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APPROVED
JUN 20 1975

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: June 23

June 19, 1975

MEMORANDUM FOR THE PRESIDENT

FROM:

JIM CANNON *JMC*

SUBJECT:

Enrolled Bill S. 441 - Availability of Forest Pest Control Funds

Attached for your consideration is S. 441, sponsored by Senator Eastland and 17 others, which amends the Forest Pest Control Act to provide that funds appropriated under the Act for FY 75 and subsequent years remain available until expended. Under existing law, these funds cannot be carried over into the next fiscal year.

OMB recommends approval of the enrolled bill (Tab A). Max Friedersdorf, Phil Buchen (Lazarus) and I concur in this recommendation.

RECOMMENDATION

That you sign S. 441 at Tab B.

Signed

6/20/75



*Revised 6/21
To Archive 5/23*

APPROVED
JUN 20 1975



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUN 17 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 441 - Availability of forest pest control funds
Sponsor - Sen. Eastland (D) Mississippi and 17 others

Last Day for Action

June 23, 1975 - Monday

Purpose

Makes appropriations provided under the Forest Pest Control Act available until expended.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture	Approval

Discussion

Under existing law, appropriations provided under the Forest Pest Control Act lapse at the end of the fiscal year. This situation frequently impairs the continuity of Federal and matching State programs, as funds may cease to be available at the height of particular pest or disease infestations. S. 441 would remove this technical inflexibility by providing authority, similar to that in many other programs, that would make appropriations available until expended.

James M. Frey
Assistant Director for
Legislative Reference



Enclosures

To -
J. Conaway
6-17-75
11:00 a.m.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUN 17 1975

MEMORANDUM FOR THE PRESIDENT

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(Signed) James M. Frey

Assistant Director for
Legislative Reference





DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

June 13, 1975

Honorable James T. Lynn
Director, Office of Management
and Budget

Dear Mr. Lynn:

In reply to the request of your office, the following report is submitted on the enrolled enactment S. 441, "To amend the Forest Pest Control Act of June 25, 1947."

This Department recommends that the President approve the enactment.

S. 441 would amend the first sentence of section 5 of the Forest Pest Control Act of June 25, 1947 (61 Stat. 177, 16 U.S.C. 594-1 - 594-5) by changing the period at the end thereof to a comma and adding the following: "such sums appropriated for fiscal year 1975 and thereafter to remain available until expended."

Under existing law, Federal forest pest control funds cannot be carried over into the next fiscal year. The effect of S. 441 would be to remove this limitation by making funds appropriated under the Forest Pest Control Act for fiscal year 1975 and subsequent years available until expended.

The Forest Service, through authority delegated by the Secretary of Agriculture under the Forest Pest Control Act, is responsible for the prevention, survey, and control of forest insect and disease outbreaks on all forest land, regardless of ownership. This responsibility is carried out directly or in cooperation with other Federal departments, States, public agencies, organizations, or individuals. State forestry agencies conduct the forest pest control program on State and private lands with funds from Federal and State sources on a cooperative basis.

Typical forest insect and disease outbreaks become active in the spring and intensify during the summer and fall. Control efforts, to be most effective, must be carefully timed to coincide with a particular period in the pest's life cycle. This period, which is often as short as two or three weeks, varies greatly among individual insects or diseases, geographic locations, weather conditions, and other factors. Many forest pest control projects now span two fiscal years, because they are at their peak between May and August. Interruptions in control projects, as might result from a lack of funding continuity between fiscal years, may lessen the effectiveness of the projects by allowing the pest to become reestablished and to spread. These interruptions can also be administratively inefficient.

Occasionally, several major forest pest outbreaks reach emergency levels at the same time. This happened in fiscal year 1974 when there were simultaneous, widespread outbreaks of the southern pine beetle in the South, gypsy moth in

the East, spruce budworm in the Northeast, and Douglas-fir tussock moth and mountain pine beetle in the West. To meet this emergency, we requested a supplemental appropriation which was approved on June 8, 1974. Had the Congress not specified that these supplemental funds were to be available until expended, their availability would have expired only three weeks later on June 30.

We face a similar situation this year. The Second Supplemental Appropriations Bill, 1975 (H.R. 5899) contains \$5 million for forest insect and disease control. Congressional action on this bill was completed on June 11, 1975. If the President approves H.R. 5899, the \$5 million for forest insect and disease control will be available only until June 30, 1975, unless the President also approves S. 441. Whenever a major control effort must be funded by a supplemental appropriation late in the fiscal year, it is extremely difficult to most effectively use the funds without carryover authority.

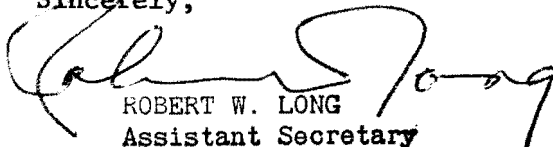
Control projects must be monitored and evaluated to determine their effectiveness and environmental impacts and to make recommendations for future action. Financing this important followup work can be very difficult late in the fiscal year when funds may cease to be available before the work can be completed.

The State forestry agencies who conduct the forest pest control program on non-Federal lands are dependent upon Federal funds for part of the cost. State legislatures are reluctant to appropriate cooperative funds if the Federal dollars cannot be assured. These assurances are not possible when Federal forest pest funds are unavailable between the end of one fiscal year and the passage of an appropriation for the next fiscal year. The situation is complicated because some States budget on a biennial basis.

The Congressional Budget and Impoundment Control Act of 1974 (P.L. 93-344) directs that Federal fiscal years shall begin on October 1, effective October 1, 1976. While this change will place the critical May through August period in the same fiscal year, it will not solve the basic problem addressed by S. 441. Regardless of when the fiscal year begins and ends, there could be potentially serious interruptions in forest pest control projects unless funds are available until expended.

Enactment of S. 441 will not increase Federal expenditures for forest pest control. It will, however, increase the effectiveness with which Federal, State, and private funds are used.

Sincerely,


ROBERT W. LONG
Assistant Secretary

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 17, 1975

Time: noon

FOR ACTION:

Paul Leach *ml*
MMx Friedersdorf *ml*
Ken Lazarus *ml*

cc (for information):

Jim Cavanaugh
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: June 18

Time: 200pm

SUBJECT:

S. 441 - Availability of forest pest control funds

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing



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.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

WASHINGTON

June 18, 1975

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF
SUBJECT: S.441 - Availability of forest pest control funds

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

Date: June 17, 1975

Time: noon

FOR ACTION:

Paul Leach
Max Friedersdorf
Ken Lazarus

cc (for information):

Jim Cavanaugh
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: June 18

Time: 200pm

SUBJECT:

S. 441 - Availability of forest pest control funds

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection. -- Ken Lazarus 6/18/75

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 W. Cavanaugh
For the President

FOREST PEST CONTROL

FEBRUARY 19, 1975.—Ordered to be printed

Mr. EASTLAND, from the Committee on Agriculture and Forestry,
submitted the following

REPORT

[To accompany S. 441]

The Committee on Agriculture and Forestry, to which was referred the bill (S. 441) to amend the Forest Pest Control Act, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

SHORT EXPLANATION

Under the Forest Pest Control Act, the Secretary of Agriculture is authorized to conduct a program of eradication and control of forest insect pests and diseases in order to protect and preserve the forest resources of the United States.

S. 441 amends section 5 of the Forest Pest Control Act to provide that funds appropriated to carry out the program are to remain available until expended.

COMMITTEE AMENDMENT

The Committee amendment corrects the reference in the title of the bill from "1974" to "1947".

BACKGROUND AND NEED FOR LEGISLATION

The Forest Service, pursuant to authority delegated by the Secretary of Agriculture under the Forest Pest Control Act, is responsible for the prevention, survey, and control of forest insect and disease outbreaks on all forest land, regardless of ownership. This responsibility is carried out directly or in cooperation with other federal departments, states, public agencies, organizations, or individuals. State forestry agencies conduct the forest pest control program on state and

private lands with funds from federal and state sources on a 50-50 matching basis.

Typical forest insect and disease outbreaks become active in the spring and increase in intensity during the summer and fall. Control efforts, to be most effective, must be carefully timed to coincide with a particular period in the pest's life cycle. This period, which can be as short as two or three weeks, varies greatly among individual insects or diseases, geographic locations, and weather conditions. Many forest pest control projects span two fiscal years, because the pests are at their peak between May and August. Interruptions in control projects resulting from a lack of funding continuity between fiscal years lessen the effectiveness of the projects by allowing the pest to become reestablished and to spread.

The problem is aggravated when a cold or wet spring delays the emergence of the insects, and control projects must be postponed until early in the next fiscal year. In this situation, funds appropriated for the past fiscal year cannot be extended, and funds may not yet be available for the current year. Meanwhile, the forest pests continue to do their damage, and the most effective time for control may pass before new funds are appropriated.

Occasionally, several major forest pest outbreaks reach emergency levels at the same time. This happened in fiscal year 1974 when there were simultaneous and widespread outbreaks of the southern pine beetle in the South, gypsy moth in the East, spruce budworm in the Northeast, and Douglas fir tussock moth and mountain pine beetle in the West. To meet this emergency, the Administration requested a supplemental appropriation which was approved on June 8, 1974. Had the Congress not specified that the supplemental funds were to be available until expended, their availability would have expired only three weeks later on June 30.

Whenever a major control effort must be funded by a supplemental appropriation late in the fiscal year, it is extremely difficult to use the funds effectively without carryover authority. Control projects must be monitored and evaluated to determine their effectiveness and environmental impacts and to make recommendations for future action. Financing this important follow-up work can be very difficult late in the fiscal year when funds may cease to be available before the work can be completed.

The state forestry agencies conducting the forest pest control program on non-federal lands are dependent upon matching federal funds for fifty percent of the cost. State legislatures are reluctant to appropriate matching funds if the federal dollars cannot be assured. These assurances are not possible when federal forest pest funds are unavailable between the end of one fiscal year and the passage of an appropriation for the next fiscal year. The situation is complicated by the fact that some states budget on a biennial basis.

The Congressional Budget and Impoundment Control Act of 1974 (P.L. 93-344) provides that fiscal years shall begin on October 1, effective October 1, 1976. While this change will place the critical May through August period in the same fiscal year, it will not solve the basic problem addressed by S. 441. Regardless of when the fiscal year begins and ends, there could be potentially serious interruptions in forest pest control projects unless funds are available until expended.

COMMITTEE CONSIDERATION

The Committee determined that amending the Forest Pest Control Act to provide that appropriated funds would remain available until expended would promote the efficiency of federal and state pest control activities.

S. 441 is identical to S. 3371, which was favorably reported by the Committee and passed by the Senate in 1974.

DEPARTMENTAL VIEWS

In a letter to the Committee dated February 18, 1975, the Department of Agriculture recommends that S. 441 be enacted. The letter from the Department reads as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., February 18, 1975.

HON. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 441, a bill "To amend the Forest Pest Control Act of June 25, 1974."

The Department of Agriculture recommends that S. 441 be enacted. S. 441 would amend the first sentence of section 5 of the Forest Pest Control Act of June 25, 1947 (61 Stat. 177, 16 U.S.C. 591-1-594-5) by changing the period at the end thereof to a comma and adding the following: "such sums to remain available until expended."

Under existing law, Federal forest pest control funds cannot be carried over into the next fiscal year. The effect of S. 441 would be to remove this limitation by making funds appropriated under the Act available until expended.

The Forest Service, through authority delegated by the Secretary of Agriculture under the Forest Pest Control Act, is responsible for the prevention, survey, and control of forest insect and disease outbreaks on all forest land, regardless of ownership. This responsibility is carried out directly or in cooperation with other Federal departments, States, public agencies, organizations, or individuals. State forestry agencies conduct the forest pest control program on State and private lands with funds from Federal and State sources on a cooperative basis.

Typical forest insect and disease outbreaks become active in the spring and intensify during the summer and fall. Control efforts, to be most effective, must be carefully timed to coincide with a particular period in the pest's life cycle. This period, which is often as short as two or three weeks, varies greatly among individual insects or diseases, geographic locations, weather conditions, and other factors. Many forest pest control projects now span two fiscal years, because they are at their peak between May and August. Interruptions in control projects, as might result from a lack of funding continuity between fiscal years, may lessen the effectiveness of the projects by allowing the pest to become reestablished and to spread. These interruptions can also be administratively inefficient.

The problem is aggravated when a cold or wet spring delays emergence of the insects, and control projects must be postponed until early in the next fiscal year. In this situation, funds appropriated for the past fiscal year cannot be extended, and funds may not yet be available for the current year. Meanwhile, the forest pests continue to do their damage, and the most effective time for control may pass before new funds are appropriated.

Occasionally, several major forest pest outbreaks reach emergency levels at the same time. This happened in fiscal year 1974 when there were simultaneous, widespread outbreaks of the southern pine beetle in the South, gypsy moth in the East, spruce budworm in the Northeast, and Douglas-fir tussock moth and mountain pine beetle in the West. To meet this emergency, we requested a supplemental appropriation which was approved on June 8, 1974. Had the Congress not specified that these supplemental funds were to be available until expended, their availability would have expired only three weeks later on June 30. Whenever a major control effort must be funded by a supplemental appropriation late in the fiscal year, it is extremely difficult to most effectively use the funds without carryover authority.

Control projects must be monitored and evaluated to determine their effectiveness and environmental impacts and to make recommendations for future action. Financing this important followup work can be very difficult late in the fiscal year when funds may cease to be available before the work can be completed.

The State forestry agencies who conduct the forest pest control program on non-Federal lands are dependent upon Federal funds for part of the cost. State legislatures are reluctant to appropriate cooperative funds if the Federal dollars cannot be assured. These assurances are not possible when Federal forest pest funds are unavailable between the end of one fiscal year and the passage of an appropriation for the next fiscal year. The situation is complicated because some States budget on a biennial basis.

The Congressional Budget and Impoundment Control Act of 1974 (P.L. 93-344) directs that Federal fiscal years shall begin on October 1, effective October 1, 1976. While this change will place the critical May through August period in the same fiscal year, it will not solve the basic problem addressed by S. 441. Regardless of when the fiscal year begins and ends, there could be potentially serious interruptions in forest pest control projects unless funds are available until expended.

Enactment of S. 441 would not increase Federal expenditures for forest pest control. It would, however, increase the effectiveness with which Federal, State, and private funds are used.

We note that this title of S. 441 contains a typographical error in that the effective date of the Forest Pest Control Act is June 25, 1947, rather than June 25, 1974.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Acting Secretary.

COST ESTIMATE

In accordance with section 252 of the Legislative Reorganization Act of 1970, the Committee estimates that no additional costs for forest pest control would be incurred by the federal government as the result of the enactment of S. 441. This estimate of costs is the same as the estimate furnished by the Department of Agriculture.

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 are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter in italic, and existing law in which no change is proposed is shown in roman) :

THE FOREST PEST CONTROL ACT

* * * * *

SEC. 5. There are hereby authorized to be appropriated for the purposes of this Act such sums as the Congress may from time to time determine to be necessary **[.]**, *such sums to remain available until expended.* Any sums so appropriated shall be available for necessary expenses, including the employment of persons and means in the District of Columbia and elsewhere, printing and binding, and the purchase, maintenance, operation, and exchange of passenger-carrying vehicles; but such sums shall not be used to pay the cost of value of any property injured or destroyed. Materials and equipment necessary to control, suppress, or eradicate infestations of forest insects or tree diseases may be procured without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) under such procedures as may be prescribed by the Secretary of Agriculture, when deemed necessary in the public interest.

○

AMENDMENT TO THE FOREST PEST CONTROL ACT
OF 1947

MAY 14, 1975.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. FOLEY, from the Committee on Agriculture,
submitted the following

REPORT

[To accompany S. 441]

The Committee on Agriculture, to whom was referred the bill (S. 441), to amend the Forest Pest Control Act of June 25, 1947, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike everything after the enacting clause of S. 441 and insert the following:

That the first sentence of section 5 of the Forest Pest Control Act of June 25, 1947 (61 Stat. 177; 16 U.S.C. 594-1 through 594-5), is amended by changing the period at the end thereof to a comma and adding the following: "such sums appropriated for fiscal year 1975 and thereafter to remain available until expended."

PURPOSE

S. 441, as amended by the committee, provides that funds appropriated for fiscal year 1975 and thereafter for forest pest control programs conducted by the Forest Service of the Department of Agriculture shall remain available until expended, thus increasing the efficiency of that agency in dealing with periodic insect infestations that threaten the renewable resources of our National Forest System.

NEED FOR THE LEGISLATION

The Forest Service, pursuant to authority delegated by the Secretary of Agriculture under the Forest Pest Control Act of June 25, 1947, is responsible for the prevention, survey, and control of forest insect and disease outbreaks on all forest land, regardless of ownership. This activity is carried out directly or in cooperation with other Federal departments, States, public agencies, organizations, or individ-

uals. State forestry agencies conduct the forest pest control program on State and private lands with funds from Federal and State sources on a 50-50 matching basis.

Typical forest insect and disease outbreaks become active in the spring and intensify during summer and fall. Control efforts, to be most effective, must be carefully timed to coincide with a particular period in the pest's life cycle, which varies greatly among types of insects or diseases and according to geographic locations and weather conditions. In many instances, because of this variation, forest pest control projects must span two fiscal years, and any interruption because of a lack of funding continuity reduces the effectiveness of the control project by allowing the pest to become reestablished and to spread.

Because of severe pest outbreaks, the Forest Service of the Department of Agriculture has had to come to Congress four times in the past twelve years requesting a supplemental appropriation to handle outbreaks. The situation in fiscal year 1974 is indicative of the type of problem confronting the Forest Service.

Late in fiscal 1974 there were simultaneous and widespread outbreaks in four sections of the country. Because of outbreaks of the southern pine beetle in the South, the gypsy moth in the East, the spruce budworm in the Northeast, and the Douglas fir tussock moth and mountain pine beetle in the West, the administration requested a supplemental appropriation which was approved on June 8, 1974. Had not the Congress specified that the supplemental funds were to be available until expended, their availability would have expired on June 30th, only 3 weeks later.

Congress is again facing this situation. The State of Maine is threatened by a massive outbreak of the spruce budworm, the southern pine beetle and the gypsy moth continue to spread, as does the mountain pine beetle. There is \$5 million in the second supplemental appropriations bill for the Forest Service to use in combating these outbreaks. Failure to enact the legislation as reported by the committee would force the Forest Service to expend these funds prior to June 30, 1975, thus reducing and threatening the overall effectiveness of the control projects.

A further point to consider is that control projects must be monitored and evaluated to determine their effectiveness and environmental impacts and to make recommendations for future action. Financing this important followup work can be very difficult late in the fiscal year when funds may cease to be available before the work can be completed.

The State forestry agencies conducting the forest pest control program on non-Federal lands are dependent upon matching Federal funds for 50 percent of the cost. State legislatures are reluctant to appropriate matching funds if the Federal dollars cannot be assured. These assurances are not possible when Federal forest pest funds are unavailable between the end of one fiscal year and the passage of an appropriation for the next fiscal year. Testimony before the Subcommittee on Forests of the Committee on Agriculture revealed that the situation is complicated by the fact that some States budget on a biennial basis.

Finally, Forest Service data for 1970 shows 4.5 billion cubic feet of growing stock and 2.6 billion cubic feet of sawtimber were lost to destructive agents, but do not identify specifically the losses caused by insects and diseases. However, in 1966, insects and diseases caused direct losses of 2.4 billion cubic feet of growing timber valued at \$112.5 million and 1.6 billion cubic feet of sawtimber valued at \$500 million. In addition, losses to other forest resources such as watersheds, recreation, and so forth, reduced the opportunity for their utilization by the American public. Secondary losses which include the amount of available lumber for housing or industrial development and the subsequent reduction in available jobs at critical time periods can also be attributed to the outbreak.

Effective suppression prevents the destruction or damage to all forest resources both immediately and ultimately threatened. A direct monetary return for the investment may result where suppression strategy includes removal of timber for processing into lumber.

The Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) provides that fiscal years shall begin on October 1, effective October 1, 1976. While this change will place the critical May through August period in the same fiscal year, it will not solve the basic problem addressed by S. 441. Regardless of when the fiscal year begins and ends, there could be potentially serious interruptions in forest pest control projects unless funds are available until expended.

COMMITTEE CONSIDERATION

A public hearing was held by the Forests Subcommittee of the Committee on Agriculture on S. 441 and its House companion, H.R. 1670. Testimony was received from Members of Congress, departmental and public witnesses.

In an open business meeting on April 24, 1975, H.R. 1670 and S. 441 were ordered reported by the Forests Subcommittee to the full committee by a roll call vote of 8-0 in the presence of a quorum with an amendment to make the act effective beginning with sums appropriated for fiscal year 1975.

In an open business meeting on May 7, 1975, S. 441, as amended by the text of H.R. 6363, legislation reflecting changes in H.R. 1670 as agreed upon by the Forests Subcommittee, was ordered reported to the House by unanimous voice vote in the presence of a quorum.

In the course of hearings and consideration of this bill, the committee was made aware of the particular threat posed by the spruce budworm to the forests of the Northeast United States, and of the paucity of research currently devoted to methods for more effective control of the pest. The committee takes this means to urge that the Forest Service allocate a significant portion of its research and development funds for control of forest pests to the spruce budworm problem in order to provide more effective control of the spruce budworm consistent with minimizing undue adverse effects on the environment.

DEPARTMENTAL POSITION

The U.S. Department of Agriculture supports enactment of S. 441, as amended.

Mr. Philip L. Thornton, Deputy Chief of the Forest Service for State and Private Forestry, delivered the following statement at the hearings on the legislation in support of the administration's position:

STATEMENT OF PHILIP L. THORNTON, DEPUTY CHIEF FOR STATE AND PRIVATE FORESTRY, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, BEFORE THE SUBCOMMITTEE ON FORESTS, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES CONCERNING H.R. 1670, TO AMEND THE FOREST PEST CONTROL ACT, APRIL 24, 1975

Mr. Chairman and members of the committee; we appreciate this opportunity to present our views on H.R. 1670. This bill would amend the Forest Pest Control Act of 1947 to make funds appropriated under the act available until expended. The Senate passed a companion bill (S. 441) on February 21, 1975.

Under existing law, Federal forest insect and disease funds cannot be carried over into the next fiscal year. H.R. 1670 would remove this limitation and allow us to plan and carry out forest insect and disease control projects without the financial restraints imposed by the timing of the Federal fiscal year. We recommend that H.R. 1670 be enacted.

Control projects, to be most effective, must be carried out during a relatively short period in the life cycle of the particular insect or disease species being controlled. The timing and duration of these critical control periods are primarily determined by uncontrollable factors such as individual insect or disease species characteristics, geographic locations, and weather conditions. Necessary work before, during, and after these control periods frequently spans two fiscal years.

The lack of funding continuity between fiscal years interrupts control projects at the end of the fiscal year when funds cease to be available. Control projects which should be started or continued early in the next fiscal year are delayed until new funds are appropriated. Meanwhile, the forest pests continue to do their damage, and the most effective time for control may pass. These interruptions and delays are also administratively inefficient.

Occasionally, several major forest pest outbreaks reach emergency levels at the same time, and a supplemental appropriation is needed. If such a supplemental is approved late in the fiscal year, it is extremely difficult to most effectively use the funds without carryover authority.

Control projects must be monitored and evaluated to determine their effectiveness and environmental impacts and to make recommendations for future action. Financing this important followup work is difficult late in the fiscal year when funds may cease to be available before the work is completed.

The State forestry agencies who conduct the forest pest control program non-Federal lands are dependent upon Federal funds for part of the cost. State legislatures are reluctant to appropriate cooperative funds if the Federal dollars cannot be assured. These assurances are not possible when Federal forest pest funds are unavailable between the end of one fiscal year and the passage of an appropriation for the next fiscal year. The situation is further complicated because some States budget on a biennial basis.

Changing the beginning of the Federal fiscal year to October 1 will place many of the critical summer control periods in the same fiscal year. Regardless of when the fiscal year begins and ends, however, there could be potentially serious interruptions and delays in forest pest control projects unless funds are available until expended. For example, southern pine beetles produces four to seven broods per year, and control work continues almost yearlong. Also, followup monitoring of control projects is done throughout the year. This is particularly true of projects involving the aerial application of insecticides.

H.R. 1670 would not increase Federal expenditures under the Forest Pest Control Act. It would, however, increase the effectiveness with which Federal, State and private funds are used by providing more flexibility in planning and conducting work under the act.

This completes my prepared testimony. I will be happy to respond to any questions.

Chairman Thomas S. Foley received the following letter from the Department dated March 25, 1975, in support of S. 441 as referred to the committee:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., March 25, 1975.

HON. THOMAS S. FOLEY,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: We would like to offer our views on S. 441, an act "To amend the Forest Pest Control Act of June 25, 1947."

The Department of Agriculture recommends that S. 441 be enacted.

S. 441 would amend the first sentence of section 5 of the Forest Pest Control Act of June 25, 1947 (61 Stat. 177, 16 U.S.C. 594-1-594-5) by changing the period at the end thereof to a comma and adding the following: "such sums to remain available until expended."

Under existing law, Federal forest pest control funds cannot be carried over into the next fiscal year. The effect of S. 441 would be to remove this limitation by making funds appropriated under the act available until expended.

The Forest Service, through authority delegated by the Secretary of Agriculture under the Forest Pest Control Act, is responsible for the prevention, survey, and control of forest insect and disease outbreaks on all forest land, regardless of ownership. This responsibility is carried out directly or in cooperation with other Federal departments, States, public agencies, organizations, or individuals. State forestry agencies conduct the forest pest control program on State and private lands with funds from Federal and State sources on a cooperative basis.

Typical forest insect and disease outbreaks become active in the spring and intensify during the summer and fall. Control efforts, to be most effective, must be carefully timed to coincide with a particular period in the pest's life cycle. This period, which is often as short as two or three weeks, varies greatly among individual insects or diseases, geographic locations, weather conditions, and other factors. Many forest pest control projects now span two fiscal years, because they are at their peak between May and August. Interruptions in control projects, as might result from a lack of funding continuity between fiscal

years, may lessen the effectiveness of the projects by allowing the pest to become reestablished and to spread. These interruptions can also be administratively inefficient.

The problem is aggravated when a cold or wet spring delays emergence of the insects, and control projects must be postponed until early in the next fiscal year. In this situation, funds appropriated for the past fiscal year cannot be extended, and funds may not yet be available for the current year. Meanwhile, the forest pests continue to do their damage, and the most effective time for control may pass before new funds are appropriated.

Occasionally, several major forest pest outbreaks reach emergency levels at the same time. This happened in fiscal year 1974 when there were simultaneous, widespread outbreaks of the southern pine beetle in the South, gypsy moth in the East, spruce budworm in the Northeast, and Douglas-fir tussock moth and mountain pine beetle in the West. To meet this emergency, we requested a supplemental appropriation which was approved on June 8, 1974. Had the Congress not specified that these supplemental funds were to be available until expended, their availability would have expired only 3 weeks later on June 30. Whenever a major control effort must be funded by a supplemental appropriation late in the fiscal year, it is extremely difficult to most effectively use the funds without carryover authority.

Control projects must be monitored and evaluated to determine their effectiveness and environmental impacts and to make recommendations for future action. Financing this important followup work can be very difficult late in the fiscal year when funds may cease to be available before the work can be completed.

The State forestry agencies who conduct the forest pest control program on non-Federal lands are dependent upon Federal funds for part of the cost. State legislatures are reluctant to appropriate cooperative funds if the Federal dollars cannot be assured. These assurances are not possible when Federal forest pest funds are unavailable between the end of one fiscal year and the passage of an appropriation for the next fiscal year. The situation is complicated because some States budget on a biennial basis.

The Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) directs that Federal fiscal years shall begin on October 1, effective October 1, 1976. While this change will place the critical May through August period in the same fiscal year, it will not solve the basic problem addressed by S. 441. Regardless of when the fiscal year begins and ends, there could be potentially serious interruptions in forest pest control projects unless funds are available until expended.

Enactment of S. 441 would not increase Federal expenditures for forest pest control. It would, however, increase the effectiveness with which Federal, State, and private funds are used.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

J. PHIL CAMPBELL,
Acting Secretary.

An additional letter dated May 7, 1975, was received by the Chairman in support of H.R. 6363, legislation reflecting the changes in S. 441 as agreed upon by the Forests Subcommittee. The text of H.R. 6363 was used by the full committee in amending S. 441.

The letter follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 7, 1975.

Hon. THOMAS S. FOLEY,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 6363, a bill "To amend the Forest Pest Control Act of June 25, 1947."

The Department of Agriculture recommends that H.R. 6363 be enacted.

H.R. 6363 would amend the first sentence of section 5 of the Forest Pest Control Act of June 25, 1947 (61 Stat. 177, 16 U.S.C. 594-1-594-5) by changing the period at the end thereof to a comma and adding the following: "such sums appropriated for fiscal year 1975 and thereafter to remain available until expended."

Under existing law, Federal forest pest control funds cannot be carried over into the next fiscal year. The effect of H.R. 6363 would be to remove this limitation by making funds appropriated under the Forest Pest Control Act available until expended. H.R. 6363 differs slightly from S. 441, the Senate Act, in that the amendment contained in S. 441 does not include the words "appropriated for fiscal year 1975 and thereafter". H.R. 6363 would assure that funds appropriated under the Forest Pest Control Act for fiscal year 1975 as well as subsequent years would remain available until expended. We would prefer enactment of the amendment as it is worded in H.R. 6363.

The Forest Service, through authority delegated by the Secretary of Agriculture under the Forest Pest Control Act, is responsible for the prevention, survey, and control of forest insect and disease outbreaks on all forest land, regardless of ownership. This responsibility is carried out directly or in cooperation with other Federal departments, States, public agencies, organizations, or individuals. State forestry agencies conduct the forest pest control program on State and private lands with funds from Federal and State sources on a cooperative basis.

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in the next fiscal year. In this situation, funds appropriated for the past fiscal year cannot be extended, and funds may not yet be available for the current year. Meanwhile, the forest pests continue to do their damage, and the most effective time for control may pass before new funds are appropriated.

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Control projects must be monitored and evaluated to determine their effectiveness and environmental impacts and to make recommendations for future action. Financing this important followup work can be very difficult late in the fiscal year when funds may cease to be available before the work can be completed.

The State forestry agencies who conduct the forest pest control program on non-Federal lands are dependent upon Federal funds for part of the cost. State legislatures are reluctant to appropriate cooperative funds if the Federal dollars cannot be assured. These assurances are not possible when Federal forest pest funds are unavailable between the end of 1 fiscal year and the the passage of an appropriation for the next fiscal year. The situation is complicated because some States budget on a biennial basis.

The Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) directs that Federal fiscal years shall begin on October 1, effective October 1, 1976. While this change will place the critical May through August period in the same fiscal year, it will not solve the basic problem addressed by H.R. 6363. Regardless of when the fiscal year begins and ends, there could be potentially serious interruptions in forest pest control projects unless funds are available until expended.

Enactment of H.R. 6363 would not increase Federal expenditures for forest pest control. It would, however, increase the effectiveness with which Federal, State, and private funds are used.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

RICHARD A. ASHWORTH,
Deputy Under Secretary.

CURRENT AND 5-SUBSEQUENT-FISCAL-YEAR COST ESTIMATE

Pursuant to clause 7 of rule XIII of the Rules of the House of Representatives, the committee estimates the cost to be incurred by the

Federal Government during the current and the five subsequent fiscal years as a result of the enactment of this legislation would be zero. This coincides with the cost estimate that was formally submitted to the Committee by the Department of Agriculture.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4), rule XI of the Rules of the House of Representatives the committee estimates that enactment of S. 441, as amended, will have no inflationary impact on the national economy. The bill requires no new appropriations. Further, testimony before the Subcommittee on Forests indicated that its enactment may have a beneficial impact on the economy in the value of timber saved and in the protection against secondary environmental damage from pest infestations.

BUDGET ACT COMPLIANCE (SECTION 308 AND SECTION 403)

The provisions of clause (1)(3)(B) and clause (1)(3)(C) of rule XI of the House of Representatives, and section 308(a) and section 403 of the Congressional Budget Act of 1974 (relating to estimates of new budget authority on new or increased tax expenditures and estimate in comparisons prepared by the Director of the Congressional Budget Office), are not considered applicable.

OVERSIGHT STATEMENT

No summary of oversight findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of rule X of the Rules of the House of Representatives was available to the committee with reference to the subject matter specifically addressed by S. 441, as amended.

No specific oversight activities, other than the hearings accompanying the committee's consideration of S. 441 and related bills were made by the committee, within the definition of rule XI of the House.

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 are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman) :

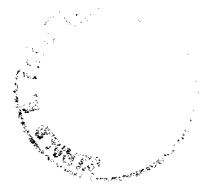
THE FOREST PEST CONTROL ACT

* * * * *

SEC. 5. There are hereby authorized to be appropriated for the purposes of this Act such sums as the Congress may from time to time determine to be necessary[.], *such sums appropriated for fiscal year 1975 and thereafter to remain available until expended.* Any sums so

appropriated shall be available for necessary expenses, including employment of persons and means in the District of Columbia and elsewhere, printing and binding, and the purchase, maintenance, operation, and exchange of passenger-carrying vehicles; but such sums shall not be used to pay the cost of value of any property injured or destroyed. Materials and equipment necessary to control, suppress, or eradicate infestations of forest insects or tree diseases may be procured without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) under such procedures as may be prescribed by the Secretary of Agriculture, when deemed necessary in the public interest.

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Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*

An Act

To amend the Forest Pest Control Act of June 25, 1947.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 5 of the Forest Pest Control Act of June 25, 1947 (61 Stat. 177; 16 U.S.C. 594-1 through 594-5), is amended by changing the period at the end thereof to a comma and adding the following: "such sums appropriated for fiscal year 1975 and thereafter to remain available until expended."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

June 11, 1975

Dear Mr. Director:

The following bill was received at the White House on June 11th:

S. 441

Please let the President have reports and recommendations as to the approval of this bill as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.