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Cong

September 15, 1976

MEMORANDUM FOR: SUSS ROURKE
FROM: JACK MARSH

It is important you get for me today a copy of S.327, a bill which is due on the President's desk next week on land and water conservation fund.

It is my understanding it will pass the House or the Senate on Monday and should be down here sometime on Tuesday. It's very important that I take a look at it today, and I want you to find out how ONB feels about Title II, which is the Preservation aspect of the bill. That's very important.

Many thanks.

JOM/dl



[ca 9/15/76] cc

CONFIDENTIAL

Jack -

Kranowitz advises me OMB has fought the bill (including Title II) all the way down the line. When, however, the π indicated his support for "Rockefeller's Park Proposal", OMB muffled its opposition, knowing the π would sign the bill anyway.

Title II was particularly onerous, since it contains approximately three times as much money ~~in the bill~~ as is contained in the π 's budget.

Kranowitz further advises S. 327 passed

House Sept. 10 and
Senate yesterday (?).
Bill should be down
here for action now or
in next day or two.

Russ

Determined to be an
Administrative Marking

By SO NARA, Date 3/11/11



1 \$300,000,000 for each of the fiscal years 1971 through
 2 1974, and not less than \$1,000,000,000 for each of the
 3 fiscal years thereafter through June 30, 1989". In clause
 4 (2) of section 2 (c) strike out "or \$300,000,000" and insert
 5 in lieu thereof ", \$300,000,000 or \$1,000,000,000".

6 (b) In the third sentence of section 6 (b), delete "7"
 7 and substitute "10", and at the end of the fifth sentence
 8 of said section change the period to a comma and add "with-
 9 out regard to the 10 per centum limitation to an individual
 10 State specified in this subsection."

11 (c) The first sentence of section 6 (c) of the Act is
 12 amended to read as follows: "Payments to any State shall
 13 not cover more than 50 per centum of the cost of planning
 14 or development projects, and not more than 70 per centum
 15 of the cost of acquisition projects, which are undertaken by
 16 the State."

17 (d) Subsection (d) of section 6 is amended by inserting
 18 the following new language after the first sentence: "Each
 19 State requesting assistance under this Act shall submit its
 20 plan to all relevant areawide planning agencies designated
 21 pursuant to section 204 of the Demonstration Cities and
 22 Metropolitan Development Act of 1968 and for title IV of
 23 the Intergovernmental Cooperation Act of 1968. The Sec-
 24 retary is directed to consider any views or comments sub-
 25 mitted to him by such agencies as well as by any subdivi-

1 sion of a State, which views have first been submitted to the
 2 Governor of such State, in his evaluation of the statewide
 3 plan and in his consideration of individual projects pursu-
 4 ant to subsection (f) of this section."

5 (e) In section 6 (e) delete the paragraph numbered
 6 (2) and substitute the following paragraph:

7 "(2) DEVELOPMENT.—For development of basic
 8 outdoor recreation facilities to serve the general public,
 9 including the development of Federal lands under lease
 10 to States for terms of twenty-five years or more: *Pro-*
 11 *vided, however,* That not more than 25 per centum of the
 12 total amount allocated to a State in any one year may be
 13 approved by the Secretary for the planning and develop-
 14 ment of sheltered facilities for swimming pools and ice
 15 skating rinks in areas where the Secretary determines
 16 that (1) the unavailability of land or climatic conditions
 17 provide no feasible or prudent alternative to serve iden-
 18 tified unmet demands for recreation resources; and (2)
 19 the increased public use thereby made possible justifies
 20 the construction of such facilities."

21 (f) The fourth paragraph of subsection (f) of section
 22 6 is amended by deleting "and (2)" and inserting in lieu
 23 thereof "(2) provide to the Secretary not later than 90 days
 24 after the close of each fiscal year, a list of all projects funded
 25 during that fiscal year, including, but not limited to, a de-

1 description of each project, the amount of Federal funds em-
 2 ployed in such project, the source of other funds, and the
 3 estimated cost of completion of the project, and (3)".

4 (g) Section 7 (a) (1) of the Land and Water Conser-
 5 vation Fund Act of 1965 (16 U.S.C. 4601-9 (a) (1)) is
 6 amended by striking out:

7 "ENDANGERED SPECIES AND THREATENED SPE-
 8 CIES.—For lands, waters, or interests therein, the acqui-
 9 sition of which is authorized under section 5 (a) of the
 10 Endangered Species Act of 1973, needed for the purpose
 11 of conserving endangered or threatened species of fish
 12 or wildlife or plants.

13 "RECREATION AT REFUGES.—For the incidental
 14 recreation purposes of section 2 of the Act of September
 15 28, 1962 (76 Stat. 653; 16 U.S.C. 400k-1); and"
 16 and inserting in lieu thereof the following:

17 "NATIONAL WILDLIFE REFUGE SYSTEM.—Acqui-
 18 sition for (a) endangered species and threatened species
 19 authorized under section 5 (a) of the Endangered Species
 20 Act of 1973; (b) areas authorized by section 2 of the
 21 Act of September 28, 1962, as amended (16 U.S.C.
 22 460k-1); (c) national wildlife refuge areas under sec-
 23 tion 7 (a) (5) of the Fish and Wildlife Act of 1956
 24 (16 U.S.C. 742f (5)), except migratory waterfowl areas
 25 which are authorized to be acquired by the Migratory

1 Bird Conservation Act of 1929, as amended (16 U.S.C.
 2 715-715s); (d) any areas authorized for the National
 3 Wildlife Refuge System by specific Acts; and".

4 TITLE II

5 National Historic Preservation Fund

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

8 (a) Subsection (c) of section 102 is redesignated as
 9 subsection (d), and the following new subsection (c) is
 10 inserted before said subsection:

11 "(c) The Secretary may in his discretion waive the
 12 requirements of paragraph (3) of subsection (a) of this
 13 section for the purposes of making grants (i) for the prep-
 14 aration of statewide historic preservation plans and surveys
 15 and project plans, (ii) for projects to preserve historic prop-
 16 erties of national significance, (iii) for projects to demon-
 17 strate methods and techniques of historic preservation, and
 18 (iv) for projects to restore certain historic properties with
 19 a view to designating and preserving such properties for use
 20 as meeting houses in connection with this Nation's bicenten-
 21 nial. Any grant made pursuant to this subsection may not
 22 exceed 70 per centum of the cost of a project, and the total
 23 of such grants made pursuant to this subsection in any one
 24 fiscal year may not exceed one-half of the funds appropriated
 25 for that fiscal year pursuant to section 108 of this Act."

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

6 (c) Amend section 108 to read as follows:

7 "SEC. 108. To carry out the provisions of this Act, there
8 is hereby established in the Treasury of the United States a
9 special fund to be known as the National Historic Preserva-
10 tion Fund (hereafter referred to as the 'Fund'). During the
11 period commencing July 1, 1974, and ending June 30,
12 1979, there shall be covered into such Fund \$150,000,000
13 annually from revenues due and payable to the United States
14 under the Outer Continental Shelf Lands Act (67 Stat. 462,
15 469), as amended (43 U.S.C. 1338), and/or under the Act
16 of June 4, 1920 (41 Stat. 813), as amended (30 U.S.C.
17 191), which otherwise would be credited to miscellaneous
18 receipts of the Treasury. Such moneys shall be used only to
19 carry out the purposes of this Act. Moneys covered into the
20 Fund shall be available for expenditure only when appro-
21 priated therefor. Any moneys not appropriated shall remain
22 available in the Fund until appropriated for said purposes;
23 *Provided*, That appropriations made pursuant to this para-
24 graph may be made without fiscal year limitation."

1 SEC. 202. The Act of October 15, 1966 (80 Stat. 915),
2 as amended, is further amended as follows:

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

5 (b) Section 201 (a) is amended by—

6 (1) inserting after the word "established" the
7 phrase "as an independent agency of the United States
8 Government";

9 (2) striking the phrase "twenty members" and in-
10 serting in lieu thereof the phrase "twenty-eight mem-
11 bers";

12 (3) adding the following after paragraph (8) and
13 renumbering paragraphs "(9)" and "(10)" as para-
14 graphs "(14)" and "(15)":

15 "(9) The Secretary of State.

16 "(10) The Secretary of Defense.

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

19 "(12) The Chairman of the Council on Environ-
20 mental Quality.

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

23 (4) inserting the following new subsection:

1 “(16) The President of the National Conference of
2 State Historic Preservation Officers.”;

3 (5) striking the word “Ten” in paragraph (11),
4 inserting the word “Twelve” in lieu thereof, and renum-
5 bering the paragraph as paragraph “(17)”.

6 (c) Section 201 (b) is amended by—

7 (1) striking the term “(10)” and inserting in lieu
8 thereof the term “(16)”;

9 (2) striking the phrase “department or agency” and
10 inserting in lieu thereof the phrase “department, agency,
11 or organization”.

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

14 (e) Section 201 (e) is amended by inserting after the
15 word “Chairman” the phrase “and the Vice Chairman” and
16 by adding the following sentence at the end of the subsection:
17 “During the absence or disability of the Chairman or when
18 the office is vacant, the Vice Chairman shall act in the place
19 of the Chairman.”.

20 (f) Section 201 (f) is amended by striking the word
21 “Eleven” and inserting in lieu thereof the word “Fifteen”.

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

24 (h) Section 204 is amended by striking the term “(10)”
25 in the first sentence and inserting in lieu thereof the term

1 “(16)”, and by striking the term “(11)” in the second
2 sentence and inserting in lieu thereof the term “(17)”.

3 (i) Section 205 is amended by—

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

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

7 “(a) There shall be an Executive Director of the Coun-
8 cil who shall be appointed in the competitive service by the
9 Chairman with the concurrence of the Council. The Execu-
10 tive Director shall report directly to the Council and perform
11 such functions and duties as the Council may prescribe.”;

12 (3) redesignating subsection (b) as subsection (d)
13 and striking the word “Council” and inserting in lieu
14 thereof the phrase “Executive Director”;

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

16 “(b) The Council shall have a General Counsel, who
17 shall be appointed by the Executive Director. The General
18 Counsel shall report directly to the Executive Director and
19 serve as the Council’s legal advisor. The Executive Director
20 shall appoint such other attorneys as may be necessary to
21 assist the General Counsel, represent the Council in courts
22 of law whenever appropriate, assist the Department of Jus-
23 tice in handling litigation concerning the Council in courts
24 of law, and perform such other legal duties and functions
25 as the Executive Director and the Council may direct.”;

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

2 “(c) The Executive Director of the Council may appoint
3 and fix the compensation of such officers and employees in
4 the competitive service as are necessary to perform the func-
5 tions of the Council at rates not to exceed that now or here-
6 after prescribed for the highest rate for grade 15 of the
7 General Schedule under section 5332 of title 5, United States
8 Code: *Provided, however,* That the Executive Director, with
9 the concurrence of the Chairman, may appoint and fix the
10 compensation of not to exceed five employees in the compet-
11 itive service at rates not to exceed that now or hereafter pre-
12 scribed for the highest rate of grade 17 of the General Sched-
13 ule under section 5332 of title 5, United States Code.”;

14 (6) striking subsection (c) and inserting the fol-
15 lowing new subsection (e) :

16 “(e) The Executive Director of the Council is au-
17 thorized to procure expert and consultant services in accord-
18 ance with the provisions of section 3109 of title 5, United
19 States Code.”;

20 (7) redesignating subsection (d) as subsection (g),
21 striking the last sentence and substituting in lieu thereof
22 the following: “The members of the Council specified in
23 paragraphs (1) through (14) of section 201(a) shall
24 provide the Council, with or without reimbursement as
25 may be agreed upon by the Chairman and the members,

1 with such funds, personnel, facilities, and services under
2 their jurisdiction and control as may be needed by the
3 Council to carry out its duties, to the extent that such
4 funds, personnel, facilities, and services are requested by
5 the Council and are otherwise available for that purpose.
6 To the extent of available appropriations, the Council
7 may obtain, by purchase, rental, donation, or otherwise,
8 such additional property, facilities, and services as may
9 be needed to carry out its duties.”.

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

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

21 “SEC. 208. Any employee in the competitive service of
22 the United States transferred to the Council under the pro-
23 visions of this section shall retain all the rights, benefits, and
24 privileges pertaining thereto held prior to such transfer.

25 “SEC. 209. The Council is exempt from the provisions of

1 the Federal Advisory Committee Act (86 Stat. 770), and
 2 the provisions of the Administrative Procedure Act (80 Stat.
 3 381) shall govern the operations of the Council.

4 "SEC. 210. Whenever the Council transmits any legisla-
 5 tive recommendations, or testimony, or comments on legisla-
 6 tion to the President or the Office of Management and
 7 Budget, it shall concurrently transmit copies thereof to the
 8 House Committee on Interior and Insular Affairs and the
 9 Senate Committee on Interior and Insular Affairs. No officer
 10 or agency of the United States shall have any authority to
 11 require the Council to submit its legislative recommendations,
 12 or testimony, or comments on legislation to any officer or
 13 agency of the United States for approval, comments, or re-
 14 view, prior to the submission of such recommendations, testi-
 15 mony, or comments to the Congress. In instances in which
 16 the Council voluntarily seeks to obtain the comments or re-
 17 view of any officer or agency of the United States, the Council
 18 shall include a description of such actions in its legislative
 19 recommendations, testimony, or comments on legislation
 20 which it transmits to the Congress.

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

24 "SEC. 212. (a) The Council shall submit its budget
 25 annually as a related agency of the Department of the

1 Interior. To carry out the provisions of this title, there are
 2 authorized to be appropriated not more than \$1,250,000 in
 3 fiscal year 1976, \$1,500,000 in fiscal year 1977, and
 4 \$1,750,000 in fiscal year 1978, and \$2,000,000 in fiscal
 5 year 1979.

6 "(b) Whenever the Council submits any budget estimate
 7 or request to the President or the Office of Management and
 8 Budget, it shall concurrently transmit copies of that estimate
 9 or request to the House and Senate Appropriations Commit-
 10 tees and the House Committee on Interior and Insular
 11 Affairs and the Senate Committee on Interior and Insular
 12 Affairs."

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

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

18 TITLE III

19 SEC. 301. Notwithstanding any other provision of law,
 20 any appointment to the following Federal offices after the
 21 date of enactment of this Act shall be made by the President
 22 by and with the advice and consent of the Senate—

- 23 (1) Director of the Bureau of Land Management;
- 24 (2) Director of the National Park Service;
- 25 (3) Director of the Bureau of Outdoor Recreation;

1 (4) Commissioner of Reclamation; and

2 (5) Governor of American (Eastern) Samoa.

3 TITLE IV—STATES OIL SHALE FUNDS

4 SEC. 401. Section 35 of the Act of February 25, 1920
5 (41 Stat. 450), as amended (30 U.S.C. 191), is further
6 amended by striking the period at the end of the proviso
7 and inserting in lieu thereof the language as follows: “: *And*
8 *provided further*, That all moneys paid to any State from
9 sales, bonuses, royalties, and rentals of oil shale in public
10 lands may be used by such State and its subdivisions for
11 planning, construction, and maintenance of public facilities,
12 and provision of public services, as the legislature of the State
13 may direct, giving priority to those subdivisions of the State
14 socially or economically impacted by the development of the
15 resource.”.

Passed the Senate October 29, 1975.

Attest:

FRANCIS R. VALEO,

Secretary.

94TH CONGRESS
1ST SESSION

S. 327

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.

OCTOBER 31, 1975

Referred to the Committee on Interior and Insular
Affairs

THE WHITE HOUSE

WASHINGTON

September 15, 1976

MEMORANDUM FOR:

RUSS ROURKE

FROM:

JACK MARSH *Jal*

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Many thanks.

*requested copy 9-15
Jim Rolly*

