND AND WATERS.**—For the acquisition of land, waters, or interests in land or waters (other than land, waters, or interests in land or waters acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

Whenever a State provides that the owner of a single-family residence may, at his option, elect to retain a right of use and occupancy for not less than six months from the date of acquisition of such residence and such owner elects to retain such a right, such owner shall be deemed to have waived any benefits under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894) and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act.

(2) **DEVELOPMENT.**—For development, including but not limited to site planning and the development of Federal lands under lease to States for terms of twenty-five years or more. *Notwithstanding any other provisions of this Act, not more than 25 per centum of the total amount allocated to a State in any one year*

may be utilized for the planning and development of sheltered facilities for swimming pools and ice skating rinks within areas where the Secretary determines that (1) the severity of climatic conditions provides no feasible or prudent alternative to serve identified unmet demands for recreation resources; and (2) the increased public use thereby made possible justifies the construction of such facilities.

(f) **REQUIREMENTS FOR PROJECT APPROVAL; CONDITION.**—Payments may be made to States by the Secretary only for those planning, acquisition, or development projects that are approved by him. No payment may be made by the Secretary for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any project with respect to which such assistance has been given or promised under this Act. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of individual projects: *Provided, That the approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of the particular project, and to operate and maintain by acceptable standards, at State expense, the particular properties or facilities acquired to developed for public outdoor recreation use.*

Payments for all projects shall be made by the Secretary to the Governor of the State or to a State official or agency designated by the Governor or by State law having authority and responsibility to accept and to administer funds paid hereunder for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

No payment shall be made to any State until the State has agreed to (1) provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this Act, and (2) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State under this Act.

Each recipient of assistance under this Act shall keep such records as the Secretary of the Interior shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

The Secretary of the Interior, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

Each State shall be required to evaluate its grant programs annually under guidelines set forth by the Secretary. Such evaluation and the publication of same shall be eligible for funding on a 50/50 matching basis. The results of the evaluation shall be annually reported on a fiscal year basis to the Bureau of Outdoor Recreation, which agency shall forward a summary of such reports to the Committees on Interior and Insular Affairs of the United States Congress. Such report to the committees shall also include an analysis of the accomplishments of the fund for the period reported, and may also include recommendations as to future improvements for the operation of the Land and Water Conservation Fund program.

With respect to property acquired or developed with assistance from the fund, discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited except to the extent that reasonable differences with respect to admission and user fees charged to local versus out-of-State residents may be permitted. Such fee differential shall take into consideration the relative total contribution from all funding sources to the affected area.

(g) **COORDINATION WITH FEDERAL AGENCIES.**—In order to assure consistency in policies and actions under this Act, with other related Federal programs and activities (including those conducted pursuant to title VII of the Housing Act of 1961 and section 701 of the Housing Act of 1954) and to assure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations.

SEC. 7. (a) Moneys appropriated from the fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President to the following purposes and subpurposes:

(1) For the acquisition of land, waters, or interests in land or waters as follows:

NATIONAL PARK SYSTEM; RECREATION AREAS.—Within the exterior boundaries of areas of the national park system now or hereafter authorized or established and of areas now or hereafter authorized to be administered by the Secretary of the Interior for outdoor recreation purposes.

NATIONAL FOREST SYSTEM.—Inholdings within (a) wilderness areas of the National Forest System, and (b) other areas of national forests as the boundaries of those forests exist on the effective date of this Act, or purchase units approved by the National Forest Reservation Commission subsequent to the date of this Act, all of which other areas are primarily of value for outdoor recreation purposes: *Provided*, That lands outside of but adjacent to an existing national forest boundary, not to exceed [five hundred] 3,000 acres in the case of any one forest, which would

comprise an integral part of a forest recreational management area may also be acquired with moneys appropriated from this fund: *Provided further*, That *except for areas specifically authorized by Act of Congress*, not more than 15 per centum of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

ENDANGERED SPECIES AND THREATENED SPECIES.—For lands, waters, or interests therein, the acquisition of which is authorized under section 5(a) of the Endangered Species Act of 1973, needed for the purpose of conserving endangered or threatened species of fish or wildlife or plants.

RECREATION AT REFUGES.—For the incidental recreation purposes of section 2 of the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460 k-1).

(2) For payment into miscellaneous receipts of the Treasury as a partial offset for those capital costs, if any, of Federal water development projects hereafter authorized to be constructed by or pursuant to an Act of Congress which are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

(b) **ACQUISITION RESTRICTION.**—Appropriations from the fund pursuant to this section shall not be used for acquisition unless such acquisition is otherwise authorized by law.

* * * * *

FUNDS NOT BE USED FOR PUBLICITY

SEC. 8. Moneys derived from the sources listed in section 2 of this Act shall not be available for publicity [purposes.] *purposes: Provided, however, That in each case where significant acquisition or development is initiated, appropriate standardized temporary signing shall be located on or near the affected site, to the extent feasible, so as to indicate the action taken is a product of funding made available through the Land and Water Conservation Fund. Such signing may indicate the per centum and dollar amounts financed by Federal and non-Federal funds, and that the source of the funding includes moneys derived from Outer Continental Shelf receipts. The Secretary shall prescribe standards and guidelines for the usage of such signing to assure consistency of design and application.*

* * * * *

SEC. 12. *Within one year of the date of enactment of this section, the Secretary is authorized and directed to submit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives a comprehensive review of the needs, problems, and opportunities associated with urban recreation in highly populated regions, including the resources potentially available for meeting such needs. Such review shall identify evolving and anticipated forces, factors, and trends, and shall present a full range of options and alternatives as to possible solutions and courses of action designed to preserve remaining open space, ameliorate recreational deficiency, and enhance recreational opportunity for urban populations.*

TITLE II—AMENDMENTS TO THE NATIONAL HISTORIC PRESERVATION ACT OF 1966 (80 STAT. 915), AS AMENDED

* * * * *

[SEC. 108. To carry out the provisions of this title, there are authorized to be appropriated not more than \$15,600,000 in fiscal year 1974, \$20,000,000 in fiscal year 1975, and \$24,400,000 in fiscal year 1976. Such appropriations shall be available for the financial assistance authorized by this title and for the administrative expenses of the Secretary in connection therewith, and shall remain available until expended.]

SEC. 108. To carry out the provisions of this Act, there is hereby established the historic preservation fund (hereafter referred to as the 'fund') in the Treasury of the United States. During the period commencing October 1, 1976, and ending September 30, 1989, there shall be covered into such fund \$24,400,000 for fiscal year 1977, \$75,000,000 for fiscal year 1978, \$75,000,000 for fiscal year 1979, and \$100,000,000 for fiscal year 1980 and each fiscal year thereafter, from revenues due and payable to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462,469), as amended (42 U.S.C. 338), and/or under the Act of June 4, 1920 (41 Stat. 813), as amended (30 U.S.C. 191), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Such moneys shall be used only to carry out the purposes of this Act and shall be available to expenditure only when appropriated by the Congress. Any moneys not appropriated shall remain available in the fund until appropriated for said purposes. Provided, That appropriations made pursuant to this paragraph may be made without fiscal year limitation.

* * * * *

SEC. 206. (a) The participation of the United States as a member in the International Centre for the Study of the Preservation and Restoration of Cultural Property is hereby authorized.

(b) The Council shall recommend to the Secretary of State, after consultation with the Smithsonian Institution and other public and private organizations concerned with the technical problems of preservation, the members of the official delegation which will participate in the activities of the Centre on behalf of the United States. The Secretary of State shall appoint the members of the official delegation from the persons recommended to him by the Council.

[(c) For the purposes of this section there are authorized to be appropriated not more than \$100,000 in fiscal year 1974, \$100,000 in fiscal year 1975, and \$125,000 in fiscal year 1976: Provided, That effective January 1, 1974, no appropriation is authorized and no payment shall be made to the Centre in excess of 25 per centum of the total annual assessment of such organization.]

(c) For the purposes of this section there are authorized to be appropriated not more than \$175,000 per year for fiscal years 1977, 1978, and 1979: Provided, That no appropriation is authorized and no payment shall be made to the Centre in excess of 25 per centum of the total annual assessment of such organization.

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HOUSE REPORT ON H.R. 12234

APPENDIX I

LAND AND WATER CONSERVATION FUND PLANNING, ACQUISITION, AND DEVELOPMENT GRANTS TO STATES AS OF FEB. 29, 1976

States	Planning		Combina- tion count ¹	Acquisition		Development		Total	
	Number	Amount		Number	Amount	Number	Amount	Number	Amount
1. Alabama.....	5	\$193,716.02	45	28	\$2,904,571.33	155	\$17,084,620.11	233	\$20,182,907.46
2. Alaska.....	3	305,973.94	14	28	4,936,453.50	79	6,189,941.08	124	11,432,368.52
4. Arizona.....	5	146,509.87	13	51	5,235,090.78	239	12,120,738.20	308	17,502,338.85
5. Arkansas.....	8	416,116.94	10	35	2,643,404.79	82	10,182,592.43	135	13,242,114.16
6. California.....	6	750,051.35	154	53	53,355,619.20	220	27,795,838.69	380	81,901,509.24
8. Colorado.....	4	57,264.82	10	95	6,760,077.11	391	10,148,174.52	500	16,965,516.45
9. Connecticut.....	3	59,121.63	135	16	16,873,509.02	13	2,520,847.12	151	19,453,477.77
10. Delaware.....	3	107,463.65	62	6	6,404,347.30	5	2,641,944.56	71	9,153,755.51
11. District of Columbia.....	2	320,128.00	2	2	202,400.00	30	5,934,281.75	34	6,457,409.75
12. Florida.....	7	523,286.18	33	49	27,405,342.99	41	6,779,197.80	94	34,184,540.79
13. Georgia.....	3	205,782.88	2	16	8,406,726.81	176	15,649,012.92	265	24,579,025.91
15. Hawaii.....	7	163,353.44	15	31	5,167,157.95	55	6,394,454.11	76	11,767,394.94
16. Idaho.....	4	403,817.80	1	198	2,470,512.68	140	9,011,777.25	190	11,645,643.37
17. Illinois.....	5	270,856.49	30	43	45,824,291.43	33	5,312,376.15	237	51,540,465.38
18. Indiana.....	6	93,882.61	31	176	7,095,401.27	142	18,344,024.90	221	25,710,282.66
19. Iowa.....	5	162,251.64	13	49	7,687,437.64	329	8,359,686.86	541	16,141,007.11
20. Kansas.....	6	205,829.75	72	43	3,300,378.22	184	13,373,006.36	251	16,835,636.22
21. Kentucky.....	8	327,295.53	23	77	4,440,079.30	167	13,521,915.94	288	18,167,824.99
22. Louisiana.....	8	182,339.00	20	104	11,899,133.95	167	12,759,346.64	275	24,985,776.12
23. Maine.....	7	412,250.94	13	59	5,849,514.75	147	5,164,750.96	279	11,196,604.71
24. Maryland.....	3	567,429.26	34	85	16,924,651.16	161	7,554,519.25	253	24,479,170.41
25. Massachusetts.....	3	363,676.97	35	251	13,043,282.09	93	16,094,150.01	168	29,549,683.04
26. Michigan.....	3			188	16,436,598.46	390	22,241,827.56	615	39,245,855.28
27. Minnesota.....	7			251	11,250,154.19	317	7,961,145.67	610	19,574,976.83
28. Mississippi.....	7	305,720.64	16	20	2,222,558.49	119	11,610,253.86	162	14,138,532.99
29. Missouri.....	6	311,667.19	48	255	14,931,766.80	219	13,948,656.31	528	29,192,090.30
30. Montana.....	3	209,648.07	37	47	2,486,926.44	228	9,217,759.83	315	11,914,374.34
31. Nebraska.....	2	51,347.02	56	58	3,187,905.20	251	11,535,956.45	367	14,775,208.67
32. Nevada.....	4	292,750.45	1	14	6,979,898.45	69	5,638,553.69	88	12,911,202.59
33. New Hampshire.....	4	188,930.55	7	66	3,078,498.77	122	7,086,993.99	199	10,354,423.31
34. New Jersey.....	1	32,500.00	29	29	12,114,924.79	203	25,056,053.46	233	37,203,478.25
35. New Mexico.....	11	337,533.86	32	13	2,624,275.70	270	9,653,185.16	326	12,614,994.72
36. New York.....	5	692,895.36	16	70	15,064,432.00	208	60,186,804.62	299	75,944,131.98
37. North Carolina.....	6	446,647.07	75	65	10,114,559.97	165	12,290,277.50	311	22,851,484.54
38. North Dakota.....	4	45,919.80	55	53	1,956,769.73	416	9,325,576.86	528	11,328,266.39
39. Ohio.....	3	385,850.00	14	181	26,461,786.40	162	21,243,073.24	360	48,090,709.64
40. Oklahoma.....	5	354,561.09	29	51	3,229,810.90	291	12,851,385.87	376	16,427,757.86
41. Oregon.....	3	364,302.81	11	152	14,328,946.77	481	6,542,280.74	647	21,225,530.32
42. Pennsylvania.....	3	559,846.43	4	46	5,807,611.56	301	50,015,756.84	354	56,383,214.83
44. Rhode Island.....	2	245,963.07	3	57	3,122,358.09	85	8,300,602.42	147	11,668,923.58
45. South Carolina.....	8	399,796.95	49	51	6,646,341.82	320	10,188,273.42	428	17,234,412.19
46. South Dakota.....	5	31,131.20	34	51	1,843,630.05	363	11,040,467.14	453	12,915,228.39
47. Tennessee.....	3	300,400.49	29	53	7,850,030.58	127	15,500,294.40	212	23,650,725.47
48. Texas.....	2	1,118,483.98	55	55	13,314,468.09	249	37,289,809.45	361	51,722,761.52
49. Utah.....	4	139,228.76	12	56	6,111,361.34	118	4,358,606.29	190	15,791,196.39
50. Vermont.....	4	127,421.98	12	83	5,434,217.81	109	4,358,163.15	208	9,919,802.94
51. Virginia.....	1	46,138.14	22	33	17,734,584.17	53	6,679,550.75	109	24,460,273.06
53. Washington.....	4	235,636.32	2	131	11,724,883.73	115	9,261,911.27	252	21,222,431.32
54. West Virginia.....	2	61,941.22	27	35	2,493,306.11	92	12,349,203.69	156	14,904,451.02
55. Wisconsin.....	2	39,397.37	29	448	14,304,947.08	405	8,854,833.81	884	24,199,178.26
56. Wyoming.....	6	376,831.33	2	11	1,484,316.63	332	9,091,014.25	376	10,952,162.21
60. American Samoa.....	2		2		67,650.00	14	536,614.43	16	604,264.43
66. Guam.....	2	34,100.00	1	1	79,000.00	5	561,513.85	9	674,613.85
72. Puerto Rico.....	2	127,150.00	2	7	383,324.00	22	7,167,259.26	33	7,677,733.26
78. Virgin Islands.....	2	92,139.99	7	7	253,740.25	2	246,210.87	11	592,091.11
Grand total.....	225	14,176,279.85	1,129	4,211	503,954,967.64	9,672	681,309,707.71	15,237	1,199,440,955.20

¹ Combination project amounts are divided between acquisition amount and development amount, as appropriate.

APPENDIX II

VARIOUS ALLOCATIONS TO STATES—5 NON-STATES CONSIDERED TO BE THE 51ST STATE—IT'S EQUAL SHARE PRORATED ON BASIS OF POPULATION

State	\$180,000,000	\$270,000,000	\$375,000,000	\$480,000,000
Alabama	\$2,912,065	\$4,340,450	\$5,942,390	\$7,544,329
Alaska	1,533,265	2,189,450	2,697,290	3,205,129
Arizona	2,285,665	3,363,950	4,471,340	5,578,729
Arkansas	2,098,465	3,070,250	4,023,290	4,976,329
California	12,439,465	19,218,650	28,433,000	37,647,529
Colorado	2,480,065	3,667,250	4,928,990	6,190,729
Connecticut	2,984,065	4,454,450	6,119,390	7,784,329
Delaware	1,679,065	2,417,150	3,041,540	3,665,929
Florida	4,902,865	7,449,650	10,643,390	13,837,129
Georgia	3,326,965	4,987,100	6,916,115	8,845,129
Hawaii	1,809,565	2,621,000	3,349,865	4,078,729
Idaho	1,636,765	2,350,400	2,938,565	3,526,729
Illinois	7,094,365	10,870,400	15,809,765	20,749,129
Indiana	3,771,565	5,681,900	7,967,915	10,253,929
Iowa	2,466,565	3,644,300	4,888,715	6,133,129
Kansas	2,297,365	3,380,900	4,493,015	5,605,129
Kentucky	2,654,665	3,937,850	5,331,890	6,725,929
Louisiana	3,024,565	4,516,100	6,207,815	7,899,529
Maine	1,738,465	2,508,950	3,177,440	3,845,929
Maryland	3,468,265	5,210,450	7,261,790	9,313,129
Massachusetts	4,405,165	6,673,100	9,471,515	12,269,929
Michigan	5,903,665	8,811,450	13,001,090	16,990,729
Minnesota	3,085,765	4,611,500	6,351,515	8,091,529
Mississippi	2,116,465	3,097,550	4,062,140	5,026,729
Missouri	3,569,065	5,366,150	7,492,040	9,617,929
Montana	1,649,365	2,370,200	2,968,865	3,567,629
Nebraska	1,998,565	2,915,000	3,790,865	4,666,729
Nevada	1,662,865	2,391,950	3,003,740	3,615,529
New Hampshire	1,669,165	2,401,100	3,015,515	3,629,929
New Jersey	5,333,965	8,123,900	11,665,715	15,207,529
New Mexico	1,775,365	2,566,700	3,265,115	3,963,529
New York	11,203,765	17,287,700	25,510,415	33,733,129
North Carolina	3,384,565	5,046,915	7,046,915	9,017,929
North Dakota	1,596,265	2,287,250	2,843,390	3,399,529
Ohio	6,800,065	10,410,650	15,114,290	19,817,929
Oklahoma	2,481,865	3,669,050	4,928,690	6,188,329
Oregon	2,357,665	3,475,850	4,538,890	5,801,929
Pennsylvania	7,452,565	11,429,600	16,554,565	21,879,529
Rhode Island	1,912,165	2,781,200	3,581,965	4,402,729
South Carolina	2,461,165	3,636,500	4,878,815	6,121,129
South Dakota	1,616,065	2,318,150	2,950,040	3,461,929
Tennessee	3,036,265	4,533,650	6,232,190	7,930,729
Texas	6,958,465	10,657,250	15,484,790	20,312,329
Utah	1,943,665	2,830,250	3,665,690	4,501,129
Vermont	1,530,565	2,184,800	2,888,965	3,193,129
Virginia	3,513,265	5,278,850	7,359,590	9,440,329
Washington	3,076,765	4,598,600	6,335,465	8,072,329
West Virginia	2,068,765	3,024,200	3,954,665	4,885,129
Wisconsin	3,359,365	5,038,400	6,995,765	8,953,129
Wyoming	1,498,165	2,134,400	2,813,365	3,092,329
District of Columbia	728,912	1,095,479	1,528,051	1,960,634
Puerto Rico	2,139,130	3,185,475	4,351,968	5,518,498
Virgin Islands	40,128	59,098	78,677	98,257
Guam	53,504	78,798	104,903	131,009
American Samoa	13,376	19,700	26,226	32,752
Contingency	9,000,000	13,500,000	18,750,000	24,000,000
Total	180,000,000	270,000,000	375,000,000	480,000,000

APPENDIX III

HISTORIC PRESERVATION GRANTS-IN-AID

Allocations to grantees under the National Historic Preservation Act of 1966¹

Grantee	Amount	Grantee—Continued	Amount
Alabama	\$1,745,202.56	New Hampshire	\$668,753.53
Alaska	645,998.84	New Jersey	795,190.46
American Samoa	67,750.00	New Mexico	779,226.11
Arizona	499,074.07	New York	3,186,562.95
Arkansas	1,425,191.04	North Carolina	1,782,638.57
California	2,405,266.00	North Dakota	280,089.00
Colorado	729,271.75	Ohio	1,546,780.78
Connecticut	836,813.92	Oklahoma	761,019.86
Delaware	892,769.00	Oregon	585,272.71
District of Columbia	932,113.75	Pennsylvania	2,506,273.71
Florida	1,528,165.34	Puerto Rico	418,104.13
Georgia	1,133,607.61	Rhode Island	1,530,622.88
Guam	236,194.00	South Carolina	2,652,443.86
Hawaii	1,155,310.00	South Dakota	764,786.00
Idaho	544,677.00	Tennessee	865,210.28
Illinois	1,255,998.44	Texas	2,077,271.91
Indiana	658,724.00	Trust Territories	157,756.00
Iowa	936,857.00	Utah	771,909.80
Kansas	623,280.39	Vermont	1,055,129.05
Kentucky	1,224,469.00	Virginia	1,896,653.50
Louisiana	873,386.00	Virgin Islands	40,936.00
Maine	679,025.29	Washington	1,068,548.73
Maryland	1,838,591.49	West Virginia	866,152.17
Massachusetts	2,664,420.52	Wisconsin	783,955.04
Michigan	1,469,881.00	Wyoming	770,032.03
Minnesota	1,843,106.53		
Mississippi	743,269.10	Total to States	61,206,668.44
Missouri	983,271.26	National trust	11,684,413.00
Montana	637,448.72		
Nebraska	745,916.60	Grand total	\$72,891,081.44
Nevada	640,299.16		

¹ The amounts shown are funds allocated to each grantee from appropriations made under the 1966 Act. The figures include funding made available since program inception through the transition period between fiscal years 1976 and 1977.

Allocation of funds to the States and the National Trust for Historic Preservation—
Fiscal year 1976

1. Funds requested from 55 States	\$210,500,256.00
2. Funds requested from national trust	3,394,290.00
3. Total funds requested (sum of 1, and 2)	213,894,546.00
4. Authorization	24,400,000.00
5. Appropriation	26,000,000.00
6. Apportioned to States for grants	15,259,483.00
7. Apportioned to national trust for grants	2,544,492.00
8. Total apportioned for grants (sum of 6 and 7)	17,803,975.00
9. Administrative expenses	1,031,900.00
10. Adjustment for prior year's over-apportionment	1,164,125.00

In reporting to the U.S. House of Representatives on the National Historic Preservation Act, the Secretary of the Interior has stated that the Land and Water Conservation Fund, which is the source of the money for these grants, is in a very healthy state. He also stated that the legislation has two important provisions which must be corrected on the House Floor.

First, the Land and Water Conservation Fund annual authorizations are increased from the current \$300 million in FY 76 to \$800 million by Fiscal Year 1980. This near tripling of the Fund is based on highly optimistic estimates of future Outer Continental Shelf receipts which

BREAKDOWN BY STATES

State	Amount requested	Amount apportioned
Alabama	\$4,279,009	\$303,952
Alaska	242,728	158,726
American Samoa	19,200	19,200
Arizona	231,006	158,326
Arkansas	3,421,055	273,083
California	24,157,600	800,000
Colorado	1,114,678	190,099
Connecticut	5,066,198	332,275
Delaware	2,345,292	234,377
District of Columbia	2,834,690	251,985
Florida	2,493,838	239,721
Georgia	6,082,377	368,838
Guam	80,118	80,118
Hawaii	4,500,433	311,920
Idaho	268,879	159,668
Illinois	4,171,134	300,071
Indiana	988,847	185,573
Iowa	962,275	184,617
Kansas	283,934	160,210
Kentucky	5,247,779	338,809
Louisiana	1,938,092	219,727
Maine	1,842,440	216,285
Maryland	8,076,208	463,243
Massachusetts	19,350,749	800,000
Michigan	5,732,356	356,244
Minnesota	7,538,468	421,228
Mississippi	368,888	163,267
Missouri	2,579,856	242,817
Montana	862,934	181,942
Nebraska	981,840	185,321
Nevada	768,000	177,627
New Hampshire	1,360,040	198,928
New Jersey	923,160	183,209
New Mexico	734,880	176,435
New York	15,857,261	720,538
North Carolina	4,008,496	294,220
North Dakota	254,400	159,147
Ohio	11,374,483	559,248
Oklahoma	453,680	166,317
Oregon	520,160	168,709
Pennsylvania	10,253,640	518,920
Puerto Rico	888,000	181,944
Rhode Island	3,296,512	268,603
South Carolina	4,249,530	302,892
South Dakota	1,151,433	191,423
Tennessee	1,948,437	220,099
Texas	17,116,207	765,835
Trust territory	57,756	57,756
Utah	1,261,552	195,385
Vermont	2,570,092	242,466
Virginia	6,960,393	400,429
Washington	2,641,169	245,023
West Virginia	1,054,670	187,941
Wisconsin	1,756,958	213,209
Wyoming	345,852	162,438
State total	210,500,256	15,259,483
National trust	3,394,290	2,544,492
Grantees total	213,894,546	17,803,975

SEPARATE VIEWS OF REPRESENTATIVE JOE SKUBITZ

The American public's enthusiastic acceptance of our nation-wide parks and recreation program is refreshing recognition of the wisdom of creating the Land and Water Conservation Fund. Since its inception in 1964, the Fund has been the important source for our parks and recreation development.

The demand for more development heightens as more and more people seek the use of parks and recreation areas. The Land and Water Conservation Fund should be responsibly increased to meet more of these demands. In my view, the purpose of the LWCF rings as true today as when our former Chairman Wayne Aspinall first explained it to the House on July 22, 1964:

Finally, let me say that it is my firm belief that the American public must have lands and areas available for outdoor recreation just as it must have facilities for commercial entertainment and it must be willing to pay at least a part of the cost of the former just as it gladly pays the whole cost of the latter.

The next question which I said H.R. 3846 deals with is this: How do we assure that the necessary funds will be available when they are needed? If the fees and other revenues I have been talking about were to be lumped with all other receipts of the Government in the general fund of the Treasury, there would be a great temptation from time to time to spend them for whatever happened to be uppermost in the public mind at the moment and we would not have accomplished our purpose. Here is where the land and water conservation fund comes into the picture.

What H.R. 3846 proposes is that these receipts shall be paid into the land and water conservation fund and earmarked for the purpose of expanding our outdoor recreation base, both Federal and State.

Neither the Federal agencies nor the States can plan a long-range program for outdoor recreation development—and I remind you that both are in the picture—unless they are sure of a reasonably certain and stable source from which appropriations can and will be made. This is the reason we set up the fund.

In reporting H.R. 12234, the Interior Committee is seeking to make changes in the Land and Water Conservation Fund. While I support many of these changes, I believe this legislation has two major flaws which must be corrected on the House Floor.

First, the Land and Water Conservation Fund annual authorizations are increased from the current \$300 million in FY 76 to \$800 million by Fiscal Year 1980. This near tripling of the Fund is based on highly optimistic estimates of future Outer Continental Shelf receipts which

may never materialize. I hope a less unanimous increase is approved by the House to avoid a veto.

Second, I am opposed to altering the current State distribution formula for the Land and Water Conservation Fund. This legislation changes the formula so that 14 more populous States gain at the expense of 36 less populous States. The unique natural beauty of areas where parks and recreation centers are created is not a function of proximity to high population density. The current formula has served the States well and should not be tinkered with.

TOO MUCH, TOO SOON

H.R. 12234 authorizes annual incremental increases in the Land and Water Conservation Fund. The total authorizations would be as follows: \$300 million in fiscal year 1977; \$450 million in fiscal year 1978; \$625 million in fiscal year 1979; and \$800 million in fiscal year 1980 and each year thereafter through fiscal year 1989. Although the Committee has avoided increasing the Fund from fiscal year 1976 to fiscal year 1977, the rapid increases thereafter brought the following Departmental (Interior and Agriculture) comment:

We recommend against the enactment of these bills because we believe that such an increase in the authorized level of funds at this time would jeopardize the Administration's effort to hold down Federal spending.

In short, it is too much, too soon.

During Committee mark-up I offered an amendment to trim H.R. 12234's generous Fund increases according to the following scale: \$300 million in fiscal year 1977; \$450 million in fiscal year 1978; \$500 million in fiscal year 1979; and \$600 million in fiscal year 1980 and each year thereafter through fiscal year 1989. This amendment, if adopted, would double the current level of the Land and Water Conservation Fund in the same time frame contemplated by the Committee's bill. Its total ultimate annual authorization level, however, is \$200 million less than H.R. 12234 and therefore far less likely to encounter a Presidential veto.

The Committee rejected my amendment by a vote of 13 ayes to 18 nays. Perhaps it did so with a view that a substantial gain in Outer Continental Shelf receipts would soften the President's heart. But I believe we shall find the OCS predictions unreliably optimistic.

DON'T COUNT ON OCS RECEIPTS

Historically, a portion of the OCS receipts have been "earmarked" for the Land and Water Conservation Fund. But this "earmarking" does not lessen the impact of the Fund on the Federal budget. Every dollar taken from OCS receipts for the LWCF is another dollar which must be made up in the General Treasury either by increasing taxes or adding to the National debt.

The Interior Committee itself had the following observations about OCS receipts and budget deficits in its report to the Budget Committee:

The Committee recognizes the special problem created by the use of Outer Continental Shelf (OCS) receipts as a variable in reducing the estimated budget deficit. For example, the President's Budget for fiscal year 1977 estimates that the projected deficit for 1977 will be \$43 billion, but this estimate is based on estimated \$6 billion in OCS rents and royalty receipts that reduce the overall deficit by that same amount. Since the President's Budget over the last fifteen years shows that OCS receipts were overestimated in eleven of those years (see Table 1), this Committee would alert the Committee on the Budget that there is little likelihood of receiving the full \$6 billion in receipts. Consequently, it is likely that the President's deficit is underestimated in his fiscal year 1977 Budget.

The chart which follows is the same chart used by the Interior Committee in demonstrating to the Budget Committee how overly optimistic estimates of OCS receipts have been. It is rather illogical for the Interior Committee now to recommend dramatic increases in authorizations for the LWCF based on these same overly optimistic estimates.

In the report accompanying H.R. 12234 the Committee states that OCS actual receipts have averaged \$4 billion "in the past several years." As the chart below shows, that average is calculated from actual receipts only from the last three years. And in those three years, one was unusually high and the other two considerably lower. Actual OCS receipts in 1975 were only \$2.4 billion. The annual average of actual receipts over the last 15 years is only \$1.16 billion. It is mere conjecture, at this point, to assume that the OCS receipts can support an \$800 million Land and Water Conservation Fund in Fiscal Year 1980, and completely guess-work that the OCS receipts will still be that high by Fiscal Year 1989. If the estimates for OCS receipts are factored downward in scale with the track record of past estimates vs. actual receipts, then a LWCF increase of not to exceed \$600 million by fiscal year 1980 is far more justifiable. Even that figure may need to be lowered in future years if OCS receipts diminish due to depletion of offshore oil resources.

TABLE 1.—OUTER CONTINENTAL SHELF RECEIPTS, ESTIMATES AND ACTUALS IN PRESIDENT'S BUDGET FOR
FISCAL YEARS 1961-75
[In millions]

	Bonuses and rents	Royalties	Total bonuses, rents and royalties
1961 Estimate	\$3	\$177	\$180
1961 Estimate	70	6	76
1961 Actual	2	6	8
1962 Estimate	113	7	120
1962 Estimate	133	7	140
1962 Actual	6	6	12
1963 Estimate	210	10	220
1963 Estimate	370	10	380
1963 Actual	350	7	366
1964 Estimate	350	12	362
1964 Estimate	174	9	183
1964 Actual	6	11	17
1965 Estimate	262	70	272
1965 Estimate	95	13	108
1965 Actual	42	11	53
1966 Estimate	270	16	286
1966 Estimate	152	13	165
1966 Actual	162	86	248
1967 Estimate	335	65	400
1967 Estimate	350	50	400
1967 Actual	596	41	637
1968 Estimate	365	65	430
1968 Estimate	435	66	500
1968 Actual	903	98	961
1969 Estimate	420	80	500
1969 Estimate	810	80	890
1969 Actual	350	78	428
1970 Estimate	850	100	950
1970 Estimate	206	86	292
1970 Actual	73	114	187
1971 Estimate	400	570	970
1971 Estimate	933	140	1,073
1971 Actual	891	160	1,051
1972 Estimate		190	713
1972 Estimate	523	190	713
1972 Actual	28	251	279
1973 Estimate	1,880	1,200	2,080
1973 Estimate	3,145	1,030	4,175
1973 Actual	2,929	1,027	3,956
1974 Estimate	1,800	800	2,100
1974 Estimate	5,700	800	6,000
1974 Actual	6,340	408	6,748
1975 Estimate	4,700	300	5,000
1975 Estimate	4,500	500	5,000
1975 Actual	1,336	882	2,428

CONSIDER THE IMPACT OF OTHER BILLS

Before the House acts on the generous increases provided in H.R. 12234 for State parks and recreation programs, I want to bring to each Member's attention another bill already ordered reported by the Interior Committee which, if passed, will cause an additional significant drain on the Treasury. Like H.R. 12234, the bill will provide payments to the States—for National Parks and other lands Federally owned. The bill soon to be reported is commonly referred to as authorizing "payments in lieu of taxes." It is estimated to cost \$130 million and more annually.

The House should not legislate in a vacuum. It behooves us to look at legislation on the drawing boards as well as that ready for a vote. The payments in lieu of taxes bill (H.R. 9719) is now beyond the drawing board and waiting in the wings to be next on stage.

If both bills pass, we will be burning our candle for parks and recreation areas at both ends. On the one hand, we will nearly triple the fund from which parks and recreation areas are created. On the other hand

we will be initiating a program to pay local units of governments for Federal parks in their area. Make no mistake about it, both bills require more Federal funds for parks. It is a two-way demand on a Federal budget already \$43 billion in the red from the start of fiscal year 1977.

I am shocked with the current demand for Federal dollars for parks as "payments in lieu of taxes." In my fourteen years as a Member of Congress and a member of the National Parks Subcommittee, I have listened to hundreds of witnesses testify in favor of parks as a boon to the local economy. To encourage the Congress to create local parks, many local communities donated land and put up cash payments to help defray the costs of land acquisition. Now we are confronted with the cry for Federal payments in lieu of taxes in order to meet the "demands caused by these parks." We hear complaints about lower tax bases because of the parks. It can't be both ways. In some cases such as Yellowstone National Park, the park came long before the local government even existed!

It is time the Congress looked at the total parks and recreation picture and avoided the piecemeal approach. I hope the debate on the merits of increasing the Land and Water Conservation Fund will give full consideration to the impact of a "payments in lieu of taxes" bill.

WHY TINKER WITH THE FORMULA?

The second major change in the Land and Water Conservation Fund made by H.R. 12234 is the "adjustments" to the formula for distributing that portion of the Fund which goes to the States. Quite simply, these "adjustments" allow 14 more populous States and the U.S. territories (counted together as a single "State" unit) to gain additional funds at the expense of 36 less populous States. The actual gains and losses are readily seen in the following chart. (see page 6)

Of course, Members from heavily populated States may argue that a fair distribution of the Fund is that which achieves nearly equal per capita amounts. I disagree.

Because the United States has a mobile population, its citizens travel widely to scenic areas and choice recreation spots. Thus parks and recreation areas are more likely to be created in these locations, not areas of high population density. The current formula for LWCF distribution is based largely on need as determined by the Secretary. This flexibility is desirable and has served the States well.

Even if one accepts the premise that future parks should be located nearer the cities, it does not follow that a greater portion of the LWCF should go to the more populous States. A State with a small population, but large land mass would need more parks to serve its scattered communities. When creating parks and recreation areas, need is usually more a function of open spaces, scenic beauty, and natural wilderness than it is population density. The current LWCF distribution formula based on this kind of need should not be tinkered with.

36 STATES LOSE; 14 STATES GAIN UNDER H.R. 12234 FORMULA CHANGE

States	Current formula, fiscal year			New formula, fiscal year			Difference between current formula and H.R. 12234 (3-yr period)
	1978	1979	1980	1978	1979	1980	
Alabama	\$4,410,450	\$6,125,625	\$7,840,800	\$4,380,450	\$5,990,625	\$7,880,800	-\$295,000
Alaska	2,342,250	3,253,125	4,164,000	2,229,450	2,745,525	3,261,600	-1,522,800
Arizona	3,470,850	4,819,625	6,170,400	3,403,950	4,519,575	5,635,200	-902,150
Arkansas	3,190,050	4,435,625	5,671,200	3,110,250	4,071,525	5,032,800	-1,882,300
California	18,701,550	25,974,375	33,247,200	19,258,650	28,481,325	37,704,000	+7,520,850
Colorado	3,762,450	5,225,625	6,688,800	3,707,250	4,977,225	6,247,200	-745,200
Connecticut	4,518,450	6,275,625	8,032,800	4,494,450	6,167,625	7,840,800	-324,000
Delaware	2,560,950	3,556,875	4,552,800	2,457,150	3,089,775	3,722,400	-1,401,300
Florida	7,396,650	10,273,125	13,149,600	7,489,650	10,691,625	13,893,600	+1,255,500
Georgia	5,032,800	6,990,000	8,947,200	5,027,100	6,964,350	8,901,600	-76,950
Hawaii	2,756,700	3,828,750	4,900,800	2,661,000	3,398,100	4,135,200	-1,291,950
Idaho	2,497,500	3,468,750	4,440,000	2,390,400	2,986,800	3,583,200	-1,445,850
Illinois	10,683,900	14,538,750	18,993,600	10,910,400	15,858,000	20,805,000	+3,357,150
Indiana	5,699,700	7,916,250	10,132,800	5,721,900	8,016,150	10,310,400	+239,700
Iowa	3,742,200	5,197,500	6,652,800	3,684,300	4,936,950	6,189,600	-791,650
Kansas	3,488,400	4,845,000	6,201,600	3,420,900	4,541,250	5,661,600	-911,250
Kentucky	4,024,350	5,589,375	7,154,400	3,977,850	5,380,125	6,782,400	-627,750
Louisiana	4,579,200	6,360,200	8,140,800	4,556,100	6,256,050	7,956,600	-312,050
Maine	2,650,050	3,680,625	4,711,200	2,548,950	3,225,675	3,902,400	-1,364,850
Maryland	5,244,750	7,284,375	9,324,000	5,250,450	7,310,025	9,369,600	+76,950
Massachusetts	6,650,100	9,236,250	11,822,400	6,713,100	9,519,750	12,326,400	+550,490
Michigan	8,897,850	12,358,125	15,818,400	9,051,450	13,049,325	17,047,200	+2,073,600
Minnesota	4,671,000	6,487,500	8,304,000	4,651,500	6,399,750	8,148,000	-283,250
Mississippi	3,217,050	4,468,125	5,719,200	3,137,550	4,110,375	5,083,200	-1,093,250
Missouri	5,395,950	7,494,375	9,592,800	5,406,150	7,540,275	9,674,400	-1,157,700
Montana	2,516,400	3,495,000	4,473,600	2,410,200	3,017,100	3,624,000	-1,133,700
Nebraska	3,040,200	4,222,500	5,404,800	2,955,000	3,839,100	4,723,200	-1,150,200
Nevada	2,536,650	3,523,125	4,509,600	2,431,950	3,051,975	3,672,000	-1,113,450
New Hampshire	2,546,100	3,536,250	4,526,400	2,441,100	3,063,750	3,686,400	-1,117,500
New Jersey	8,043,300	11,171,250	14,299,200	8,163,900	11,713,950	15,264,000	+1,628,100
New Mexico	2,705,400	3,757,500	4,809,600	2,606,700	3,313,350	4,020,000	-1,332,450
New York	16,848,000	23,400,000	29,952,000	17,327,700	25,558,650	33,789,600	+6,478,950
North Carolina	5,119,200	7,110,000	9,100,800	5,115,900	7,095,150	9,074,400	-44,550
North Dakota	2,436,750	3,384,375	4,332,000	2,327,250	2,891,625	3,456,000	-1,478,250
Ohio	16,242,450	14,225,625	18,208,800	10,450,650	15,162,525	19,874,400	+2,810,700
Oklahoma	3,765,150	5,229,375	6,693,600	3,709,050	4,976,925	6,244,800	-757,350
Oregon	3,578,850	4,970,625	6,362,400	3,515,850	4,687,125	5,858,400	-860,500
Pennsylvania	11,221,200	15,585,000	19,948,800	11,469,600	16,702,800	21,936,000	+3,353,400
Rhode Island	2,910,600	4,042,500	5,174,400	2,821,200	3,640,200	4,459,200	-1,206,900
South Carolina	3,734,100	5,186,250	6,638,400	3,676,500	4,927,050	6,177,600	-777,600
South Dakota	2,466,450	3,425,625	4,384,800	2,358,150	2,938,275	3,518,400	-1,462,050
Tennessee	4,596,750	6,384,375	8,172,000	4,573,650	6,280,425	7,987,200	-311,850
Texas	10,469,050	14,555,625	18,631,200	10,697,250	15,533,025	20,368,800	+2,943,200
Utah	2,937,850	4,103,125	5,258,400	2,870,250	3,716,925	4,557,600	-1,154,600
Vermont	2,338,200	3,247,500	4,156,800	2,224,800	2,737,200	3,249,600	-1,539,900
Virginia	5,312,250	7,378,125	9,444,000	5,318,850	7,407,825	9,496,800	+89,100
Washington	4,637,500	6,460,750	8,280,000	4,638,600	6,383,700	8,128,800	-227,150
West Virginia	3,145,500	4,368,750	5,592,000	3,064,200	4,002,900	4,941,600	-1,097,500
Wisconsin	5,081,400	7,057,500	9,033,600	5,078,400	7,044,000	9,009,600	-40,500
Wyoming	2,289,600	3,180,000	4,070,400	2,174,400	2,661,600	3,148,800	-1,555,200
District of Columbia	650,700	903,760	1,156,800	677,400	1,023,900	1,370,400	+360,440
Puerto Rico	1,629,450	2,263,125	2,896,800	1,693,950	2,553,375	3,412,800	+870,750
Virgin Islands	24,500	33,750	43,200	25,200	37,800	50,400	+11,950
Guam	32,400	45,000	57,600	33,600	50,400	67,200	+16,200
America Samoa	8,100	11,250	14,400	8,400	12,600	16,800	+4,050
Contingency	13,500,000	18,750,000	24,000,000	13,500,000	18,750,000	24,000,000	-----
Total	270,000,000	375,000,000	480,000,000	270,000,000	375,000,000	480,000,000	-----

To assist each Member in understanding how the Land and Water Conservation Fund is split and used between the Federal share and the States' shares, I am including a chart which breaks down the FY 1976 distribution by actual dollars and by percentage of the total Fund. (See page 8 for chart).

CAUTION ON EXPANDING THE FUND TO SHELTERED FACILITIES

I caution my colleagues on one other aspect of H.R. 12234. The Committee has, for the first time, expanded the use of Land and Water Conservation Funds to include sheltered swimming pools and covered ice skating rinks. Heretofore the Fund was used exclusively for outdoor recreation.

I do not know what this expansion may lead to. If we open the Fund up just a crack for indoor pools and ice skating rinks, we may find ourselves considering covered tennis courts, basketball stadiums, and all sorts of other expensive indoor facilities next year. Where will it end? It is ironic that the LWCF is being increased because of an inability to meet the backlog of demands and at the same time we are broadening the base for those demands. I caution the House to tread carefully on this ground.

CONCLUSION

In conclusion, I hope the increases recommended in H.R. 12234 are lowered from the ultimate \$800 million per annum to \$600 million per annum. The lower figure is more affordable and less likely to be vetoed. I also hope the House eliminates the proposed changes in the distribution formula so that the current successful method of dispersal continues unhampered. With those changes, the bill is far more likely to become law.

JOE SKUBITZ.

DISTRIBUTION OF LAND AND WATER CONSERVATION FUND - FY 1976

Total Appropriation - \$308,086,000

Federal Share - \$132,246,000 (43%)	States' Share - \$175,840,000 (57%)	
National Park Service - \$77,648,000 (25%)	Contingency Fund - \$8,082,000 (3%)	Used by Secretary for unforeseen emergency needs of states. Available for projects to acquire land which would be lost to park, recreation and open space use if not purchased immediately.
Forest Service - \$36,980,000 (12%)	50 states, 4 territories, District of Columbia - \$167,798,000 (54%)	Divided on basis of fixed share and population formula. Used for planning, land acquisition, and facility development. All grants are matched up to 50% of the project cost by the State, or through the state, by the local community.
Fish and Wildlife Service - \$9,425,000 (3%)	Cost of administering Fund - \$6,193,000 (2%)	
Bureau of Land Management - \$2,000,000	Bureau of Land Management - \$2,000,000	Acquisition of land along Pacific Crest Trail and Rogue River.
		Endangered species habitat protection
		Principally to acquire authorized areas and for specially designated recreation areas.
		Finance purchase of newly authorized lands and complete acquisition within older areas of the park system.

SEPARATE VIEWS OF HON. KEITH SEBELIUS

KEITH G. SEBELIUS

To assist each Member in understanding how the Land and Water Conservation Fund is split and used between the Federal share and the States' shares, I am including a chart which breaks down the FY 1976 distribution by actual dollars and by percentage of the total Fund. (See page 3 for chart).

CAUTION: This chart is intended to provide a general overview of the Fund's distribution. It is not intended to be used as a basis for legislative action.

I caution my colleagues against any attempt to expand the use of the Land and Water Conservation Fund to include sheltering swimming pools and covered ice skating rinks. Heretofore the Fund was used exclusively for outdoor recreation.

I do not know what this expansion may lead to. If we open the Fund up just a crack for indoor swimming pools and ice skating rinks, we may find ourselves considering covering tennis courts, basketball stadiums, and all sorts of other expensive facilities next year. Where will it end? It is ironic that the bill is being passed because of an inability to meet the backlog of demands for the same things we are broadening the base for. I urge my colleagues to proceed with care to treat carefully on this ground.

In conclusion, I hope the income tax provisions included in H.R. 12234 are lowered from the ultimate \$800 million per annum to \$600 million per annum. The lower figure is more desirable and less likely to be vetoed. I also hope the House amends the proposed changes in the distribution formula so that the current successful method of dispersal continues unhampered. If these changes are made, the bill is more likely to become law.

FY 1976 Distribution of Land and Water Conservation Fund	
Category	Amount (in millions of dollars)
Swimming Pools	100.000
Ice Skating Rinks	100.000
Other Outdoor Recreation	600.000
Total	800.000

SEPARATE VIEWS OF HON. KEITH SEBELIUS

I am basically supportive of all provisions of this very fine bill, with the exception of one—that dealing with permitting 25% of a state's annual grant allocation to be devoted to converting certain outdoor recreation facilities to indoor recreation facilities—a precedent of great hazard and conflict with the traditional and historically legislated intent of the Fund.

This LWCF bill is the product of the work of the Committee over a two year period. Nearly all of its provisions have had the very close scrutiny and support of involved members, and many diverse interest groups and the public across the country. The bill deserves strong member support on the Floor and passage by the House.

I do take strong exception to one particular feature of the bill, however, which I feel is most ill-advised. Paragraph (10) of H.R. 12234 provides that up to 25% of each state's annual grant allocation may be devoted to the construction of enclosures or shelters over swimming pools and ice rinks, under certain conditions.

There is no doubt that the sheltering of some of these facilities would prolong their season of use; it would maximize a return on the dollar investment and provide for more recreation benefits for more people. I am all in favor of this. It is only logical and responsible that facility use be maximized in this way.

However, I strongly object to the direct use of Federal grant funds from the LWCF for this purpose of supporting facilities for indoor type recreation. The relatively minimal expense of such sheltering can and should be undertaken directly by state and local funding—not by Federal funds. The LWCF was devised and has been traditionally and historically administered as a funding source to support outdoor recreation. This provision in the bill to divert such a substantial amount as up to one quarter of a state's entire grant funding to indoor type recreation pursuits is but a first and major step to converting the hard-pressed LWCF over to the overwhelming demand area of providing indoor recreational facilities. I think this is a serious and needless mistake.

The National Parks and Recreation Subcommittee had adopted an amendment which clarified that the state and local governments would be authorized, with their own funds, to construct such shelters over any outdoor facility heretofore or hereafter constructed with the help of Federal grant funds, but that no Federal grant funds could be used for the shelters. By a narrow margin, this approach was overturned by the Full Committee in favor of the provision now before the House, which is to allocate up to 25% of the Federal grant funds for certain indoor type facility sheltering.

All supporters of the sheltering concept are in agreement as to the logic and need for some shelters. The controversy is simply over the nature of the funding source—whether it should be Federal or local. If the opportunity presents itself, I would hope that the earlier Subcommittee endorsed approach—of not allocating Federal outdoor recreation grant funds for this indoor recreation function—might be reinstated.

KEITH G. SEBELIUS.



AMENDING THE LAND AND WATER CONSERVATION FUND ACT OF
1965, AS AMENDED, TO ESTABLISH THE NATIONAL HISTORIC PRES-
ERVATION FUND, AND FOR OTHER PURPOSES

SEPTEMBER 2, 1976.—Ordered to be printed

Mr. TAYLOR of North Carolina, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 327]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 327) to amend the Land and Water Conservation Fund Act of 1965, as amended, to establish the National Historic Preservation Fund, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with the following amendment:

In lieu of the matter proposed to be inserted by the House amendment, to strike all after the enacting clause and insert in lieu thereof the following:

TITLE I—LAND AND WATER CONSERVATION FUND

SEC. 101. The Land and Water Conservation Fund Act of 1965 (78 Stat. 987), as amended (16 U.S.C. 4601-4 et seq.), is further amended as follows:

(1) Amend section 2 to read as follows:

“SEC. 2. SEPARATE FUND.—During the period ending June 30, 1989, there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the “fund”, the following revenues and collections:

“(a) SURPLUS PROPERTY SALES.—All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of those provisions of law set forth in section 485(b)(e), title 40, United States Code, or the Independent Offices Appropriation Act, 1963 (76 Stat. 725) or in any later appropriation Act) hereafter received from any disposal of surplus real property and related personal

property under the Federal Property and Administrative Services Act of 1949, as amended, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this Act shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

“(b) MOTORBOAT FUELS TAX.—The amounts provided for in section 201 of this Act.

“(c) (1) OTHER REVENUES.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the fund not less than \$300,000,000 for fiscal year 1977, \$600,000,000 for fiscal year 1978, \$750,000,000 for fiscal year 1979, and \$900,000,000 for fiscal year 1980 and for each fiscal year thereafter through September 30, 1989.

“(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund equivalent to the amounts provided in clause (1), an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S. 1331 et seq.): Provided, That notwithstanding the provisions of section 3 of this Act, moneys covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purpose of this Act.”

(2) Amend section 5 to read as follows:

“ALLOCATION OF LAND AND WATER CONSERVATION FUND FOR STATE AND FEDERAL PURPOSES

“SEC. 5. ALLOCATION.—There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund. Not less than 40 per centum of such appropriations shall be available for Federal purposes.”

(3) Amend section 6 to read as follows:

“FINANCIAL ASSISTANCE TO STATES

“SEC. 6. (a) GENERAL AUTHORITY; PURPOSES.—The Secretary of the Interior (hereinafter referred to as the “Secretary”) is authorized to provide financial assistance to the States from moneys available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this Act, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interests in land or waters, or (3) development.

“(b) APPORTIONMENT AMONG STATES; NOTIFICATION.—Sums appropriated and available for State purposes for each fiscal year shall be

apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

“(1) Forty per centum of the first \$225,000,000; thirty per centum of the next \$275,000,000; and twenty per centum of all additional appropriations shall be apportioned equally among the several States; and

“(2) At any time, the remaining appropriation shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States and of the use of outdoor recreation resources of individual States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States.

“(3) The total allocation to an individual State under paragraphs (1) and (2) of this subsection shall not exceed 10 per centum of the total amount allocated to the several States in any one year.

“(4) The Secretary shall notify each State of its apportionments; and the amounts thereof shall be available thereafter for payment to such State for planning, acquisition, or development projects as hereafter prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) of this subsection, without regard to the 10 per centum limitation to an individual State specified in this subsection.

“(5) For the purposes of paragraph (1) of this subsection, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (when such islands achieve Commonwealth status) shall be treated collectively as one State, and shall receive shares of such apportionment in proportion to their populations. The above listed areas shall be treated as States for all other purposes of this title.

“(c) MATCHING REQUIREMENTS.—Payments to any State shall cover not more than 50 per centum of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. No payment may be made to any State for or on account of any cost or obligation incurred or any service rendered prior to the date of approval of this Act.

“(d) COMPREHENSIVE STATE PLAN REQUIRED; PLANNING PROJECTS.—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the

purposes of this Act: *Provided, That no plan shall be approved unless the Governor of the respective State certifies that ample opportunity for public participation in plan development and revision has been accorded. The Secretary shall develop, in consultation with others, criteria for public participation, which criteria shall constitute the basis for the certification by the Governor. The plan shall contain—*

“(1) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this Act;

“(2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

“(3) a program for the implementation of the plan; and

“(4) other necessary information, as may be determined by the Secretary.

The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Housing and Home Finance Agency, any statewide outdoor recreation plan prepared for purposes of this Act shall be based upon the same population, growth, and other pertinent factors as are used in formulating the Housing and Home Finance Agency financed plans.

“The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when such plan is not otherwise available or for the maintenance of such plan.

“(e) **PROJECTS FOR LAND AND WATER ACQUISITION; DEVELOPMENT.**—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of projects or combinations thereof if they are in accordance with the State comprehensive plan:

(1) **ACQUISITION OF LAND AND WATERS.**—For the acquisition of land, waters, or interests in land or waters (other than land, waters, or interests in land or waters acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

Whenever a State provides that the owner of a single-family residence may, at his option, elect to retain a right of use and occupancy for not less than six months from the date of acquisition of such residence and such owner elects to retain such a right, such owner shall be deemed to have waived any benefits under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894) and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act.

“(2) **DEVELOPMENT.**—For development of basic outdoor recreation facilities to serve the general public, including the development of Federal lands under lease to State's for terms of twenty-five years or more: *Provided, That no assistance shall be available under this Act to enclose or shelter facilities normally used for outdoor recreation activities, but the Secretary may per-*

mit local funding, and after the date of enactment of this Proviso not to exceed 10 per centum of the total amount allocated to a State in any one year to be used for sheltered facilities for swimming pools and ice skating rinks in areas where the Secretary determines that the severity of climatic conditions and the increased public use thereby made possible justifies the construction of such facilities.

“(f) **REQUIREMENTS FOR PROJECT APPROVAL; CONDITION.**—(1) Payments may be made to States by the Secretary only for those planning, acquisition, or development projects, that are approved by him. No payment may be made by the Secretary for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any project with respect to which such assistance has been given or promised under this Act. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of individual projects: *Provided, That the approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of the particular project, and to operate and maintain by acceptable standards, at State expense, the particular properties or facilities acquired to be developed for public outdoor recreation use.*

“(2) Payments for all projects shall be made by the Secretary to the Governor of the State or to a State official or agency designated by the Governor or by State law having authority and responsibility to accept and to administer funds paid hereunder for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

“(3) No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

“(4) No payment shall be made to any State until the State has agreed to (1) provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this Act, and (2) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State under this Act.

“(5) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking

supplied by other sources, and such other records as will facilitate an effective audit.

"(6) The Secretary, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

"(7) Each State shall evaluate its grant programs annually under guidelines set forth by the Secretary and shall transmit such evaluation to the Secretary, together with a list of all projects funded during that fiscal year, including, but not limited to, a description of each project, the amount of Federal funds employed in such project, the source of other funds, and the estimated cost of completion of the project. Such evaluation and the publication of same shall be eligible for funding on a 50-50 matching basis. The results of the evaluation shall be annually reported on a fiscal year basis to the Bureau of Outdoor Recreation, which agency shall forward a summary of such reports to the Committees on Interior and Insular Affairs of the United States Congress. Such report to the committees shall also include an analysis of the accomplishments of the fund for the period reported, and may also include recommendations as to future improvements for the operation of the Land and Water Conservation Fund program.

"(8) With respect to property acquired or developed with assistance from the fund, discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

"(g) COORDINATION WITH FEDERAL AGENCIES.—In order to assure consistency in policies and actions under this Act, with other related Federal programs and activities (including those conducted pursuant to title VII of the Housing Act of 1961 and section 701 of the Housing Act of 1954) and to assure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations."

(4) Amend section 7 to read as follows:

"SEC. 7. (a) Moneys appropriated from the fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President to the following purposes and subpurposes:

"(1) For the acquisition of land, waters, or interests in land or waters as follows:

"NATIONAL PARK SYSTEM; RECREATION AREAS.—Within the exterior boundaries of areas of the National Park System now or hereafter authorized or established and of areas now or hereafter authorized to be administered by the Secretary of the Interior for outdoor recreation purposes.

"NATIONAL FOREST SYSTEM.—Inholdings within (a) wilderness areas of the National Forest System, and (b) other areas of national forests as the boundaries of those forests exist on the effective date of this Act, or purchase units approved by the National Forest Reservation Commission subsequent to the date of this Act,

all of which other areas are primarily of value for outdoor recreation purposes: Provided, That lands outside of but adjacent to an existing national forest boundary, not to exceed three thousand acres in the case of any one forest, which would comprise an integral part of a forest recreational management area may also be acquired with moneys appropriated from this fund: Provided further, That except for areas specifically authorized by Act of Congress, not more than 15 per centum of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

"NATIONAL WILDLIFE REFUGE SYSTEM.—Acquisition for (a) endangered species and threatened species authorized under section 5(a) of the Endangered Species Act of 1973; (b) areas authorized by section 2 of the Act of September 28, 1962, as amended (16 U.S.C. 460k-1); (c) national wildlife refuge areas under section 7(a) (5) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(5)) except migratory waterfowl areas which are authorized to be acquired by the Migratory Bird Conservation Act of 1929, as amended (16 U.S.C. 715-715s); (d) any areas authorized for the National Wildlife Refuge System by specific Acts.

"(2) For payment into miscellaneous receipts of the Treasury as a partial offset for those capital costs, if any, of Federal water development projects hereafter authorized to be constructed by or pursuant to an Act of Congress which are allocated to public recreation, and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

"(b) ACQUISITION RESTRICTION.—Appropriations from the fund pursuant to this section shall not be used for acquisition unless such acquisition is otherwise authorized by law."

(5) Amend section 8 to read as follows:

"SEC. 8. Moneys derived from the sources listed in section 2 of this Act shall not be available for publicity purposes: Provided, however, That in each case where significant acquisition or development is initiated, appropriate standardized temporary signing shall be located on or near the affected site, to the extent feasible, so as to indicate the action taken is a product of funding made available through the Land and Water Conservation Fund. Such signing may indicate the per centum and dollar amounts financed by Federal and non-Federal funds, and that the source of the funding includes moneys derived from Outer Continental Shelf receipts. The Secretary shall prescribe standards and guidelines for the usage of such signing to assure consistency of design and application."

(6) Add the following new section:

"SEC. 12. Within one year of the date of enactment of this section, the Secretary is authorized and directed to submit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives a comprehensive review and report on the needs, problems, and opportunities associated with urban recreation in highly populated regions, including the resources potentially available for meeting such needs. The report shall include site specific analyses and alternatives, in a selection of geographic environments representative of the Nation as a whole, including, but not limited to, information on needs, local capabilities for action, major site opportunities, trends, and a full

range of options and alternatives as to possible solutions and courses of action designed to preserve remaining open space, ameliorate recreational deficiency, and enhance recreational opportunity for urban populations, together with an analysis of the capability of the Federal Government to provide urban-oriented environmental education programs (including, but not limited to, cultural programs in the arts and crafts) within such options. The Secretary shall consult with, and request the views of, the affected cities, counties, and States on the alternatives and courses of action identified."

TITLE II—NATIONAL HISTORIC PRESERVATION FUND

SEC. 201. The Act of October 15, 1966 (80 Stat. 915), as amended (16 U.S.C. 470), is amended as follows:

(1) Amend section 102 to read as follows:

"SEC. 102. (a) No grant may be made under this Act—

"(1) unless application therefor is submitted to the Secretary in accordance with regulations and procedures prescribed by him;

"(2) unless the application is in accordance with the comprehensive statewide historic preservation plan which has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897);

"(3) for more than 50 per centum of the total cost involved, as determined by the Secretary and his determination shall be final;

"(4) unless the grantee has agreed to make such reports, in such form and containing such information as the Secretary may from time to time require;

"(5) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; and

"(6) until the grantee has complied with such further terms and conditions as the Secretary may deem necessary or advisable.

"(b) The Secretary may in his discretion waive the requirements of subsection (a), paragraphs (2) and (5) of this section for any grant under this Act to the National Trust for Historic Preservation in the United States, in which case a grant to the National Trust may include funds for the maintenance, repair, and administration of the property in a manner satisfactory to the Secretary.

"(c) The Secretary may in his discretion waive the requirements of paragraph (3) of subsection (a) of this section for the purposes of making grants for the preparation of statewide historic preservation plans and surveys and project plans. Any grant made pursuant to this subsection may not exceed 70 per centum of the cost of a project, and the total of such grants made pursuant to this subsection in any one fiscal year may not exceed one-half of the funds appropriated for that fiscal year pursuant to section 108 of this Act.

"(d) No State shall be permitted to utilize the value of real property obtained before the date of approval of this Act in meeting the remaining cost of a project for which a grant is made under this Act."

(2) Amend section 103(a) by deleting "Provided, however, That the amount granted to any one State shall not exceed 50 per centum of the total cost of the comprehensive statewide historic survey and plan for that State, as determined by the Secretary,".

(3) Amend section 106 by inserting after the words "included in" the phrase "or eligible for inclusion in".

(4) Amend section 108 to read as follows:

"SEC. 108. To carry out the provisions of this Act, there is hereby established the Historic Preservation Fund (hereafter referred to as the 'fund') in the Treasury of the United States.

"There shall be covered into such fund \$24,400,000 for fiscal year 1977, \$100,000,000 for fiscal year 1978, \$100,000,000 for fiscal year 1979, \$150,000,000 for fiscal year 1980, and \$150,000,000 for fiscal year 1981, from revenues due and payable to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462, 469), as amended (43 U.S.C. 338), and/or under the Act of June 4, 1920 (41 Stat. 813), as amended (30 U.S.C. 191), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Such moneys shall be used only to carry out the purposes of this Act and shall be available for expenditure only when appropriated by the Congress. Any moneys not appropriated shall remain available in the fund until appropriated for said purposes: Provided, That appropriations made pursuant to this paragraph may be made without fiscal year limitation."

(5) Amend section 201 to read as follows:

"SEC. 201. (a) There is established as an independent agency of the United States Government an Advisory Council on Historic Preservation (hereinafter referred to as the 'Council') which shall be composed of twenty-nine members as follows:

"(1) The Secretary of the Interior;

"(2) The Secretary of Housing and Urban Development;

"(3) The Secretary of Commerce;

"(4) The Administrator of the General Services Administration;

"(5) The Secretary of the Treasury;

"(6) The Attorney General;

"(7) The Secretary of Agriculture;

"(8) The Secretary of Transportation;

"(9) The Secretary of State;

"(10) The Secretary of Defense;

"(11) The Secretary of Health, Education, and Welfare;

"(12) The Chairman of the Council on Environmental Quality;

"(13) The Chairman of the Federal Council on the Arts and Humanities;

"(14) The Architect of the Capitol;

"(15) The Secretary of the Smithsonian Institution;

"(16) The Chairman of the National Trust for Historic Preservation;

"(17) The President of the National Conference; and

"(18) Twelve appointed by the President from outside the Federal Government. In making these appointments, the President shall give due consideration to the selection of officers of State and local governments and individuals who are significantly interested and experienced in the matters to be considered by the Council.

"(b) Each member of the Council specified in paragraphs (1) through (17) of subsection (a) may designate another officer of his department, agency, or organization to serve on the Council in his stead.

"(c) Each member of the Council appointed under paragraph (18) of subsection (a) shall serve for a term of five years from the expiration of his predecessor's term; except that the members first appointed under that paragraph shall serve for terms of from one to five years, as designated by the President at the time of appointment, in such manner as to insure that the terms of not less than one nor more than two of them will expire in any one year.

"(d) A vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment (and for the balance of the unexpired term).

"(e) The Chairman and the Vice Chairman of the Council shall be designated by the President. During the absence or disability of the Chairman or when the office is vacant, the Vice Chairman shall act in the place of the Chairman.

"(f) Fifteen members of the Council shall constitute a quorum."

(6) Amend section 204 by deleting the term "(10)" in the first sentence and inserting in lieu thereof the term "(17)", and by striking the term "(11)" in the second sentence and inserting in lieu thereof the term "(18)".

(7) Amend section 205 to read as follows:

"Sec. 205. (a) There shall be an Executive Director of the Council who shall be appointed in the competitive service by the Chairman with the concurrence of the Council. The Executive Director shall report directly to the Council and perform such functions and duties as the Council may prescribe.

"(b) The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor. The Executive Director shall appoint such other attorneys as may be necessary to assist the General Counsel, represent the Council in courts of law whenever appropriate, assist the Department of Justice in handling litigation concerning the Council in courts of law, and perform such other legal duties and functions as the Executive Director and the Council may direct.

"(c) The Executive Director of the Council may appoint and fix the compensation of such officers and employees in the competitive service as are necessary to perform the functions of the Council at rates not to exceed that now or hereafter prescribed for the highest rate for grade 15 of the General Schedule under section 5332 of title 5, United States

Code: Provided, however, That the Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed five employees in the competitive service at rates not to exceed that now or hereafter prescribed for the highest rate of grade 17 of the General Schedule under section 5332 of title 5, United States Code.

"(d) The Executive Director shall have power to appoint and fix the compensation of such additional personnel as may be necessary to carry out its duties, without regard to the provisions of the civil service laws and the Classification Act of 1949.

"(e) The Executive Director of the Council is authorized to procure expert and consultant services in accordance with the provisions of section 3109 of title 5, United States Code.

"(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the Secretary of the Interior: Provided, That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46e) shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of said Secretary for the administrative controls of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Council: And provided further, That the Council shall not be required to prescribe such regulations.

"(g) The members of the Council specified in paragraphs (1) through (16) of section 201(a) shall provide the Council, with or without reimbursement as may be agreed upon by the Chairman and the members, with such funds, personnel, facilities, and services under their jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. To the extent of available appropriations, the Council may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties."

(8) Amend section 206(c) to read as follows:

"(c) For the purposes of this section there are authorized to be appropriated not more than \$175,000 per year for fiscal years 1977, 1978, and 1979: Provided, That no appropriation is authorized and no payment shall be made to the Centre in excess of 25 per centum of the total annual assessment of such organization."

(9) Add the following new sections:

"Sec. 207. So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used programed, or available or to be made available by the Department of the Interior in connection with the functions of the Council, as the Director of the Office of Management and Budget shall determine, shall be transferred from the Department to the Council within 60 days of the effective date of this Act.

"Sec. 208. Any employee in the competitive service of the United States transferred to the Council under the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer.

"Sec. 209. The Council is exempt from the provisions of the Federal Advisory Committee Act (86 Stat. 770), and the provisions of the Administrative Procedure Act (80 Stat. 381) shall govern the operations of the Council.

"Sec. 210. Whenever the Council transmits any legislative recommendations, or testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit copies thereof to the House Committee on Interior and Insular Affairs and the Senate Committee on Interior and Insular Affairs. No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress. In instances in which the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of such actions in its legislative recommendations, testimony, or comments on legislation which it transmits to the Congress.

"Sec. 211. The Council is authorized to promulgate such rules and regulations as it deems necessary to govern the implementation of section 106 of this Act.

"Sec. 212. (a) The Council shall submit its budget annually as a related agency of the Department of the Interior. To carry out the provisions of this title, there are authorized to be appropriated not more than \$1,500,000 in fiscal year 1977, \$1,750,000 in fiscal year 1978, and \$2,000,000 in fiscal year 1979.

"(b) Whenever the Council submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the House and Senate Appropriations Committees and the House Committee on Interior and Insular Affairs and the Senate Committee on Interior and Insular Affairs."

Sec. 202. Section 5316 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(135) Executive Director, Advisory Council on Historic Preservation."

TITLE III—STATES OIL SHALE FUNDS

Sec. 301. Section 35 of the Act of February 25, 1920 (41 Stat. 450), as amended (30 U.S.C. 191), is further amended by striking the period at the end of the proviso and inserting in lieu thereof the language as follows: " : And provided further, That all moneys paid to any State from sales, bonuses, royalties, and rentals of oil shale in public lands may be used by such State and its subdivisions for planning, construction, and maintenance of public facilities, and provision of public

services, as the legislature of the State may direct, giving priority to those subdivisions of the State socially or economically impacted by the development of the resource."

And the House agree to the same.

ROY A. TAYLOR,
HAROLD T. JOHNSON,
ABRAHAM KAZEN, JR.,
JONATHAN B. BINGHAM,
JOHN F. SEIBERLING,
BOB ECKHARDT,
ALLAN T. HOWE,
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VIRGINIA SMITH,

Managers on the Part of the House.

HENRY M. JACKSON,
J. BENNETT JOHNSTON,
LEE METCALF,
FLOYD K. HASKELL,
DALE BUMPERS,
MARK O. HATFIELD,
DEWEY F. BARTLETT,

Managers on the Part of the Senate.

JOINT STATEMENT OF THE COMMITTEE OF CONFERENCE

INTRODUCTION

The Managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 327) to amend the Land and Water Conservation Fund Act of 1965, as amended, and to amend the Act of October 15, 1966, to establish a program for the preservation of additional properties throughout the Nation, as amended, and for other purposes submit this joint statement in explanation of the effect of the language agreed upon by the Managers and recommended in the accompanying Conference Report.

The language agreed upon by the Managers is the language of the Senate bill with modifications incorporating various provisions of the House amendment. There were numerous points of difference between the Senate version and the House amendment which were the subject of discussion and action by the Committee of Conference. The major points at issue, and the disposition of them are discussed below.

Title I and Title II, as approved by both the House and Senate, included numerous complex technical changes in the Land and Water Conservation Fund Act and in the National Historic Preservation Act. To simplify and clarify these changes, the amendment recommended has been drafted to incorporate the changes in context. While this requires some repetition of existing law in which no substantive change has been made, it facilitates complete understanding of the recommendation and minimizes the possibility of error in the consideration of this legislation and in the future, should further amendments be proposed.

LAND AND WATER CONSERVATION FUND PROVISIONS

LEVEL OF THE FUND

Both the House and Senate versions of the legislation provided for a substantial expansion of the Land and Water Conservation Fund. The Senate approved a \$1 billion per year authorization for the life of the program (through 1989). In the House, the funding level was to increase in stages to \$800 million by fiscal year 1980. The Conference Committee recommends that the House staging provision be adopted, but that the levels be increased to \$600 million in fiscal year 1978, \$750 million in fiscal year 1979, and ultimately to \$900 million in fiscal year 1980 and annually thereafter through 1989.

ALLOCATION FORMULA

This provision provides that in any appropriation, not less than 40 percent shall be for Federal purposes. The conferees are concerned over the continuing backlog of unappropriated funds despite the critical needs for land acquisition in the National Park System and elsewhere. The current backlog is, in large measure, the result of past years when the Federal portion was reduced drastically. The conferees are aware that both Senate and House Interior Committees have been required to significantly increase the authorization ceilings at many units of the National Park System because the needed funds have not been forthcoming and inflation and land price escalation have driven the cost of these areas up.

While the Conference Committee did not approve the mandatory 60-40 division in the House version of this legislation, because of its inflexibility, it did recognize that the States may sometimes be unable to provide the amounts necessary to match their share of the appropriations from the fund. Generally, appropriations should continue to reflect the 60-40 allocation established by the Act, to allow the States to have an opportunity to match their full share of the fund, but the conferees believe that if the situation arises when the States are unable to match their portion of a full appropriation, then the unmatched moneys should be distributed to the Federal agencies. The conferees strongly believe that the present unappropriated moneys in the fund should be immediately released and that no backlog should be permitted to occur again. The ability of the Congress to control the activities of the Federal agencies should insure that any portion of the normal 60 percent available to the States which could not be matched is in fact spent by the Federal agencies to preserve and protect those areas which the Congress and the President have agreed should be preserved for future generations.

APPORTIONMENT OF FUNDS AMONG THE STATES

Another major point of difference involved the House-approved provision which would have modified the present formula for distribution of Land and Water Conservation Fund moneys among the States to benefit the more populous States. The Senate version was silent on this issue and would have retained the present formula which works to the benefit of the less populous States. In reaching the recommended solution, the Committee of Conference agreed to a three-stage formula which retains the 40 percent equal distribution for the first \$225 million (the same as existing law), but once the level of the fund begins to grow, the portion of the incremental sums to be divided equally will decrease. Of the first \$225 million, 40 percent (\$90 million) will be equally divided among the State. When the States share of the fund exceeds that amount, then 30 percent (\$82.5 million) of the next \$275,000,000 is to be equally divided. Finally, when the States share exceeds \$500 million, then only 20 percent of that incremental amount will be divided equally. In addition, both versions of the bill increased the maximum share of the fund which any single State may receive from 7 percent to 10 percent and the conferees agreed that the District of Columbia, Puerto

Rico, the Virgin Islands, American Samoa, and the Northern Marianas (when the latter achieves Commonwealth status) should be entitled to receive, on the basis of their relative populations, an amount equal to the share of one State in terms of the portion of the fund apportioned equally among the States.

SHELTERED FACILITIES

The Senate version of S. 327 proposed permitting States to use up to 25 percent of their allocation to shelter ice skating rinks and swimming pools in areas where the severity of the climate and the increased use made possible by the sheltering justifies such action. The House version permitted unrestricted use of local funds for shelters, but prohibited any Federal matching assistance from being used for such shelters. The conferees agreed that the basic concept of the Land and Water Conservation Fund as a source of financial assistance for *outdoor recreation* should remain paramount, but the conferees recognize that modest enclosures and shelters in northern tier areas can provide significantly increased recreation opportunities for the normal outdoor activities of ice skating and swimming. Therefore, the conferees agreed that States may use up to 10 percent of their annual allocation (including the matching funds for that 10 percent) for future sheltered facilities for ice skating rinks and swimming pools. The conferees also agreed that it would be appropriate to permit States to use local funds to shelter existing facilities or new facilities. The conferees, however, have retained the limitations contained in the Senate version that there may not be any sheltering unless the severity of the climate and the increased public use thereby made possible justifies such sheltering. The conferees understand severity of climate to mean extreme cold, heavy snow, or high winds with respect to ice skating rinks; warm weather is *not* contemplated as justification. For swimming pools, the conferees again are concerned with the onset of cold weather which unduly restricts the available days in which the facility may be used.

The conferees wish to emphasize that for the purposes of computing the 10 percent of a State's allocation, the entire cost of a sheltered facility is to be used not just the cost attributable to the shelter.

URBAN RECREATION

The House version of the bill addressed the issue of expanding urban recreation needs and the planning which is needed in order to find a solution to this matter. The Conference Committee recommendation provides that within 1 year from the date of enactment of this section, the Secretary of the Interior shall prepare and submit a *comprehensive* review and report on urban recreation.

This language was proposed in response to nearly a year of difficulties experienced in obtaining urban recreation study data and alternatives from the Department of the Interior. Hypothetical examples and general studies of past policies are not a useful tool for congressional decisionmaking on these issues. The cities and metropolitan areas selected for study need not include locations on which the Congress has already acted or which it has under active consideration since

for these areas sufficient data has already been developed. The more populous regions should be examined in detail sufficient to distill a policy and program agenda for the future.

The study would neither accept nor reject any feasible alternative, from full Federal acquisition and management as a part of the National Park System to total financial and operating responsibility at the local level or in the private sector. It is the sense of the Conference Committee that for each of the areas studied, the National Park Service should provide a professional analysis and opinion on the significance and suitability of sites identified as to their possible inclusion in the National Park System. It is understood such findings do not commit the Department to support National Park System status. Such analysis can, however, assist the Congress in gauging relative significance, and subsequent priorities in considering options and alternatives.

Numerous efforts have been made in the past in considering strategies for coping with urban recreation needs. The study directed by this legislation should, therefore, be as specific as possible. The land and water resources which could satisfy the unmet needs in particular urban areas should be identified, and various approaches to meeting recreation needs in each of these areas should be detailed. Federal land managing agencies, particularly the National Park Service, which might be involved under some of the options to be identified, should play an active role in the study from the time of its inception through its presentation to the committees.

This study should have been an integral part of the Nationwide Outdoor Recreation Plan and, in fact, was included in early drafts of that document. Unfortunately, when that plan finally surfaced, it was so severely compromised as to be virtually useless as a guide for congressional action. What is necessary for proper consideration of the various proposals before both the Senate and House of Representatives is a series of options which can be related directly to resources.

To satisfy the requirements of this provision, it is recognized that the study cannot be quickly completed; however, the conferees expect that it can be accomplished in 1 full year. This will allow the Secretary to consult with affected States and localities in developing options with respect to each site to assure their maximum participation and cooperation in future planning and implementation. In developing the options, the Secretary is required to analyze the potential role of Federal agencies in providing interpretive programs and support functions for such activities as environmental education, the performing arts, and so forth.

HISTORIC PRESERVATION FUND PROVISIONS

LEVEL OF HISTORIC PRESERVATION FUNDING

Both the House and the Senate approved the creation of an Historic Preservation Fund similar to the Land and Water Conservation Fund. The Committee of Conference recommends the adoption of the 5-year program approved by the Senate rather than the longer program in the House amendment. In making this recommendation, the conferees recognize that the program must be extended in order to accomplish the objectives of the original National Historic Preservation Act, but

it was agreed that at the end of the 5-year authorization, the Congress would be in a better position to judge what future needs might be.

Upon agreeing to limit this authorization to 5 years, the conference adopts the staged implementation of the incremental increases contained in the House amendment, but recommends that the funding levels increase to the Senate-approved level. If approved as recommended, the funding level will be \$24.4 million in fiscal year 1977, \$100 million annually in fiscal years 1978 and 1979, and \$150 million for fiscal years 1980 and 1981.

The conferees agreed that Federal matching grants might provide up to 70 percent of the cost of statewide planning for historic preservation. This limited use of a greater matching ratio was considered justified to encourage the States to proceed with their inventories of historic properties. Identification of potential National Register properties and planning for their preservation will be vital to the effective use of the expanded matching grants program for the restoration of historic properties.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

The Committee on Conference recommends approval of the Senate provisions dealing with the Advisory Council on Historic Preservation. As approved by the Senate, the legislation recognizes the Council as an independent agency and makes all of the necessary changes in the National Historic Preservation Act of 1966 to accomplish this purpose, including the changes required to staff the Council with its own personnel. In light of the great need for administrative personnel to carry out the functions assigned to the National Park Service throughout the United States, it is expected that the personnel ceiling applicable to this agency will remain unchanged so that the number of positions now assigned to the Council can be utilized elsewhere in the National Park System where the needs are greatest.

EXTENSION OF PARTICIPATION IN THE INTERNATIONAL CENTRE FOR THE STUDY OF THE PRESERVATION AND RESTORATION OF CULTURAL PROPERTY

The Committee of Conference recommends the approval of the provision in the House amendment extending U.S. participation in the Centre for 3 additional years. In accordance with the House provision this authorization is limited to not more than \$175,000 for each of the 3 fiscal years involved.

OIL SHALE FUNDS

On August 4, the Federal Coal Leasing Amendments Act (S. 391) was enacted into law. Section 9(a) of Public Law 94-377 relates to the sharing of Federal mineral leasing revenues with the States. It provides in part that:

Such funds now held or to be received, by the States of Colorado and Utah separately from the Department of the Interior oil shale test leases known as "C-A"; "U-A" and "U-B" shall be used by such States and subdivisions as the legislature of each State may direct giving priority to those subdivisions socially or economically impacted by the devel-

opment of minerals leased under this Act for (1) planning,
 (2) construction and maintenance of public facilities, and
 (3) provision of public services.

Section 301 of the Conference Report makes it clear that this provision of Public Law 94-377 applies to *all* money paid to Colorado and Utah, from the oil shale leases, specified in the Act. In addition, section 301 would apply to *all* moneys paid to *any* State as its share of Federal oil share revenues.

CONCLUSION

There are other differences between the House and Senate versions of the legislation; however, the key issues in disagreement have been discussed above. The recommendation reported represents the agreements reached by the Committee of Conference and has been reported in context to facilitate comprehension of the changes to be made in the Land and Water Conservation Fund Act and National Historic Preservation Act if S. 327 is approved as recommended.

ROY A. TAYLOR,
 HAROLD T. JOHNSON,
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 DEWEY F. BARTLETT,

Managers on the Part of the Senate.



Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To amend the Land and Water Conservation Fund Act of 1965, as amended, to establish the National Historic Preservation Fund, and for other purposes.

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

TITLE I—LAND AND WATER CONSERVATION FUND

SEC. 101. The Land and Water Conservation Fund Act of 1965 (78 Stat. 987), as amended (16 U.S.C. 4601-4 et seq.), is further amended as follows:

(1) Amend section 2 to read as follows:

“SEC. 2. SEPARATE FUND.—During the period ending September 30, 1989, there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the ‘fund’, the following revenues and collections:

“(a) SURPLUS PROPERTY SALES.—All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of those provisions of law set forth in section 485(b)(e), title 40, United States Code, or the Independent Offices Appropriation Act, 1963 (76 Stat. 725) or in any later appropriation Act) hereafter received from any disposal of surplus real property and related personal property under the Federal Property and Administrative Services Act of 1949, as amended, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this Act shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

“(b) MOTORBOAT FUELS TAX.—The amounts provided for in section 201 of this Act.

“(c) (1) OTHER REVENUES.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the fund not less than \$300,000,000 for fiscal year 1977, \$600,000,000 for fiscal year 1978, \$750,000,000 for fiscal year 1979, and \$900,000,000 for fiscal year 1980 and for each fiscal year thereafter through September 30, 1989.

“(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund equivalent to the amounts provided in clause (1), an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.): *Provided*, That notwithstanding the provisions of section 3 of this Act, moneys covered into the fund under

this paragraph shall remain in the fund until appropriated by the Congress to carry out the purpose of this Act.”

(2) Amend section 5 to read as follows:

“ALLOCATION OF LAND AND WATER CONSERVATION FUND FOR STATE AND FEDERAL PURPOSES

“SEC. 5. ALLOCATION.—There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund. Not less than 40 per centum of such appropriations shall be available for Federal purposes.”

(3) Amend section 6 to read as follows:

“FINANCIAL ASSISTANCE TO STATES

“SEC. 6. GENERAL AUTHORITY; PURPOSES.—(a) The Secretary of the Interior (hereinafter referred to as the ‘Secretary’) is authorized to provide financial assistance to the States from moneys available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this Act, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interests in land or waters, or (3) development.

“(b) APPORTIONMENT AMONG STATES; NOTIFICATION.—Sums appropriated and available for State purposes for each fiscal year shall be apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

“(1) Forty per centum of the first \$225,000,000; thirty per centum of the next \$275,000,000; and twenty per centum of all additional appropriations shall be apportioned equally among the several States; and

“(2) At any time, the remaining appropriation shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States and of the use of outdoor recreation resources of individual States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States.

“(3) The total allocation to an individual State under paragraphs (1) and (2) of this subsection shall not exceed 10 per centum of the total amount allocated to the several States in any one year.

“(4) The Secretary shall notify each State of its apportionments; and the amounts thereof shall be available thereafter for payment to such State for planning, acquisition, or development projects as hereafter prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) of this subsection, without regard to the 10 per centum limitation to an individual State specified in this subsection.

“(5) For the purposes of paragraph (1) of this subsection, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (when such islands achieve Commonwealth status)

shall be treated collectively as one State, and shall receive shares of such apportionment in proportion to their populations. The above listed areas shall be treated as States for all other purposes of this title.

“(c) **MATCHING REQUIREMENTS.**—Payments to any State shall cover not more than 50 per centum of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. No payment may be made to any State for or on account of any cost or obligation incurred or any service rendered prior to the date of approval of this Act.

“(d) **COMPREHENSIVE STATE PLAN REQUIRED; PLANNING PROJECTS.**—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this Act: *Provided*, That no plan shall be approved unless the Governor of the respective State certifies that ample opportunity for public participation in plan development and revision has been accorded. The Secretary shall develop, in consultation with others, criteria for public participation, which criteria shall constitute the basis for the certification by the Governor. The plan shall contain—

“(1) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this Act;

“(2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

“(3) a program for the implementation of the plan; and

“(4) other necessary information, as may be determined by the Secretary.

The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Housing and Home Finance Agency, any statewide outdoor recreation plan prepared for purposes of this Act shall be based upon the same population, growth, and other pertinent factors as are used in formulating the Housing and Home Finance Agency financed plans.

“The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when such plan is not otherwise available or for the maintenance of such plan.

“(e) **PROJECTS FOR LAND AND WATER ACQUISITION; DEVELOPMENT.**—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of projects or combinations thereof if they are in accordance with the State comprehensive plan:

“(1) **ACQUISITION OF LAND AND WATERS.**—For the acquisition of land, waters, or interests in land or waters (other than land, waters, or interests in land or waters acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

“Whenever a State provides that the owner of a single-family residence may, at his option, elect to retain a right of use and occupancy for not less than six months from the date of acquisition of such residence and such owner elects to retain such a

right, such owner shall be deemed to have waived any benefits under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894) and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act.

“(2) DEVELOPMENT.—For development of basic outdoor recreation facilities to serve the general public, including the development of Federal lands under lease to States for terms of twenty-five years or more: *Provided*, That no assistance shall be available under this Act to enclose or shelter facilities normally used for outdoor recreation activities, but the Secretary may permit local funding, and after the date of enactment of this proviso not to exceed 10 per centum of the total amount allocated to a State in any one year to be used for sheltered facilities for swimming pools and ice skating rinks in areas where the Secretary determines that the severity of climatic conditions and the increased public use thereby made possible justifies the construction of such facilities.

“(f) REQUIREMENTS FOR PROJECT APPROVAL; CONDITION.—(1) Payments may be made to States by the Secretary only for those planning, acquisition, or development projects that are approved by him. No payment may be made by the Secretary for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any project with respect to which such assistance has been given or promised under this Act. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of individual projects: *Provided*, That the approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of the particular project, and to operate and maintain by acceptable standards, at State expense, the particular properties or facilities acquired or developed for public outdoor recreation use.

“(2) Payments for all projects shall be made by the Secretary to the Governor of the State or to a State official or agency designated by the Governor or by State law having authority and responsibility to accept and to administer funds paid hereunder for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

“(3) No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

“(4) No payment shall be made to any State until the State has agreed to (1) provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this Act, and (2) provide such fiscal control and fund accounting procedures as may be necessary

to assure proper disbursement and accounting for Federal funds paid to the State under this Act.

“(5) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

“(6) The Secretary, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

“(7) Each State shall evaluate its grant programs annually under guidelines set forth by the Secretary and shall transmit such evaluation to the Secretary, together with a list of all projects funded during that fiscal year, including, but not limited to, a description of each project, the amount of Federal funds employed in such project, the source of other funds, and the estimated cost of completion of the project. Such evaluation and the publication of same shall be eligible for funding on a 50-50 matching basis. The results of the evaluation shall be annually reported on a fiscal year basis to the Bureau of Outdoor Recreation, which agency shall forward a summary of such reports to the Committees on Interior and Insular Affairs of the United States Congress. Such report to the committees shall also include an analysis of the accomplishments of the fund for the period reported, and may also include recommendations as to future improvements for the operation of the Land and Water Conservation Fund program.

“(8) With respect to property acquired or developed with assistance from the fund, discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

“(g) COORDINATION WITH FEDERAL AGENCIES.—In order to assure consistency in policies and actions under this Act, with other related Federal programs and activities (including those conducted pursuant to title VII of the Housing Act of 1961 and section 701 of the Housing Act of 1954) and to assure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations.”.

(4) Amend section 7 to read as follows:

“Sec. 7. (a) Moneys appropriated from the fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President to the following purposes and subpurposes:

“(1) For the acquisition of land, waters, or interests in land or waters as follows:

“NATIONAL PARK SYSTEM; RECREATION AREAS.—Within the exterior boundaries of areas of the National Park System now or hereafter authorized or established and of areas now or hereafter authorized to be administered by the Secretary of the Interior for outdoor recreation purposes.

"NATIONAL FOREST SYSTEM.—Inholdings within (a) wilderness areas of the National Forest System, and (b) other areas of national forests as the boundaries of those forests exist on the effective date of this Act, or purchase units approved by the National Forest Reservation Commission subsequent to the date of this Act, all of which other areas are primarily of value for outdoor recreation purposes: *Provided*, That lands outside of but adjacent to an existing national forest boundary, not to exceed three thousand acres in the case of any one forest, which would comprise an integral part of a forest recreational management area may also be acquired with moneys appropriated from this fund: *Provided further*, That except for areas specifically authorized by Act of Congress, not more than 15 per centum of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

"NATIONAL WILDLIFE REFUGE SYSTEM.—Acquisition for (a) endangered species and threatened species authorized under section 5(a) of the Endangered Species Act of 1973; (b) areas authorized by section 2 of the Act of September 28, 1962, as amended (16 U.S.C. 460k-1); (c) national wildlife refuge areas under section 7(a)(5) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(5)) except migratory waterfowl areas which are authorized to be acquired by the Migratory Bird Conservation Act of 1929, as amended (16 U.S.C. 715-715s); (d) any areas authorized for the National Wildlife Refuge System by specific Acts.

"(2) For payment into miscellaneous receipts of the Treasury as a partial offset for those capital costs, if any, of Federal water development projects hereafter authorized to be constructed by or pursuant to an Act of Congress which are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

"(b) ACQUISITION RESTRICTION.—Appropriations from the fund pursuant to this section shall not be used for acquisition unless such acquisition is otherwise authorized by law."

(5) Amend section 8 to read as follows:

"Sec. 8. Moneys derived from the sources listed in section 2 of this Act shall not be available for publicity purposes: *Provided, however*, That in each case where significant acquisition or development is initiated, appropriate standardized temporary signing shall be located on or near the affected site, to the extent feasible, so as to indicate the action taken is a product of funding made available through the Land and Water Conservation Fund. Such signing may indicate the per centum and dollar amounts financed by Federal and non-Federal funds, and that the source of the funding includes moneys derived from Outer Continental Shelf receipts. The Secretary shall prescribe standards and guidelines for the usage of such signing to assure consistency of design and application."

(6) Add the following new section:

"Sec. 12. Within one year of the date of enactment of this section, the Secretary is authorized and directed to submit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives a comprehensive review and report on the needs, problems, and opportunities associated with urban recreation in highly populated regions, including the resources potentially available for meeting such needs. The report shall include site specific analyses and alternatives, in a selection of geographic environments representative of the Nation as a whole, including, but not limited to, information on needs,

local capabilities for action, major site opportunities, trends, and a full range of options and alternatives as to possible solutions and courses of action designed to preserve remaining open space, ameliorate recreational deficiency, and enhance recreational opportunity for urban populations, together with an analysis of the capability of the Federal Government to provide urban-oriented environmental education programs (including, but not limited to, cultural programs in the arts and crafts) within such options. The Secretary shall consult with, and request the views of, the affected cities, counties, and States on the alternatives and courses of action identified.”.

TITLE II—NATIONAL HISTORIC PRESERVATION FUND

SEC. 201. The Act of October 15, 1966 (80 Stat. 915), as amended (16 U.S.C. 470), is amended as follows:

(1) Amend section 102 to read as follows:

“Sec. 102. (a) No grant may be made under this Act—

“(1) unless application therefor is submitted to the Secretary in accordance with regulations and procedures prescribed by him;

“(2) unless the application is in accordance with the comprehensive statewide historic preservation plan which has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897);

“(3) for more than 50 per centum of the total cost involved, as determined by the Secretary and his determination shall be final;

“(4) unless the grantee has agreed to make such reports, in such form and containing such information as the Secretary may from time to time require;

“(5) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; and

“(6) until the grantee has complied with such further terms and conditions as the Secretary may deem necessary or advisable.

“(b) The Secretary may in his discretion waive the requirements of subsection (a), paragraphs (2) and (5) of this section for any grant under this Act to the National Trust for Historic Preservation in the United States, in which case a grant to the National Trust may include funds for the maintenance, repair, and administration of the property in a manner satisfactory to the Secretary.

“(c) The Secretary may in his discretion waive the requirements of paragraph (3) of subsection (a) of this section for the purposes of making grants for the preparation of statewide historic preservation plans and surveys and project plans. Any grant made pursuant to this subsection may not exceed 70 per centum of the cost of a project, and the total of such grants made pursuant to this subsection in any one fiscal year may not exceed one-half of the funds appropriated for that fiscal year pursuant to section 108 of this Act.

“(d) No State shall be permitted to utilize the value of real property obtained before the date of approval of this Act in meeting the remaining cost of a project for which a grant is made under this Act.”.

(2) Amend section 103(a) by deleting “*Provided, however,* That the amount granted to any one State shall not exceed 50 per centum of the total cost of the comprehensive statewide historic survey and plan for that State, as determined by the Secretary,”.

(3) Amend section 106 by inserting after the words "included in" the phrase "or eligible for inclusion in".

(4) Amend section 108 to read as follows:

"SEC. 108. To carry out the provisions of this Act, there is hereby established the Historic Preservation Fund (hereafter referred to as the 'fund') in the Treasury of the United States.

"There shall be covered into such fund \$24,400,000 for fiscal year 1977, \$100,000,000 for fiscal year 1978, \$100,000,000 for fiscal year 1979, \$150,000,000 for fiscal year 1980, and \$150,000,000 for fiscal year 1981, from revenues due and payable to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462, 469), as amended (43 U.S.C. 338), and/or under the Act of June 4, 1920 (41 Stat. 813), as amended (30 U.S.C. 191), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Such moneys shall be used only to carry out the purposes of this Act and shall be available for expenditure only when appropriated by the Congress. Any moneys not appropriated shall remain available in the fund until appropriated for said purposes: *Provided*, That appropriations made pursuant to this paragraph may be made without fiscal year limitation."

(5) Amend section 201 to read as follows:

"SEC. 201. (a) There is established as an independent agency of the United States Government an Advisory Council on Historic Preservation (hereinafter referred to as the 'Council') which shall be composed of twenty-nine members as follows:

"(1) The Secretary of the Interior;

"(2) The Secretary of Housing and Urban Development;

"(3) The Secretary of Commerce;

"(4) The Administrator of the General Services Administration;

"(5) The Secretary of the Treasury;

"(6) The Attorney General;

"(7) The Secretary of Agriculture;

"(8) The Secretary of Transportation;

"(9) The Secretary of State;

"(10) The Secretary of Defense;

"(11) The Secretary of Health, Education, and Welfare;

"(12) The Chairman of the Council on Environmental Quality;

"(13) The Chairman of the Federal Council on the Arts and Humanities;

"(14) The Architect of the Capitol;

"(15) The Secretary of the Smithsonian Institution;

"(16) The Chairman of the National Trust for Historic Preservation;

"(17) The President of the National Conference of State Historic Preservation Officers; and

"(18) Twelve appointed by the President from outside the Federal Government. In making these appointments, the President shall give due consideration to the selection of officers of State and local governments and individuals who are significantly interested and experienced in the matters to be considered by the Council.

"(b) Each member of the Council specified in paragraphs (1) through (17) of subsection (a) may designate another officer of his department, agency, or organization to serve on the Council in his stead.

"(c) Each member of the Council appointed under paragraph (18) of subsection (a) shall serve for a term of five years from the expiration of his predecessor's term; except that the members first appointed

under that paragraph shall serve for terms of from one to five years, as designated by the President at the time of appointment, in such manner as to insure that the terms of not less than one nor more than two of them will expire in any one year.

“(d) A vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment (and for the balance of the unexpired term).

“(e) The Chairman and the Vice Chairman of the Council shall be designated by the President. During the absence or disability of the Chairman or when the office is vacant, the Vice Chairman shall act in the place of the Chairman.

“(f) Fifteen members of the Council shall constitute a quorum.”.

(6) Amend section 204 by deleting the term “(10)” in the first sentence and inserting in lieu thereof the term “(17)”, and by striking the term “(11)” in the second sentence and inserting in lieu thereof the term “(18)”.

(7) Amend section 205 to read as follows:

“SEC. 205. (a) There shall be an Executive Director of the Council who shall be appointed in the competitive service by the Chairman with the concurrence of the Council. The Executive Director shall report directly to the Council and perform such functions and duties as the Council may prescribe.

“(b) The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council’s legal advisor. The Executive Director shall appoint such other attorneys as may be necessary to assist the General Counsel, represent the Council in courts of law whenever appropriate, assist the Department of Justice in handling litigation concerning the Council in courts of law, and perform such other legal duties and functions as the Executive Director and the Council may direct.

“(c) The Executive Director of the Council may appoint and fix the compensation of such officers and employees in the competitive service as are necessary to perform the functions of the Council at rates not to exceed that now or hereafter prescribed for the highest rate for grade 15 of the General Schedule under section 5332 of title 5, United States Code: *Provided, however,* That the Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed five employees in the competitive service at rates not to exceed that now or hereafter prescribed for the highest rate of grade 17 of the General Schedule under section 5332 of title 5, United States Code.

“(d) The Executive Director shall have power to appoint and fix the compensation of such additional personnel as may be necessary to carry out its duties, without regard to the provisions of the civil service laws and the Classification Act of 1949.

“(e) The Executive Director of the Council is authorized to procure expert and consultant services in accordance with the provisions of section 3109 of title 5, United States Code.

“(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the Secretary of the Interior: *Provided,* That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous

payments (5 U.S.C. 46e) shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of said Secretary for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Council: *And provided further*, That the Council shall not be required to prescribe such regulations.

“(g) The members of the Council specified in paragraphs (1) through (16) of section 201(a) shall provide the Council, with or without reimbursement as may be agreed upon by the Chairman and the members, with such funds, personnel, facilities, and services under their jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. To the extent of available appropriations, the Council may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties.”

(8) Amend section 206(c) to read as follows:

“(c) For the purposes of this section there are authorized to be appropriated not more than \$175,000 per year for fiscal years 1977, 1978, and 1979: *Provided*, That no appropriation is authorized and no payment shall be made to the Centre in excess of 25 per centum of the total annual assessment of such organization.”

(9) Add the following new sections:

“SEC. 207. So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, programed, or available or to be made available by the Department of the Interior in connection with the functions of the Council, as the Director of the Office of Management and Budget shall determine, shall be transferred from the Department to the Council within 60 days of the effective date of this Act.

“SEC. 208. Any employee in the competitive service of the United States transferred to the Council under the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer.

“SEC. 209. The Council is exempt from the provisions of the Federal Advisory Committee Act (86 Stat. 770), and the provisions of the Administrative Procedure Act (80 Stat. 381) shall govern the operations of the Council.

“SEC. 210. Whenever the Council transmits any legislative recommendations, or testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit copies thereof to the House Committee on Interior and Insular Affairs and the Senate Committee on Interior and Insular Affairs. No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress. In instances in which the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of such actions in its legislative recommendations, testimony, or comments on legislation which it transmits to the Congress.

“SEC. 211. The Council is authorized to promulgate such rules and regulations as it deems necessary to govern the implementation of section 106 of this Act.

"SEC. 212. (a) The Council shall submit its budget annually as a related agency of the Department of the Interior. To carry out the provisions of this title, there are authorized to be appropriated not more than \$1,500,000 in fiscal year 1977, \$1,750,000 in fiscal year 1978, and \$2,000,000 in fiscal year 1979.

"(b) Whenever the Council submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the House and Senate Appropriations Committees and the House Committee on Interior and Insular Affairs and the Senate Committee on Interior and Insular Affairs."

SEC. 202. Section 5316 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(135) Executive Director, Advisory Council on Historic Preservation."

TITLE III—STATES OIL SHALE FUNDS

SEC. 301. Section 35 of the Act of February 25, 1920 (41 Stat. 450), as amended (30 U.S.C. 191), is further amended by striking the period at the end of the proviso and inserting in lieu thereof the language as follows: "*And provided further*, That all moneys paid to any State from sales, bonuses, royalties, and rentals of oil shale in public lands may be used by such State and its subdivisions for planning, construction, and maintenance of public facilities, and provision of public services, as the legislature of the State may direct, giving priority to those subdivisions of the State socially or economically impacted by the development of the resource."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

Concurrent Resolution

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 327), to amend the Land and Water Conservation Fund Act of 1965, as amended, to establish the National Historic Preservation Fund, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In paragraph (1) of Section 101 (amending Section 2), strike out "June 30," and insert "September 30,".

(2) In paragraph (3) of Section 101 (amending Section 6 (f)), strike out "acquired to be developed" and insert "acquired or developed".

(3) In paragraph (5) of Section 201 (amending section 201 (a)), strike out "(17) The President of the National Conference; and" and insert "(17) The President of the National Conference of State Historic Preservation Officers; and".

Attest:

Clerk of the House of Representatives.

Attest:

Secretary of the Senate.

Office of the White House Press Secretary

THE WHITE HOUSE

FACT SHEET

S. 327 - LAND AND WATER CONSERVATION FUND AMENDMENTS

The President today signed a bill that will substantially increase funding authorization for the Land and Water Conservation Fund and expands the Federal role in the area of historic preservation. Additionally, the bill eases certain restrictions on the use of Federal oil shale revenues received by State governments.

HIGHLIGHTS OF S. 327

- Increases the annual authorized level of the Land and Water Conservation Fund from a current level of \$300 million annually to \$600 million for FY 1978, \$750 million for FY 1979 and \$900 million for each of FY's 1980 and 1989.
- Authorizes appropriations for Historic Preservation to increase from a current level of \$24.4 million annually to \$100 million each for FY 1978 and 1979 and to \$150 million each for FY's 1980 to 1989.

I. LAND AND WATER CONSERVATION FUNDBACKGROUND

The Land and Water Conservation (L&WCF) Act of 1965, as amended, created a new categorical grant program to provide expanded parks and outdoor recreation opportunities.

A. Purpose of the Act - The Act was designed to stimulate a nationwide action program to create new and expanded high quality outdoor recreation areas and facilities. L&WCF moneys are available for (1) acquisition of Federal recreation lands, and (2) matching grants to State and local governments for planning, acquisition, and development of recreation lands and facilities. The following are the primary features of the State side of the program:

- Require the development and maintenance of Statewide Comprehensive Outdoor Recreation Plans to guide State and local use of the Fund.
- Provide Grants-in-Aid to States to acquire land and develop facilities for outdoor recreation and conservation.
- Stimulate additional public investment to enhance outdoor recreation opportunities and conservation.

The Federal side of the program provides moneys for use in acquiring authorized National Park, Fish and Wildlife Service, National Forest, and public domain lands managed by the Bureau of Land Management.

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B. Administrative Process and Relationship with the States - For purposes of the Act, 55 "States" (the 50 States, plus Guam, American Samoa, Puerto Rico, Virgin Islands, and the District of Columbia) share Fund money. The Bureau of Outdoor Recreation expects and urges each State to share Fund money with their political subdivisions, such as cities, towns, counties, and special districts. The Fund legislation recently enacted by Congress would eventually add another Territory, the Northern Mariana Islands, as a 56th "State" when such islands achieve a commonwealth status. Forty percent of the total appropriation is spent by the Federal Government.

The Federal portion of the L&WCF is utilized by the National Park Service, the Fish and Wildlife Service, and the Bureau of Land Management in the Department of the Interior, and the Forest Service in the Department of Agriculture, to acquire land for the enjoyment of the American people. The Fund is the major source of funds available to these agencies for land acquisition at many unique and beautiful areas across our country. For example, the Fund is used to acquire lands for the preservation of wilderness; for national recreation areas; for the protection of endangered species habitat; the preservation of significant national resources and provision of recreation opportunities in the national parks, monuments, lakeshores, seashores, and historic sites; the protection and enjoyment of outstanding rivers and trails; the preservation of wildlife values; and for providing recreation opportunities on the National Forests.

Sixty percent of the Fund appropriation is apportioned to the States each fiscal year. Forty percent of this State's share is pro-rated equally among the 50 States, 55 percent is pro-rated to the 55 "States" on the basis of population (currently 30 percent is pro-rated on total population and 25 percent on Standard Metropolitan Statistical Area populations), and 5 percent is retained for a Contingency Reserve used by the Secretary of the Interior for especially critical needs.

Grants-in-Aid financial assistance from the Fund is available to the States for the acquisition and/or development of a broad range of outdoor recreation areas and facilities located in areas ranging from high population density to wilderness and varying from bicycle paths to hiking trails, from roadside picnic areas to inner-city outdoor recreation complexes, and from park beautification to boating marinas.

C. Accomplishments of the Fund. Fund assistance to State and local governments as 50-50 matching assistance for acquisition and facility development is impressive. Some 16,700 projects have been approved to date and approximately 1.4 million acres of new recreation land have been acquired. In addition, new recreation facilities have been provided at approximately 8,500 State and local areas. To date \$1.6 billion has been appropriated for State purposes, and \$1.2 billion for Federal land-managing agencies. Some 1.6 million acres of Federal recreation lands have been purchased.

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Numerous institutional changes and related program spinoffs can be attributed directly or indirectly to the enactment and administration of the L&WCF Act:

- Prior to enactment, only four States had any type of Comprehensive Outdoor Recreation Plan. As a result of the Act, each State now maintains a Statewide Comprehensive Outdoor Recreation Plan to guide future acquisition, development, and programs.
- The L&WCF has provided a model for States to establish county and local assistance programs. It is significant to note that some 32 of these programs have been established since inception of the L&WCF and some depend upon the Fund for projects to be financed 50 percent Federal, 25 percent State, and 25 percent local.
- Development of a State plan has made possible a source document for use in preparing Environmental Impact Statements to determine the impact of construction projects on recreation resources.

Thirty-nine percent of all the money appropriated to the Land and Water Conservation Fund during the 11-year life of the program has been during President Ford's Administration.

II. HISTORIC PRESERVATION AMENDMENTS

A. Purpose

Title II of the Act amends the National Historic Preservation Act of 1966 and establishes a special Historic Preservation Fund in the U.S. Treasury. The fund is to be used for a program of matching grants-in-aid to the States, which are administered by the National Park Service (Department of the Interior). The grants are made available on a 50-50 matching basis to the States for state-wide preservation planning and for specific preservation projects involving sites listed in the National Register of Historic Places.

B. Authorizations

In response to the needs identified by the States, the bill reauthorizes this program for a five-year period with the following funding authorizations:

<u>Fiscal Year</u>	<u>Authorization (\$Millions)</u>
1977	\$ 24.4
1978)	
1979)	100.
1980)	
1981)	150.

The Act also authorizes the Secretary of the Interior, in his discretion, to use up to 50% of any year's appropriation for grants to the States on a 70% Federal - 30% State matching basis if those funds are used for statewide preservation planning and surveys.

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C. Advisory Council on Historic Preservation

Title II also changes the status of the Advisory Council on Historic Preservation to become an independent body. Established in 1966 to advise the President and the Congress and to comment on Federal activities affecting important historic properties, the Advisory Council has been staffed by the National Park Service.

The Council membership currently includes the Secretaries of the Interior, Housing and Urban Development, Commerce, Treasury, Justice, Transportation, Agriculture, the Smithsonian Institution, the Administrator of General Services Administration, the Chairman of the National Trust for Historic Preservation, and ten citizen members.

Under this Act, the membership will be expanded to include: the Secretaries of State, Defense, Health, Education, and Welfare, the Architect of the Capitol, the Chairman of the Council on Environmental Quality and the Chairman of the Federal Council on the Arts and Humanities. The President of the National Conference of State Historic Preservation Officers will also become a member in recognition of the partnership relationship between the States and the Federal government in implementing the national preservation program.

The Act further provides that the Council's legislative recommendation, testimony, and comments, as well as its budget requests, are to be submitted concurrently to the President and the Congress. The Advisory Council is exempted from the provisions of the Federal Advisory Committee Act.

D. International Preservation Activities

Consistent with the United States' commitment to international preservation activities through the World Heritage Convention, Title II re-authorizes the participation of the United States in the International Centre for the Study of the Preservation and Restoration of Cultural Property, located in Rome, Italy, and authorizes up to \$175,000 each year for this purpose through 1979.

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Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

Today, with great pleasure, I am signing into law S. 327, a bill which will substantially increase the authorization levels for the Land and Water Conservation Fund over the next several years.

I believe it can be fairly said that few Federal programs have given more wholesome recreation to Americans than the activities financed from the Land and Water Conservation Fund. In the decade of the Fund's existence, some \$2 billion has been channeled into the purchase and development of outdoor recreation lands -- places where Americans can participate in competitive sports, learn about nature, or simply find relief from crowds and bustle.

About \$800 million over the last ten years has been used to finance the purchase of Federal recreation lands -- over 1.5 million acres of land for National Parks, Wildlife Refuges, Wilderness, and other recreational areas. \$1.2 billion has been channeled to States and local communities as matching grants supporting the purchase of 1.4 million acres of land and the development of 10,000 recreational projects.

With the increased authorization for the Land and Water Conservation Fund, we estimate that over 6 million more acres of land will be purchased and set aside for recreational purposes through fiscal year 1989. Over the 25-year life of the Fund, land in excess of the area of the States of Connecticut, Rhode Island, and Massachusetts will have been bought for Land and Water Fund recreational purposes. This truly will be a heritage treasured by future generations.

In addition, S. 327 will establish the National Historic Preservation Fund to provide matching Federal assistance to State governments and private individuals for the acquisition and preservation of important historic sites.

What better way can there be, in this Bicentennial year, to commemorate our Nation's rich history than to pledge to preserve outstanding examples of it for future Americans? In celebrating our Bicentennial this year, I and millions of others have been inspired to reflect on our history and the progress we have made. The National Historic Preservation Fund will assure that our historic sites and structures will continue to be available to provide this inspiration.

This preservation of historic sites and structures will be achieved through a creative partnership between various levels of government and the private sector. The Federal Government will provide technical and financial assistance, the States will plan the programs, and the bulk of the actual preservation work will be done at the local level, by private individuals. This is appropriate. The preservation movement

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is a citizen's movement, an example of productive cooperation among the Federal, State, and local governments, and the private sector. Government can nurture this movement, but we must remember that it gains its greatest strength from the individual pride in the nation's past.

Unfortunately, S. 327 also provides for certain changes in the procedures of the Advisory Council on Historic Preservation which would compromise Executive Branch functions. I find these provisions unacceptable, as well as unnecessary to the effective operation of the Advisory Council.

The first provision would require the concurrent submission of Advisory Council budget requests to Congress and to the President. The second would require concurrent submission of the Advisory Council's legislative proposals. Each requirement would make it difficult for me to develop and present to the Congress coherent and coordinated budget and legislative programs.

We will submit to the Congress legislation which would correct these provisions, and I will strongly urge its passage during the first session of the next Congress.

In summary, I am pleased today to sign S. 327. With my Bicentennial Land Heritage Program and S. 327, we will have a program of which we can be proud. These two measures will provide increased recreational opportunities for present and future Americans, and will preserve for the future a great treasure of natural areas and historic resources. S. 327 provides the authorization for greatly accelerated land acquisition and historic preservation efforts assuring the continued momentum of our national preservation program. The Bicentennial Land Heritage Program will assure that these resources are developed and maintained to the highest standards.

As America looks toward her third century, we draw strength from our past. Our heritage of natural areas and the remaining records of our cultural history provide a reassuring sense of the direction from which we have come, and a respite from the tensions of continuing progress. It is essential that we preserve our natural areas and historic resources in the face of progress. I pledge to do all I can to further this goal.

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OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

REMARKS OF THE PRESIDENT
UPON SIGNING S. 327
THE LAND AND WATER CONSERVATION FUND ACT

THE ROSE GARDEN

11:30 A.M. EDT

Secretary Kleppe, distinguished Members of the House and Senate, ladies and gentlemen:

It is really a great privilege and pleasure for me to have the opportunity of welcoming you all to the Rose Garden on this very significant and, I think, historic occasion.

Last month at Yellowstone National Park I set a national goal of significantly expanding the recreation facilities, national parks and wildlife sanctuaries as our Bicentennial present to future generations.

Today, with the signing of this legislation to enlarge the Land and Water Conservation Fund, we take the first important step in that direction.

Few, if any, Federal programs have provided more or better recreational opportunities than those financed through the Land and Water Conservation Fund.

In the last 12 years some \$2 billion has been channeled through this fund for the purchase and development of millions of acres of recreation land, where Americans can explore the wonders of nature, take part in a variety of sports facilities and activities or just relax and get away from it all.

With the increased authorization which this legislation provides, more than six million new acres of land will be set aside for recreational purposes over the next 12 years.

In addition, this bill will establish an historic preservation fund to provide Federal assistance for the acquisition and preservation of important historic sites throughout America.

MORE

As we enter our third century of independence, the American people have taken special pride in the landmarks of our past. This new fund will ensure that Americans who celebrate the Tricentennial will be able to enjoy an even more complete celebration of our nation's history.

I must say there are certain procedural requirements in this bill to which I do object and for which I will seek amendments in subsequent legislation. But, I wholeheartedly and enthusiastically endorse the basic thrust and the purpose of this legislation to enhance our quality of life, to enrich our treasure of natural beauty and to preserve it as our heritage to coming generations of America.

Therefore, I congratulate the Members of the House and the Senate who have worked on this legislation and the others who have participated. I am pleased and very proud to have the opportunity of signing this bill into law.

END (AT 11:33 A.M. EDT)