

The original documents are located in Box 2, folder “1974/08/17 S2296 Forest and Rangeland Renewable Resources Planning Act of 1974 (2)” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 513

Date: August 14, 1974

Time: 8:30 a. m.

FOR ACTION: Michael Duval
Fred Buzhardt
Bill Timmons
Dave Gergen

cc (for information): Warren K. Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Wednesday, August 14, 1974

Time: 2:00 p. m.

SUBJECT: Enrolled Bill S. 2296 - Forest and Rangeland Renewable Resources Planning Act of 1974



ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS: *approve. will support signing ceremony if Baroody and Timmons recommend.*

Mike Duval

Please return to Kathy Tindle - West Wing

8/14

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.

Warren K. Hendriks
For the President

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

AUG 13 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2296 - Forest and Rangeland
Renewable Resources Planning Act of 1974
Sponsor - Sen. Humphrey (D) Minnesota and 5 others

Last Day for Action

August 17, 1974 - Saturday



Purpose

Authorizes and directs the Secretary of Agriculture to make renewable resource assessments and develop renewable resource programs for planning and budgeting purposes within the National Forest System.

Agency Recommendations

Office of Management and Budget	Approval (Signing Statement attached)
Department of Agriculture	Approval (Signing Statement attached)
Council on Environmental Quality	Approval
Council of Economic Advisers	Approval
Department of Justice	Defers to Agriculture
Department of the Interior	No objection
Department of Transportation	No objection

Discussion

S. 2296 would authorize and direct the Secretary of Agriculture to establish an elaborate long-range planning and budgeting system concerning all National Forest System renewable resources. In addition to the new long-range planning aspects of the enrolled bill, it has the affect of increasing Congressional involvement in Forest Service planning. The major features of S. 2296, which would become effective for fiscal year 1977, are summarized below:



1. Requires the preparation of a Renewable Resource Assessment which includes: supply and demand analysis; inventory of present and potential renewable resources; a description of Forest Service programs and responsibilities; and, a discussion of factors affecting the use, ownership, and management of forest, range and other associated lands.
2. Directs the development and submission to the President of a Renewable Resource Program which includes alternative approaches for protection, management, and development of the National Forest System under the principles of multiple-use and sustained-yield.
3. Requires submission by the President to the Congress of the Assessment, Program, and a detailed "Statement of Policy," the latter "intended to be used in framing budget requests by that Administration" for the Forest Service, beginning in January of 1976 and thereafter following each updating; either House of the Congress could disapprove the Statement of Policy by resolution and the Congress could revise or modify it by law.
4. Directs explanation by the President of the specific reasons for the lesser program, in any of his budget requests for the Forest Service that are less than called for in the Congressionally approved Statement of Policy.
5. Mandates the elimination by the year 2000 of all work backlogs for the renewable resources of the National Forest System so that intensive multiple-use sustained-yield management will be possible throughout the system -- annual budget requests must be made at a level to remove such backlogs.
6. Places private operator costs for contract road building in connection with timber sales and operations within the Federal budget totals, and apparently requires that the levels of such road building be provided for in appropriation acts.

The enrolled bill passed in both Houses by a voice vote.

While Agriculture generally supported the long-range planning aspects of S. 2296 in reporting on the bill, the Department has in the past opposed those provisions numbered 3, 4, and 5 above, on the grounds that they would unduly limit Presidential flexibility and discretion in preparing annual operating plans and attendant budget requests.

However, in reporting on the enrolled bill, the House Agriculture Committee took the position that:

"In essence, the bill's major provisions reform current procedures for establishing and attaining National goals for the National Forest System management and related activities of the Forest Service in Research and Cooperative programs on other lands. It provides for better resource inventories and analyses of short-term and long-term uses, demands, and supplies of renewable resources. Where presently only the Forest Service and the Administration set program goals and policies, under the proposed legislation both the Administration and Congress, will jointly establish such goals and policies."



Agency views

In its enrolled bill letter, Agriculture strongly recommends approval and concludes that "the strong Congressional policy support for long-range forestry which S. 2296 would provide is a benefit that far outweighs the provisions of the bill which seek to influence Presidential prerogatives." Concurring with Agriculture, CEA and CEQ recommend approval while Interior and Transportation have no objection to approval. Finally, Justice advises that while the "one House resolution veto mechanism in section 7(a) (in item no. 3 above) violates the provisions of Article I, section 7 of the Constitution," it defers to Agriculture as to whether this bill should receive Executive approval.

Arguments against approval

1. The one House disapproval of the President's Statement of Policy would unconstitutionally inject the Congress into the detailed management of the National Forest System.

2. By requiring a detailed Presidential explanation of budget requests which deviate from Congressionally approved policy, S. 2296 provides special and perhaps unwarranted budgetary focus on the National Forest System programs and creates a bad precedent.

3. The enrolled bill is not consistent with the basic objectives of the Budget and Accounting Act of 1921 and the recently enacted Congressional Budget and Impoundment Control Act of 1974 in that it reduces both the Executive and Legislative branches' flexibility in the annual budget and appropriation process.

4. The requirement to reduce all backlogs of needed conservation measures by the year 2000 may not be realistic and further may not be a Presidential objective in years to come.

Arguments for approval

1. S. 2296 would significantly elaborate on the Forest Service's procedure and schedule for long-range planning.

2. It would provide for a meaningful improvement in the renewable resource information base of the Forest Service, and accordingly afford better data for budgeting and other management decision making.



3. Assuming the process is used by Department and Forest Service management to consider and present a variety of alternatives for program and budget decisions, it can be a useful bill.

4. Provisions for Congressional disapproval of Executive proposals have been included in recently approved legislation (H.R. 7130, Congressional Budget and Impoundment Control Act of 1974).

5. Although flexibility is diminished, the President is not restricted from submitting his own budget program for the Forest Service or the Congress from providing whatever levels they may decide upon.

* * * *

On balance, we believe the arguments for approval outweigh those in favor of disapproval. Furthermore, remedial legislation can be submitted early in the 94th Congress to eliminate the major deficiencies in the enrolled bill (provisions 3 and 4 cited on page 2 of this memorandum), and we understand from informal discussions with Committee staff that the Agriculture Committees might be receptive to this action.

Attached, for your consideration, is a draft signing statement prepared by this Office.




Director

Enclosures

STATEMENT BY THE PRESIDENT



I am signing with pleasure S. 2296, the Forest and Rangeland Renewable Resources Planning Act of 1974.

This Act establishes an integrated process, open to Congress and the public, for planning and managing the timber, grazing, environmental, and recreational resources of our National Forest System.

It calls for maintaining a long term perspective in the year to year management of our forestry resources.

It requires that the public benefits and the public costs of alternative policies and management actions be clearly set forth for public review and for Congressional determination.

It provides for an open dialogue between the Executive Branch and the Congress in the formulation of policy and in the resolution of differences. Furthermore, it places emphasis on the requirement to develop a detailed body of factual and analytical information on which to base that dialogue.

Viewed in this light, S. 2296 is a bill appropriate to our times.

Viewed from another perspective, the bill contains provisions which could involve Congress in the management of our National Forest System to a degree that would be unique and, in my judgment, undesirable. Further, these provisions could inhibit Executive and Legislative efforts to achieve a proper balance in meeting our national priorities and in carrying out a major program with due regard for its relative costs and benefits.

But I am certain that Congress neither intended nor desires that S. 2296 be interpreted so as to produce such results, and I am confident that we can and will develop and manage our great National Forest resources in a responsible manner and in a spirit of creative compromise.



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



August 9, 1974

Honorable Roy L. Ash, Director
Office of Management and Budget
Washington, D.C.

Dear Mr. Ash:

As requested by your office, here is our report on the enrolled enactment S. 2296, the "Forest and Rangeland Renewable Resources Planning Act of 1974."

This Department strongly recommends that the President approve the enactment.

S. 2296 would establish a framework and procedure for assessing the national forestry resource situation and for planning for the future management, use and supply of those resources. Specifically, the legislation calls for the Secretary to prepare a comprehensive Renewable Resource Assessment every ten years and to prepare and recommend a long-range Renewable Resource Program. The Program would include an inventory of specific resource needs and investment opportunities; outputs, anticipated results, and cost; a discussion of priorities for accomplishing the Program goals; and a study of personnel requirements. In transmitting the Assessment and Program to the Congress, the President would send forward a Statement of Policy to be used by him in framing fiscal budget requests for Forest Service activities. In submitting annual budget requests, the President would be required to explain the extent to which the budget meets or fails to meet the Statement of Policy.

Section 8 of the enactment establishes the year 2000 as the target date by which time all backlogs of needed resource treatments on National Forest lands will have been eliminated and directs that the annual budget shall contain requests for orderly elimination of such backlogs. Section 9 requires that the financing of forest development roads be considered both budget authority and outlays as defined in the Congressional Budget and Control Act, and that such financing be covered by appropriations acts.

Although the Congress was not willing to accommodate all our recommendations in regard to some of the less desirable provisions of this legislation, our review of the enrolled enactment indicates that the conferees have basically remedied the concerns we had during its development. First, the scope of the bill has been clearly limited to those matters within the jurisdiction and authority of the Forest Service. Secondly, while the bill imposes some additional requirements upon the President in developing and submitting annual requests, it does not unduly restrict the President's flexibility and discretion to fashion annual budgets as he deems appropriate. In fact, procedures

Honorable Roy L. Ash



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established by the bill can improve both Executive and Congressional budget formulation and attendant decision making.

Third, in regard to the requirement that annual budgets from the present until the year 2000 contain requests to eliminate all backlogs of needed resource treatments on the National Forests, mechanisms are available to the President through the new Budget Control Act to offset the apparent rigidity of this provision.

Finally, in regard to the National Forest transportation system, we believe section 9 of S. 2296 is a constructive means of dealing with the nagging problem of financing forest roads and trails. The basic impact of this provision is to require the identification of the value of timber purchaser road construction as a cost to and outlay of the government. Given the requirements and directions in the new Budget Control Act, this provision does not alter the opportunities Congress already has of influencing the scope and extent of timber purchaser road construction. It has the advantage of causing the display of National Forest road construction programs as a whole, and thus will foster an understanding of the component parts of the road program, as well as of their relationship to timber sale programs.

In the attached supplemental statement, we discuss each of these foregoing issues in more detail.

S. 2296 provides an orderly framework and procedure for developing sound national forestry policy and improving resultant program planning and funding decisions. This framework will do much to assure that future generations of Americans have adequate supplies of timber and related forest resources. The legislation will place before the Congress and the public the information necessary to understand the national forestry resource situation in relationship to other national needs and considerations. And it will provide a much-needed long-range perspective from which both the Executive and the Congress can weigh forest policy issues and decisions. As you know, we have already taken a long-range perspective in our program planning with the development of the Environmental Program for the Future. This will serve as the base for the Renewable Resource Program called for under section 3 of the enactment.

We recognize that S. 2296 still contains a number of phrases and provisions which seek to emphasize funding of forestry programs without direct consideration of other worthy Federal programs. Yet the key to the balancing among all Federal activities is still the appropriations process, which is not altered by the enactment. The Congressional Budget Control Act causes significant improvements in the appropriations process including a number of steps aimed at measuring the relative values of the various Federal programs. S. 2296, itself, contains no "penalty" clauses; nor does it include provisions which mandate levels of funding. We thus conclude that the strong Congressional policy support for long-range forestry planning which S. 2296 would provide

Honorable Roy L. Ash

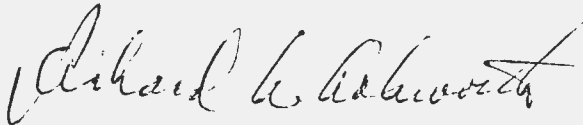
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is a benefit that far outweighs the provisions of the bill which seek to influence Presidential prerogatives.

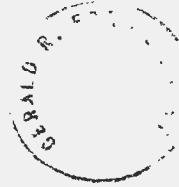
For these reasons, we strongly urge the President to approve the Forest and Rangeland Renewable Resources Planning Act of 1974.

We would also recommend that a signing ceremony be arranged to call attention to this important legislation. A proposed signing message for notifying the House and the Senate of the signing is enclosed.

Sincerely,



RICHARD A. ASHWORTH
Deputy Under Secretary



USDA SUPPLEMENTAL STATEMENT RELATING TO
SELECTED MAJOR PROVISIONS OF S.2296



Scope of the Bill

The short title of the enrolled enactment is "Forest and Rangeland Renewable Resources Planning Act of 1974." While the broader terminology of the Senate bill has been retained in the title, section 11 of the enactment clearly limits the bill, as our report had urged, to "those matters within the scope of the responsibilities and authorities of the Forest Service on the date of this Act." Section 11 also directs the Secretary to "avoid duplication and overlap of resource assessment and program planning efforts of other Federal agencies."

Section 7 - National Participation

Subsection (a) provides that the President shall submit the Assessment and Program to the Speaker of the House and President of the Senate on the date Congress first convenes in 1976 and thereafter at each updating. Accompanying these documents would be a detailed Statement of Policy to be used by the Administration in framing budget requests for Forest Service activities in the program period ahead. Subsection (a) further provides that the President will carry out established programs in accordance with the Statement of Policy unless the Congress by resolution disapproves the Statement within 60 calendar days of continuous session.

The Statement of Policy required by subsection (a) will put before the Congress national forestry policies in a more visible, coherent, and integrated manner than at present. In our view, this is a more orderly and desirable procedure for reviewing Forest Service policy than the current piece-meal review which our programs and policies now receive through routine congressional oversight.

We are aware, however, that this visibility could also make forestry policy more vulnerable to congressional change. We also recognize that subsection (a) imposes an additional requirement upon the President which has the potential to somewhat limit his prerogatives in fashioning annual Forest Service budget requests. However, we believe that budget development need not be impeded by these new requirements.

The Statement of Policy is not described or defined in subsection (a), nor is the manner in which the President must use the Statement in framing annual budgets. This lack of specificity gives the President the opportunity to develop the format and depth of the Statement and to relate forestry program needs to other Federal needs and such other factors as he deems appropriate. In effect, the President will have the opportunity to establish an improved standard and base against which the Congress can discuss and weigh annual appropriations decisions for Forest Service activities.



Subsection (b) directs that beginning with FY 1977, budget requests governing Forest Service activities shall express in qualitative and quantitative terms the extent to which programs and policies projected under the budget meet or fail to meet the Statement of Policy. In any case where the President's budget fails to meet the policies, the President shall set forth specific reasons for recommending the lesser program.

The effect of this provision is to formalize the explanations and justifications we are now required to provide Appropriations Committees during hearings on annual appropriations acts covering Forest Service activities. Because it will relate annual budget actions to long-range policies, this provision can actually result in strengthening the Administration's position during congressional consideration of annual appropriations requests.

Subsections (c), (d), (e), and (f) of section 7 require annual reports on the progress in implementing the Program and set out certain provisions and contents to be included in the annual report. This Department would want to evaluate and account for progress in implementing the Program as an internal management tool and believes it reasonable to share that evaluation with the Congress.

In summary, we believe section 7 of S. 2296 is basically a positive and beneficial measure. Although it will increase administrative workload associated with budget development and increase the depth of analysis and explanation required in submitting budget requests, section 7 does open new mechanisms for communicating national forestry goals and needs to the Congress. Through these new procedures we have an opportunity to develop a higher level of congressional appreciation and understanding of the total forest resource picture.

Section 8 - National Forest System Program Elements

This section reiterates the need for the Secretary of Agriculture to develop and administer National Forest System resources in accord with the Multiple Use-Sustained Yield Act. To further this resource management concept, the Congress would set the year 2000 as the target year by which all backlogs of needed resource treatments would be eliminated. Section 8 further provides that annual budgets will contain requests for funds to eliminate such backlogs in an orderly fashion. The budget request for this purpose may be adjusted when backlogs no longer exist, when the cost of restoration outweighs benefits or when the total supplies of renewable resources are adequate to meet future needs.

The elimination of backlogs is unquestionably a worthy objective which will benefit future generations of Americans. In the past several Congresses the scope of these backlogs and our inability to eliminate them has created

widespread congressional concern. The energy crisis of the past year created additional concern about future adequate supplies of natural resources and reinforced the congressional desire that the nation not face a forest products shortage. Section 8 is a culmination of this congressional concern.

We recognize that section 8 could be construed to commit indefinite levels of federal funds over a long period of time and that it therefore seeks to reduce to some degree the President's flexibility to fashion annual Forest Service budgets. We also recognize that future economic conditions and perhaps events of nature might result in this provision becoming too stringent and unreasonable, thereby creating fiscal hardships. However, should this occur, and should the contingencies provided for in this provision not be sufficient mechanisms exist for the President to inform the Congress of this situation and to seek relief from or repeal of this provision. For the present, we do not believe this provision would unduly limit Presidential flexibility.

Section 9 - Transportation System

The thrust of this section is to emphasize the importance of an active forest development road building program and to declare that the financing of the construction and maintenance of forest development roads shall be used to enhance local, regional and national benefits. This section also contains new language which would require that the financing of forest development roads be considered as budget authority and outlays as defined in the Congressional Budget and Impoundment Control Act of 1974. It also provides that such financing will be effective in the same manner as required for new spending authority as specified by section 401(a) of that Act. The effect of this provision is to require that financing of the overall forest roads program, whether by appropriated funds or through timber purchaser credits, shall be covered by an appropriations act.

Given enactment of the Congressional Budget Control Act it appears that section 8 does not add significantly to the budgeting tools Congress already has. One of the major thrusts of the Act was to end so-called "backdoor spending" approaches and to recognize in the Federal budget the full costs and expenditures of implementing government programs. Section 9 of S. 2296 has the same purpose of "daylighting" what the Committees consider "backdoor spending" by the Forest Service in using the timber purchaser credit approach to build roads.

Timber purchaser construction of forest development roads could now be construed as an outlay under the Budget Control Act. If this occurred, then the only effect of section 9 of S. 2296 would be to emphasize and assure that financing of roads by timber purchasers conforms to the provisions of the new Budget Control Act.

In any event, analysis of section 9 indicates that it does not markedly



restrict Presidential flexibility to formulate Forest Service budgets. It also does not reduce or restrict authority to utilize the timber purchaser credit approach to construction of forest development roads. It could have the effect of creating a paper increase in the amount of funds required to conduct Forest Service activities, but it does not increase real cash outlays by the Federal Government. It might be argued that the visibility of financing roads through timber purchasers would make this approach more vulnerable to congressional limitations. However, it should be noted that our budget explanations already compare the number of miles of road constructed through appropriated funds to the miles to be constructed by timber purchasers. Conceivably, the Appropriations Committees could now limit the timber purchaser construction method through special conditions in the appropriations acts.

In summary, the inclusion of this new language in S. 2296 appears to eliminate the concerns which we have raised previously during the development of this legislation.



To the Senate:

Today I have signed S. 2296, the Forest and Rangeland Renewable Resources Planning Act of 1974.

While this Act contains several provisions which tend to influence Presidential discretion in formulating annual budget requests for our national forestry programs administered by the Forest Service of the Department of Agriculture, I believe that the benefits of this legislation outweigh these concerns.



The Forest and Rangeland Renewable Resources Planning Act of 1974 directs the Secretary of Agriculture to prepare a comprehensive Assessment of the nation's forestry resource situation every ten years. This Assessment will include such vital information as an inventory of forestry resources and opportunities for increasing their yields. It will also include an analysis of present and anticipated uses of, demand for, and supply of renewable forest resources.

The Act also requires the Secretary to prepare a long-range Renewable Resources Program to guide the future management and development of our Nation's forest and related resources. In transmitting the Assessment and Program, the President will also submit to the Congress a Statement of Policy which he will use in framing annual budget requests for the Forest Service.

This Act is one of the most significant pieces of forestry legislation to be enacted in recent years. It provides for an orderly framework and procedure for developing sound national forestry policy and for improving forestry program planning and funding decisions. It will build upon and strengthen the long-range program planning which we have already developed within the Forest Service--the Environmental Program for the Future.

In addition, the data gathered and displayed in the Assessment and the goals projected under the long-range Program will place before the Congress and the public the information necessary to understand the national forestry resource situation in relationship to other national needs and considerations.

In this period of energy shortages, we have become critically aware of the need to act now to prevent shortages of other resources and materials. The Forest and Rangeland Renewable Resources Planning Act provides us the means for planning now national programs which will assure that future generations will have adequate supplies of forest and related resources.



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

August 8, 1974

MEMORANDUM FOR W. H. ROMMEL, ASSISTANT DIRECTOR
FOR LEGISLATIVE REFERENCE
OFFICE OF MANAGEMENT AND BUDGET

ATTENTION: Mrs. Garziglia

Re: S. 2296, To provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the productivity and other values of certain of the Nation's lands and resources, and for other purposes

The Council on Environmental Quality recommends that the President sign the above enrolled bill.



Gary L. Widman
Gary L. Widman
General Counsel

THE CHAIRMAN OF THE
COUNCIL OF ECONOMIC ADVISERS
WASHINGTON

August 8, 1974

Dear Mr. Rommel:

This is in response to your request for the Council's views on Enrolled Bill S. 2296.

We believe the bill's provisions are consistent with the need for better long-term planning and management of the nation's renewable resources contained in the national forests. Therefore, we would recommend that the President sign this bill.

Sincerely,



Herbert Stein

Mr. Wilfred H. Rommel
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D. C. 20503



Department of Justice
Washington, D.C. 20530

AUG 9 1974

Honorable Roy L. Ash
Director, Office of Management
and Budget
Washington, D. C. 20503



Dear Mr. Ash:

In compliance with your request, I have examined a facsimile of the enrolled bill S. 2296, the "Forest and Rangeland Renewable Resources Planning Act of 1974".

S. 2296 concerns various measures to facilitate long-range planning and financing of resources administered by the Department of Agriculture, through the Forest Service. Section 7(a) of the enrolled bill provides that:

. . . Following the transmission of such Assessment, Program, and Statement of Policy, the President shall, subject to other actions of the Congress, carry out programs already established by law in accordance with such Statement of Policy or any subsequent amendment or modification thereof approved by the Congress, unless, before the end of the first period of sixty calendar days of continuous session of Congress after the date on which the President of the Senate and the Speaker of the House are recipients of the transmission of such Assessment, Program, and Statement of Policy, either House adopts a resolution reported by the appropriate committee of jurisdiction disapproving the Statement of Policy.

Further, notwithstanding any other provision of the bill, Congress may revise or modify the Statement of Policy transmitted by the President and it will be used in framing budget requests.

It is the position of the Department of Justice that this one House resolution veto mechanism in Section 7(a) violates the provisions of Article I, section 7 of the Constitution.



The language of the Constitution clearly indicates that the veto power of the President was intended to apply to all actions of Congress which have the force of law. It would be difficult to conceive of language and history which could more clearly require that all such action of the two Houses be subject to either the President's approval or his veto. Two provisions of Article I, section 7 are involved. Thus, the Constitution provides first that every bill which passes the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President for his approval or disapproval. If disapproved it does not become law unless repassed by a two-thirds vote of each House (Art. I, Sec. 7, clause 2). At the Convention it was recognized that Congress might evade this provision by passing resolutions rather than bills. During the debate on this clause, James Madison observed that--

"if the negative of the President was confined to bills; it would be evaded by acts under the form and name of Resolutions, votes &***."

Madison believed that additional language was necessary to pin this point down and therefore

"proposed that 'or resolve' should be added after 'bill' *** with an exception as to votes of adjournment &c."



Madison's notes show that "after a short and rather confused conversation on the subject," his proposal was, at first, rejected. 2 M. Farrand, The Records of the Federal Convention of 1787 301-02 (1937 Rev. ed.) ("Farrand"). However, at the commencement of the following day's session, Mr. Randolph, "having thrown into a new form" Madison's proposal, renewed it and it passed by a vote of 9-1. 2 Farrand 303-05. Thus, the Constitution today provides in the last paragraph of Article I, section 7:

"Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question Of Adjournment) shall be presented to the President ***; and before the Same shall take Effect, shall be approved by him, or being disapproved by him shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill."

The intent of this clause was clearly to prevent resolutions designed to evade the specified legislative procedure.

The purpose of the veto was not merely to prevent bad laws but to protect the powers of the President from inroads. Leading participants in the Convention of 1787, such as James Madison, Gouverneur Morris and James Wilson, pointed out that the veto would protect the office of President against "encroachments of the popular branch" and guard against the legislature "swallowing up all the other powers." 2 Farrand 299-300, 586-87. In The Federalist (No. 73), Hamilton states that the primary purpose of conferring the veto power on the President is "to enable him to defend himself." Otherwise he "might be gradually stripped of his authorities by successive resolutions, or annihilated by a single vote."

It is clear that the veto was to apply to repeals and not just enactment of new laws. The application of the President's veto to repeals was specifically discussed. During a debate concerning what majority should be necessary to overcome a veto, it was pointed out that a 3/4 vote would make it too difficult to repeal bad laws. 2 Farrand 586. However, Madison pointed out that "As to the difficulty of repeals, it was probable that in doubtful cases the policy would soon take place of limiting the duration of laws so as to require renewal instead of repeal." Id. at 587. It was clear therefore that repeal was thought of as a full legislative process, subject to the veto power and not something that could be accomplished without participation of the Executive. At the same time, as Madison observed, Congress was always free to avoid this problem by limiting the duration of legislation, as it often does.

If it is argued that Section 7(a), after receiving Executive approval, would be valid, then there seems to be no limit to the powers of Congress to upset the historic concept of executive-legislative relations by reserving the right in legislation to amend or repeal the statute by one House resolution. This would avoid presentation of subsequent legislative decisions to the President as contemplated by Article I, Section 7. See R. Ginnane, The Control of Federal Administration by Congressional Resolutions and Committees, 66 Harv. L. Rev. 569, 594-95 (1953); J. P. Harri-, Congressional Control of Administration 205-06, 238-40 (Brookings, 1964); Statement of Erwin N. Griswold, National



Emergency, Hearings before the Senate Special Committee on the Termination of the National Emergency, 93d Cong., 1st Sess., Part 3, 741-747 (1973); L. Henkin, Foreign Affairs and the Constitution 121 (Foundation Press, 1972). But see J. & A. Cooper, The Legislative Veto and the Constitution, 30 G.W.L. Rev. 467 (1962); The Constitution of the United States, Analysis and Interpretation, S. Doc. No. 39, 88th Cong., 1st Sess. 135 (1964).

Of course we cannot deny that the practice of providing in statutes for amendment or repeal of legislative authority by one House resolution has continued for some years. There are new proposals made in each Congress not only for legislative action by one House resolution but by concurrent resolution or by action by one or more committees of Congress. An important example is section 5(c) of the War Powers Act, 87 Stat. 555 (1973), passed over the President's veto, despite a veto message including the statement that the concurrent resolution provision for terminating certain powers of the President was unconstitutional. State Dept. Bull., Nov. 26, 1973, p. 662. The House Committee Report on the War Powers Act (93-287) considered this question and, without making any attempt to come to grips with the language of the Constitution, concluded that the provision was valid because there was "ample precedent" for it. In support the report noted that most of the important legislation enacted for the prosecution of World War II provided for termination of powers upon adoption of concurrent resolutions, including the Lend-Lease Act, First War Powers Act, Emergency Price Control Act and others. See Ginnane, supra; Harris, supra. Admittedly, the Executive branch has not been entirely consistent as far as articulating its position has been concerned. E.g., R. Jackson, A Presidential Legal Opinion, 66 Harv. L. Rev. 1353 (1953). Nevertheless, we do not believe that the matter can be determined by recent usage alone. Although custom or practice can be a source of constitutional law, the cases indicate that this can occur if the test is ambiguous or doubtful but not where the practice is clearly incompatible with the supreme law of the land. McPherson v. Blacker, 146 U.S. 1, 27 (1892); Inland Waterways v. Young, 309 U.S. 517, 525 (1940); Field v. Clark, 143 U.S. 649, 691 (1892); Nixon v. Sirica, 487 F. 2d 700, 730 (D.C. Cir. 1973) and cases cited therein (McKinnon, J., concurring in part). Here, as noted, the recent practice contradicts the clear text of Article I, Section 7.



Moreover, if one is to look to constitutional precedent, the recent trend toward the use of Congressional veto devices is not the only relevant practice. The contemporaneous construction of the Constitution that was followed until recent times points in an entirely different direction. A careful analysis of the practice compiled by the Senate Judiciary Committee in 1897 beginning with the first Congress through the nineteenth century shows that concurrent resolutions were limited to matters "in which both House have a common interest, but with which the President has no concern." They never "embraced legislative provisions proper." S. Rep. No. 1335, 54th Cong., 1st Sess. 6 (1897). The report concluded that the Constitution requires that resolutions must be presented to the President when "they contain matter which is properly to be regarded as legislative in its character and effect." Id. at 8, quoted in part in 4 Hinds' Precedents of the House of Representatives § 3483.

It appears that it was not until 1919 that it was seriously suggested that Congress could make an affirmative policy or legislative decision by a resolution not presented to the President. Actual enactments of this kind did not begin until the 1930's. Ginnane, supra at 575. Thus, if any deference is to be given to practice and precedent, we believe that the practice begun with the adoption of the Constitution and continued uniformly for approximately 150 years is entitled to far greater weight than the more recent, sporadic and often debated examples of lawmaking by resolution.

Subject to your consideration of the above observations, the Department of Justice defers to the Department of Agriculture as to whether this bill should receive Executive approval.

Sincerely,



W. Vincent Rakestraw
Assistant Attorney General





United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 8 - 1974

Dear Mr. Ash:

This responds to your request for our views on the enrolled bill S. 2296, "To provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the productivity and other values of certain of the Nation's lands and resources, and for other purposes."

We would have no objection to the President's approval of the enrolled bill.

The bill would direct the Secretary of Agriculture to establish a comprehensive program for the management of renewable resources on Forest Service lands. The program would be based on an inventory of present and potential renewable resources, an analysis of present and anticipated uses and consideration of present programs and policies and their interrelationships. The program would include an inventory of the needs and opportunities for public and private program investments, an identification of anticipated costs and benefits, a discussion of priorities and a study of personnel requirements.

The bill provides detailed procedures for Congressional approval of the program, and beginning with the fiscal budget for the year ending September 30, 1977, budget requests presented by the President to the Congress governing Forest Service activities shall indicate the extent to which the programs and policies projected under the budget meet the policies approved by Congress. When the budget recommends a course that does not meet the policies approved by Congress, the President shall give reasons for approving the lesser programs or policies.

The enrolled bill addresses the management of renewable resources on lands administered by the National Forest Service, and it would not affect the programs of this Department.

Sincerely yours,



[Handwritten Signature]
Assistant Secretary of the Interior

Honorable Roy L. Ash
Director, Office of
Management and Budget
Washington, D.C. 20503



GENERAL COUNSEL

OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

AUG 9 1974

Honorable Roy L. Ash
Director, Office of Management
and Budget
Washington, D.C. 20503

Dear Mr. Ash:

This is in reply to your request for the views of the U.S. Department of Transportation on S. 2296, an enrolled bill:

"To provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the productivity and other values of certain of the Nation's lands and resources, and for other purposes."

The bill outlines the procedures for a national effort to protect our National Forest System. To fulfill this goal, the bill establishes target dates. By December 31, 1975, a Renewable Resource Assessment is to be prepared by the Secretary of Agriculture outlining the present situation. On the same date, a comprehensive Renewable Resource Program is to be submitted to the President by the Secretary of Agriculture. There is provision made for updates of both the Assessment and the Program. An inventory of all National Forest System Lands is to be kept by the Secretary of Agriculture and as part of the Program he must also prepare land management plans.

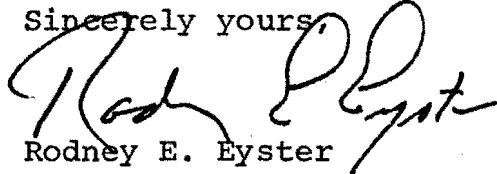
The bill also stresses the role of Congress as the watchdog of the Program. The Secretary of Agriculture will assist Congress by preparing an annual report to be submitted with the budget. The bill sets the year 2,000 as a target year for the successful operation of the Program.



Finally, there is a provision for installation of a proper system of transportation to service the National Forest System. This will have no effect on the activities within the jurisdiction of this Department.

The U.S. Department of Transportation would have no objection to this bill receiving executive approval.

Sincerely yours,



Rodney E. Eyster



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 513

Date: August 14, 1974

Time:

8:30 a. m.

FOR ACTION: Michael Duval
✓ Fred Buzhardt
Bill Timmons
Dave Gergen

cc (for information): Warren K. Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Wednesday, August 14, 1974

Time: 2:00 p. m.

SUBJECT: Enrolled Bill S. 2296 - Forest and Rangeland Renewable Resources Planning Act of 1974

ACTION REQUESTED:

___ For Necessary Action

XX For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

___ For Your Comments

___ Draft Remarks

REMARKS:

*No objection
R.C.*



Please return to Kathy Tindle - 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.

Warren K. Hendriks
For the President

(Coyne) NK

August 16, 1974

SIGNING STATEMENT -- ENROLLED BILL S. 2296 - FOREST
AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974

I am signing today S. 2296, the Forest and Rangeland
Renewable Resources Planning Act of 1974.



One of the essential lessons of the recent energy crisis is that
if we are to prevent shortages of natural resources in the future,
we must plan for the future today. Our resources, however abundant,
are not inexhaustible. They must be conserved and replenished.

The Forest and Rangeland Renewable Resources Planning
Act provides us the means for planning national programs now which
will assure future generations of adequate supplies of forest and
related resources.

The great naturalist, John Muir, once said of our Nation's
forests: "The forests of America, however slighted by man, must
have been a great delight to God; for they were the best He ever
planted." This act proves that Americans intend never again to
slight our forests.

I would be less than candid if I did not admit that certain pro-
visions of this act disturb me, especially those provisions relating to
Presidential discretion in formulating annual budget requests for

our national forestry programs. But the benefits of this legislation far outweigh any potential drawbacks, and I am confident that the Congress and the executive branch, working together, can and will manage, develop and improve our priceless natural legacy of forests and rangelands.

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IMMEDIATE RELEASE

AUGUST 17, 1974

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I am signing today S. 2296, the Forest and Rangeland Renewable Resources Planning Act of 1974.

One of the essential lessons of the recent energy crisis is that if we are to prevent shortages of natural resources in the future, we must plan for the future today. Our resources, however abundant, are not inexhaustible. They must be conserved and replenished.

The Forest and Rangeland Renewable Resources Planning Act provides us the means for planning national programs now which will assure future generations of adequate supplies of forest and related resources.

The great naturalist, John Muir, once said of our Nation's forests: "The forests of America, however slighted by man, must have been a great delight to God; for they were the best He ever planted." This act proves that Americans intend never again to slight our forests.

I would be less than candid if I did not admit that certain provisions of this act disturb me, especially those provisions relating to Presidential discretion in formulating annual budget requests for our national forestry programs. But the benefits of this legislation far outweigh any potential drawbacks, and I am confident that the Congress and the executive branch, working together, can and will manage, develop and improve our priceless natural legacy of forests and rangelands.

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FOREST AND RANGELAND RENEWABLE RESOURCES
PLANNING ACT OF 1974

JULY 25, 1974.—Ordered to be printed

Mr. POAGE, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 2296]



The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2296) to provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the environment of certain of the Nation's lands and resources, 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 to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Forest and Rangeland Renewable Resources Planning Act of 1974".

SEC. 2. RENEWABLE RESOURCE ASSESSMENT.—(a) In recognition of the vital importance of America's renewable resources of the forest, range, and other associated lands to the Nation's social and economic well-being, and of the necessity for a long term perspective in planning and undertaking related national renewable resource programs administered by the Forest Service, the Secretary of Agriculture shall prepare a Renewable Resource Assessment (hereinafter called the "Assessment"). The Assessment shall be prepared not later than December 31, 1975, and shall be updated during 1979 and each tenth year thereafter, and shall include but not be limited to—

(1) an analysis of present and anticipated uses, demand for, and supply of the renewable resources, with consideration of the international resource situation, and an emphasis of pertinent supply and demand and price relationship trends;

(2) an inventory, based on information developed by the Forest Service and other Federal agencies, of present and potential renewable resources, and an evaluation of opportunities for improving their yield of tangible and intangible goods and services, together with estimates of investment costs and direct and indirect returns to the Federal Government;

(3) a description of Forest Service programs and responsibilities in research, cooperative programs, and management of the National Forest System, their interrelationships, and the relationship of these programs and responsibilities to public and private activities; and

(4) a discussion of important policy considerations, laws, regulations, and other factors expected to influence and affect significantly the use, ownership, and management of forest, range, and other associated lands.

(b) To assure the availability of adequate data and scientific information needed for development of the Assessment, section 9 of the McSweeney McNary Act of May 22, 1928 (45 Stat. 702, as amended, 16 U.S.C. 581h), is hereby amended to read as follows:

"The Secretary of Agriculture is hereby authorized and directed to make and keep current a comprehensive survey and analysis of the present and prospective conditions of and requirements for the renewable resources of the forest and range lands of the United States, its territories and possessions, and of the supplies of such renewable resources, including a determination of the present and potential productivity of the land, and of such other facts as may be necessary and useful in the determination of ways and means needed to balance the demand for and supply of these renewable resources, benefits and uses in meeting the needs of the people of the United States. The Secretary shall carry out the survey and analysis under such plans as he may determine to be fair and equitable, and cooperate with appropriate officials of each State, territory, or possession of the United States, and either through them or directly with private or other agencies. There is authorized to be appropriated not to exceed \$20,000,000 in any fiscal year to carry out the purposes of this section."

SEC. 3. RENEWABLE RESOURCE PROGRAM.—In order to provide for periodic review of programs for management and administration of the National Forest System, for research, for cooperative State and private Forest Service programs, and for conduct of other Forest Service activities in relation to the findings of the Assessment, the Secretary of Agriculture, utilizing information available to the Forest Service and other agencies within the Department of Agriculture, including data prepared pursuant to section 302 of the Rural Development Act of 1972, shall prepare and transmit to the President a recommended Renewable Resource Program (hereinafter called the "Program"). The Program transmitted to the President may include alternatives, and shall provide in appropriate detail for protection, management, and development of the National Forest System, including forest development roads and trails; for cooperative Forest Service programs; and for research. The Program shall be developed in accordance with principles set forth in the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528-531), and the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321-4347). The Program shall be prepared not later than December 31, 1975, to cover the four-year period beginning October 1, 1976, and at least each of the four fiscal decades next following such period,

and shall be updated no later than during the first half of the fiscal year ending September 30, 1980, and the first half of each fifth fiscal year thereafter to cover at least each of the four fiscal decades beginning next after such updating. The Program shall include, but not be limited to—

(1) an inventory of specific needs and opportunities for both public and private program investments. The inventory shall differentiate between activities which are of a capital nature and those which are of an operational nature;

(2) specific identification of Program outputs, results anticipated, and benefits associated with investments in such a manner that the anticipated costs can be directly compared with the total related benefits and direct and indirect returns to the Federal Government;

(3) a discussion of priorities for accomplishment of inventoried Program opportunities, with specified costs, outputs, results, and benefits; and

(4) a detailed study of personnel requirements as needed to satisfy existing and ongoing programs.

SEC. 4. NATIONAL FOREST SYSTEM RESOURCE INVENTORIES.—As a part of the Assessment, the Secretary of Agriculture shall develop and maintain on a continuing basis a comprehensive and appropriately detailed inventory of all National Forest System lands and renewable resources. This inventory shall be kept current so as to reflect changes in conditions and identify new and emerging resources and values.

SEC. 5. NATIONAL FOREST SYSTEM RESOURCE PLANNING.—(a) As a part of the Program provided for by section 3 of this Act, the Secretary of Agriculture shall develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies.

(b) In the development and maintenance of land management plans for use on units of the National Forest System, the Secretary shall use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences.

SEC. 6. COOPERATION IN RESOURCE PLANNING.—The Secretary of Agriculture may utilize the Assessment, resource surveys, and Program prepared pursuant to this Act to assist States and other organizations in proposing the planning for the protection, use, and management of renewable resources on non-Federal land.

SEC. 7. NATIONAL PARTICIPATION.—(a) On the date Congress first convenes in 1976 and thereafter following each updating of the Assessment and the Program, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate, when Congress convenes, the Assessment as set forth in section 2 of this Act and the Program as set forth in section 3 of this Act, together with a detailed Statement of Policy intended to be used in framing budget requests by that Administration for Forest Service activities for the five- or ten-year program period beginning during the term of such Congress for such further action deemed appropriate by the Congress. Following the transmission of such Assessment, Program, and Statement of Policy, the President shall, subject to other actions of the Congress, carry out programs already established by law in accordance with such Statement of Policy or any subsequent amendment or modification thereof approved by the Congress, unless, before the end of the first period of sixty calendar days of continuous session of

Congress after the date on which the President of the Senate and the Speaker of the House are recipients of the transmission of such Assessment, Program, and Statement of Policy, either House adopts a resolution reported by the appropriate committee of jurisdiction disapproving the Statement of Policy. For the purpose of this subsection, the continuity of a session shall be deemed to be broken only by an adjournment sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period. Notwithstanding any other provision of this Act, Congress may revise or modify the Statement of Policy transmitted by the President, and the revised or modified Statement of Policy shall be used in framing budget requests.

(b) Commencing with the fiscal budget for the year ending September 30, 1977, requests presented by the President to the Congress governing Forest Service activities shall express in qualitative and quantitative terms the extent to which the programs and policies projected under the budget meet the policies approved by the Congress in accordance with subsection (a) of this section. In any case in which such budget so presented recommends a course which fails to meet the policies so established, the President shall specifically set forth the reason or reasons for requesting the Congress to approve the lesser programs or policies presented. Amounts appropriated to carry out the policies approved in accordance with subsection (a) of this section shall be expended in accordance with the Congressional Budget and Impoundment Control Act of 1974, Public Law 93-344.

(c) For the purpose of providing information that will aid Congress in its oversight responsibilities and improve the accountability of agency expenditures and activities, the Secretary of Agriculture shall prepare an annual report which evaluates the component elements of the Program required to be prepared by section 3 of this Act which shall be furnished to the Congress at the time of submission of the annual fiscal budget commencing with the third fiscal year after the enactment of this Act.

(d) These annual evaluation reports shall set forth progress in implementing the Program required to be prepared by section 3 of this Act, together with accomplishments of the Program as they relate to the objectives of the Assessment. Objectives should be set forth in qualitative and quantitative terms and accomplishments should be reported accordingly. The report shall contain appropriate measurements of pertinent costs and benefits. The evaluation shall assess the balance between economic factors and environmental quality factors. Program benefits shall include, but not be limited to, environmental quality factors such as esthetics, public access, wildlife habitat, recreational and wilderness use, and economic factors such as the excess of cost savings over the value of foregone benefits and the rate of return on renewable resources.

(e) The reports shall indicate plans for implementing corrective action and recommendations for new legislation where warranted.

(f) The reports shall be structured for Congress in concise summary form with necessary detailed data in appendices.

SEC. 8. NATIONAL FOREST SYSTEM PROGRAM ELEMENTS.—The Secretary of Agriculture shall take such action as will assure that the development and administration of the renewable resources of the National Forest System are in full accord with the concepts for multiple use and sustained yield of products and services as set forth in the Multiple-Use Sus-

tained-Yield Act of 1960. To further these concepts, the Congress hereby sets the year 2000 as the target year when the renewable resources of the National Forest System shall be in an operating posture whereby all backlogs of needed treatment for their restoration shall be reduced to a current basis and the major portion of planned intensive multiple-use sustained-yield management procedures shall be installed and operating on an environmentally-sound basis. The annual budget shall contain requests for funds for an orderly program to eliminate such backlogs: Provided, That when the Secretary finds that (1) the backlog of areas that will benefit by such treatment has been eliminated, (2) the cost of treating the remainder of such area exceeds the economic and environmental benefits to be secured from their treatment, or (3) the total supplies of the renewable resources of the United States are adequate to meet the future needs of the American people, the budget request for these elements of restoration may be adjusted accordingly.

SEC. 9. TRANSPORTATION SYSTEM.—The Congress declares that the installation of a proper system of transportation to service the National Forest System, as is provided for in Public Law 88-657, the Act of October 13, 1964 (16 U.S.C. 532-538), shall be carried forward in time to meet anticipated needs on an economical and environmentally sound basis, and the method chosen for financing the construction and maintenance of the transportation system should be such as to enhance local, regional, and national benefits, except that the financing of forest development roads as authorized by clause (2) of section 4 of the Act of October 13, 1964, shall be deemed "budget authority" and "budget outlays" as those terms are defined in section 3(a) of the Congressional Budget and Impoundment Control Act of 1974 and shall be effective for any fiscal year only in the manner required for new spending authority as specified by section 401(a) of that Act.

SEC. 10. (a) NATIONAL FOREST SYSTEM DEFINED.—Congress declares that the National Forest System consists of units of federally owned forest, range, and related lands throughout the United States and its territories, united into a nationally significant system dedicated to the long-term benefit for present and future generations, and that it is the purpose of this section to include all such areas into one integral system. The "National Forest System" shall include all national forest lands reserved or withdrawn from the public domain of the United States, all national forest lands acquired through purchase, exchange, donation, or other means, the national grasslands and land utilization projects administered under title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C. 1010-1012), and other lands, waters, or interests therein which are administered by the Forest Service or are designated for administration through the Forest Service as a part of the system.

(b) The on-the-ground field offices, field supervisory offices, and regional offices of the Forest Service shall be so situated as to provide the optimum level of convenient, useful services to the public, giving priority to the maintenance and location of facilities in rural areas and towns near the national forest and Forest Service program locations in accordance with the standards in section 901(b) of the Act of November 30, 1970 (84 Stat. 1383), as amended.

SEC. 11. RENEWABLE RESOURCES.—In carrying out this Act, the Secretary of Agriculture shall utilize information and data available from other Federal, State, and private organizations and shall avoid

duplication and overlap of resource assessment and program planning efforts of other Federal agencies. The term "renewable resources" shall be construed to involve those matters within the scope of responsibilities and authorities of the Forest Service on the date of this Act.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the amendment of the House, amend the title to read as follows: "An Act to provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the productivity and other values of certain of the Nation's lands and resources, and for other purposes."

And the House agree to the same.

W. R. POAGE,
JOSEPH P. VIGORITO,
JOHN R. RARICK,
GEO. A. GOODLING,
LAMAR BAKER,

Managers on the Part of the House.

HERMAN E. TALMADGE,
JAMES O. EASTLAND,
JAMES B. ALLEN,
HUBERT H. HUMPHREY,
GEORGE D. AIKEN,
HENRY BELLMON,
JESSE HELMS,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2296) to provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the environment of certain of the Nation's lands and resources, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report. The differences between the Senate bill and the House amendments and the substitute agreed to in conference are noted in the following outline, except for conforming, clarifying, and technical changes:

(1) The Senate bill provides that the short title is the "Forest and Rangeland Environmental Management Act of 1974". The House amendment provides that the short title is the "Forest and Related Resources Planning Act of 1974".

The conference substitute provides that the Act may be cited as the "Forest and Rangeland Renewable Resources Planning Act of 1974".

(2) The Senate bill contains a statement of findings declaring the importance of renewable resources, their conservation, and their wise management to the Nation's ecological and economic well-being. The House amendment contains no comparable provision.

The conference substitute deletes the Senate provision.

(3) The Senate bill refers throughout to the "renewable resources" of the forest, range, and associated lands. The House amendment refers instead to the "forest and related resources" and defines such phrase as matters within the jurisdiction of the Forest Service on the date of enactment of the bill.

The conference substitute adopts the terminology of the Senate bill but defines "renewable resources" as matters within the jurisdiction of the Forest Service on the date of enactment of the bill.

(4) The Senate bill requires the Secretary of Agriculture to prepare a National Renewable Resource Assessment. The House amendment requires the Secretary to prepare a Forest and Related Resources Assessment, but limits the Assessment to programs administered by the Forest Service.

The conference substitute adopts the limitation of the House amendment in requiring the preparation of a Renewable Resource Assessment.

(5) The Senate bill requires the preparation of the Assessment not later than December 31, 1974. The House amendment changes the date to December 31, 1975.

The conference substitute adopts the House provision.

(6) Both the Senate bill and the House amendment require that the Assessment include an inventory of present and potential resources. The House amendment provides that the inventory is to be based on information available to the Forest Service and other Federal agencies.

The conference substitute provides that the inventory is to be based on information developed by the Forest Service and other Federal agencies.

(7) The House amendment requires that the Assessment include a detailed study of personnel requirements needed to meet existing and ongoing Forest Service programs. There is no comparable Senate provision.

The conference substitute includes the House provision as part of the Renewable Resource Program that the Secretary of Agriculture is required to prepare.

(8) Both the Senate bill and the House amendment amend section 9 of the McSweeney-McNary Act of 1928 to require comprehensive surveys of the resources of the forest and range lands of the United States. The Senate bill authorizes the appropriation of such sums as may be necessary to carry out the surveys. The House amendment authorizes appropriations not to exceed \$20 million in any fiscal year.

The conference substitute adopts the House provision.

(9) The Senate bill requires the Secretary of Agriculture to prepare and transmit to the President a Renewable Resource Program which shall provide for the protection, management, and development of the National Forest System, including forest development roads and trails, for cooperative programs on non-Federal lands, and for research. The House amendment requires the Secretary to prepare and transmit to the President a Forest and Related Resource Program "displaying alternative objectives and associated programs". The House amendment also refers to "cooperative forestry programs" rather than to cooperative programs on non-Federal land.

The conference substitute requires that the Secretary prepare and transmit to the President a recommended Renewable Resource Program. The conference substitute provides that the Program may include alternatives and refers to "cooperative Forest Service Programs".

(10) The House amendment requires that the Secretary of Agriculture, in preparing the Program, use information available to the Forest Service and other agencies of the Department of Agriculture, including data prepared pursuant to section 302 of the Rural Development Act. The Senate bill contains no comparable provision.

The conference substitute adopts the House provision.

(11) The Senate bill requires the preparation of the Program not later than December 31, 1974, to cover the five-year period 1975-1980. The House amendment changes the date to December 31, 1975, to cover the four-year period 1976-1980.

The conference substitute adopts the House provision.

(12) The Senate bill requires that the Program include a discussion of priorities for accomplishment of "inventoried program needs". The House amendment refers instead to "inventoried program opportunities, with specified costs, outputs, results, and benefits".

The conference substitute adopts the House provision.

(13) The Senate bill requires that the Secretary of Agriculture develop land and resource use plans for the National Forest System coordinated with the land use planning processes of State and local governments and other Federal agencies. The House amendment requires land and resource "management" plans. The Secretary would be required to consult with State and local officials in devising and implementing such plans.

The conference substitute requires land and resource management plans coordinated with the land and resource management planning processes of State and local governments and other Federal agencies.

(14) The Senate bill requires that the Secretary of Agriculture make available to States and other planning organizations the Assessment, resource survey, and Program prepared pursuant to the bill. The House amendment provides that the Secretary may utilize the Assessment, resource surveys, and Program to assist States and other planning organizations.

The conference substitute adopts the House provision.

(15) The Senate bill requires the Secretary of Agriculture to utilize such public participation as he deems appropriate—including public hearings, meetings, and advisory groups—in the development of the Assessment, resource inventories, and Program. There is no comparable House provision.

The conference substitute contains no express public participation provision. The conferees note that, under existing law, the Secretary has authority to provide for needed public participation in the development of the Assessment, resource inventories, and Program.

(16) The Senate bill requires the Congress to hold public hearings on the Assessment and Program and by resolution establish a Statement of Policy to guide the President in framing budget requests. The House amendment requires that the President submit the Statement of Policy, such statement to go into effect unless either the House of Representatives or the Senate adopts a resolution disapproving the statement within 60 days.

The conference substitute adopts the House provision with an amendment providing that Congress may revise or modify the Statement of Policy, and the revised or modified Statement of Policy shall be used in framing budget requests.

Too, in the absence of approval or formulation of Statements of Policy as provided in the bill, the President shall continue to submit budget requests in accordance with policies previously approved.

Although the conference substitute contains no provisions for public hearings, the conferees anticipate that the legislative committees will—as part of the Congressional review process evaluating the Assessment, Program, and Statement of Policy—hold such public hearings as are appropriate.

(17) The Senate bill provides that the President can impound funds appropriated for the purposes of the Statement of Policy adopted by Congress only when (a) the appropriation Act provides specifically for discretion as to such expenditures, or (b) the President finds that because of events occurring subsequent to the enactment of the appropriation Act, such expenditure would fail to accomplish its purpose. The House amendment contains no comparable provision.

The conference substitute deletes the Senate provision, but provides specifically that amounts appropriated to carry out the policies approved under the bill shall be expended in accordance with the Congressional Budget and Impoundment Control Act of 1974.

(18) The Senate bill sets the year 2000 as the target year when (a) all backlogs of needed treatment for renewable resources are reduced to a current basis and (b) the major portion of planned intensive management procedures are installed and operating on an environmentally sound basis. The House amendment contains no comparable provision.

The conference substitute adopts the Senate provision.

(19) The Senate bill contains an anti-impoundment provision to encourage the Administration's use of appropriated funds for forest development roads and trails rather than relying on construction financed by forest product purchasers. The House amendment contains no comparable provision, but requires that the Secretary of Agriculture prepare and transmit to the Congress an analysis of the various methods of financing the construction of forest development roads, together with his recommendations for financing such roads in the future.

The conference substitute retains the purpose of the Senate provision by providing that the financing of forest development roads by forest product purchasers shall be deemed "budget authority" and "budget outlays" as those terms are defined in the Congressional Budget and Impoundment Control Act of 1974 and effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(20) The Senate bill provides that, in applying the authority for financing the construction of forest roads and trails by forest product purchasers, the Secretary of Agriculture is to give due consideration to avoiding actions which may unduly impair revenues received and affect adversely payments to particular counties within the National Forest System. The House amendment contains no comparable provision.

The conference substitute deletes the Senate provision.

(21) The definition of the National Forest System is identical in the Senate bill and the House amendment, except that the House amendment inserts the phrase "federally owned" to make it clear that the System consists of federally owned units of forest, range, and related lands.

The conference substitute adopts the House provision.

(22) The House amendment requires the Secretary of Agriculture, in carrying out the bill, to (a) use data available from other Federal, State, and private organizations and (b) avoid duplication and overlap of resource assessment and program planning efforts of other Federal agencies. The Senate bill contains no comparable provision.

The conference substitute adopts the House provision.

W. R. POAGE,
JOSEPH P. VIGORITO,
JOHN R. RARICK,
GEO. A. GOODLING,
LAMAR BAKER,

Managers on the Part of the House.

HERMAN E. TALMADGE,
JAMES O. EASTLAND,
JAMES B. ALLEN,
HUBERT H. HUMPHREY,
GEORGE D. AIKEN,
HENRY BELLMON,
JESSE HELMS,

Managers on the Part of the Senate.

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FOREST AND RELATED RESOURCES PLANNING ACT
OF 1974

JUNE 27, 1974.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

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

REPORT

[To accompany H.R. 15283]

The Committee on Agriculture, to whom was referred the bill (H.R. 15283) to provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the productivity and environmental values of certain of the Nation's lands and resources, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 10, line 10, delete the word "two" and insert in lieu thereof the word "the".

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is to provide for the protection, development, and environmental enhancement of certain of the Nation's lands and resources. It provides for wise and orderly development of the renewable resources of the forests, range, and associated lands. The intent of the legislation is to establish more Congressional control over the management activities and appropriation processes of National Forest System lands.

The bill's major provisions require—

(1) The Administration to prepare a National Renewable Resource Assessment of all such lands and resources, and a Forest Service Renewable Resource Program;

(2) The submission of both the Assessment and the Program to Congress for review;

(3) The accountability for those budget requests that are insufficient to meet the goals outlined in the National Policy Statement; and

(4) The preparation of an annual progress report by the Administration.

In essence, the bill's major provisions reform current procedures for establishing and attaining National goals for the National Forest System management and related activities of the Forest Service in Research and Cooperative programs on other lands. It provides for better resource inventories and analyses of short-term and long-term uses, demands, and supplies of renewable resources. Where presently only the Forest Service and the Administration set program goals and policies, under the proposed legislation both the Administration and Congress, will jointly establish such goals and policies.

Other positive aspects of the Bill will give Congress and the public a greater role in the decision making process of National goals and policies for National Forest System land management and provide for a systematic and comprehensive analysis of resource goals, both short and long term, and a periodic review to update programs and policies.

SECTION-BY-SECTION ANALYSIS

Section 1. *Short Title.*—Forest and Related Resources Planning Act of 1974.

Section 2. *Forest and Related Resources Assessment.*—Subsection (a) recognizes the importance of taking a long-term view in planning and conducting forestry and related resource programs administered by the Forest Service of the U.S. Department of Agriculture. Accordingly, the Secretary of Agriculture is directed to prepare a Forest and Related Resources Assessment not later than December 31, 1975. The Assessment will be updated during 1979 and every tenth year thereafter. The Assessment shall include present and anticipated uses, demands, supplies, and prices of forest and related resources, an inventory of forest and related resources, a description of FS programs, a study of personnel requirements and shall also consider and discuss Federal forestry resource programs, policy, investment costs, and returns and benefits relating thereto.

Subsection (b) expands the Forest Survey conducted by the Forest Service pursuant to the McSweeney-McNary Act of 1928 to include surveys of related forest resources in conjunction with surveys of timber and forest products. The appropriations authorization is raised from \$5 million to \$20 million. This expansion of the Forest Survey is necessary to assure the availability of adequate data and scientific information for developing and updating the Assessment.

Section 3. *Forest and Related Resources Program.*—In order to provide for periodic review of Federal forestry programs, the Secretary of Agriculture is directed to prepare and transmit to the President a Forest and Related Resources Program. Based on the Assessment and utilizing information from other USDA agencies, the Program will display alternative objectives and associated programs for the full range of Forest Service programs. The Program will contain an inventory of specific needs and opportunities for both public and private forestry investments, program outputs, results, benefits and costs, and a discussion of priorities for accomplishing the inventoried program opportunities. The Program will be prepared by December 31, 1975, and will cover the period from 1976-1980 and at least each of the next 4 fiscal decades following 1980. The Program shall be updated every 5 years.

Section 4. *National Forest System Resource Inventories.*—As part of the Assessment, the Secretary will develop, maintain and continually update a comprehensive inventory of all National Forest System lands and resources.

Section 5. *National Forest System Resource Planning.*—As part of the Forest and Related Resources Program, the Secretary is directed to develop, maintain, and revise land and resource management plans for units of the National Forest System, to consult with State and local officials in devising and implementing such plans, and to use a systematic interdisciplinary approach in developing the plans.

Section 6. *Cooperation in Resource Planning.*—This section permits the Secretary to utilize the Assessment, resource surveys and Program prepared pursuant to the Act to assist States and other organizations in planning for the protection, use and management of forest and related resources on non-Federal land.

Section 7. *National Participation.*—Subsection (a) provides for the President's transmittal of the Forest and Related Resources Assessment and Program to the Congress beginning on the date Congress convenes in 1976 and at each update. Along with the Assessment and Program the President shall submit a detailed Statement of Policy intended to be used by the Administration in framing budget requests for the Forest Service. Subsection (a) further provides that if the Congress does not adopt a resolution disapproving the President's Statement of Policy, the President shall carry out established forestry programs in accordance with his policy statement.

Subsection (b) requires the President, beginning in Fiscal Year 1977, to show how the budget meets the policies approved by Congress. If the budget request fails to meet the policies established, the President shall specifically set forth the reasons for the Congress to approve the lesser programs or policies.

Subsection (c) requires the Secretary to prepare an annual report evaluating component elements of the Forest and Related Resource Program beginning with submission of the annual budget for the third fiscal year after enactment of the Act.

Subsection (d) requires that the annual reports set forth progress in implementing the Program. The report should set forth objectives in qualitative and quantitative form, contain measurements of costs and benefits, and assess the balance between economic and environmental quality factors.

Subsection (e) requires that the annual reports indicate plans for implementing corrective action and for submitting legislative recommendations where warranted.

Subsection (f) requires the reports to be presented in concise summary form with detailed appendices.

Section 8. *Transportation System.*—This section declares the importance of a proper National Forest transportation system and provides that methods chosen for financing construction and maintenance of roads should enhance local, regional, and national benefits. The section further provides that one year after enactment the Secretary of Agriculture shall transmit to the Congress an indepth analysis of the various methods of financing forest development roads along with his recommendations for financing future forest development roads. The

analysis shall display the costs, results and benefits of each method of financing including the impact of financing methods on revenues paid the States and counties from National Forest receipts and on the forest development road and trail fund provided in the Act of March 14, 1973 (U.S.C. 501).

Section 9. *National Forest System Defined.*—In subsection (a) the National Forest System is defined as one integral, nationally significant public lands system dedicated to the long-term benefit of present and future generations consisting of those units of federally owned forest, range and related lands, waters, and interests therein which are administered by the Forest Service.

Subsection (b)—Organization provides that Forest Service field offices shall be located to provide optimum levels of convenient service to the public with priority being given to locating Forest Service offices and facilities in rural areas.

Section 10. This section provides that the Secretary of Agriculture shall use data available from other public agencies and private organizations to avoid duplication and overlap. The term "forest and related resources" as used in the Act is limited to those matters currently within the scope of responsibilities and authorities of the Forest Service. H.R. 15283, the Forest and Related Resources Planning Act of 1974, is the culmination of congressional concern in the 93rd Congress over the demands and conflicting pressures being placed on the Nation's forest resources.

At the beginning of the 93rd Congress the Nation was caught in a serious timber supply-demand-price squeeze. Hearings were held by the Committees on Banking, Housing and Urban Affairs and Banking and Currency because of the serious lumber shortages facing the housing industry in some areas of the country. Bills were introduced in both Chambers to regulate log exports to guarantee sufficient domestic supplies. Realizing the contribution which private forest lands must make to assure adequate supplies of timber in the future, the Committee included in the Agriculture and Consumer Protection Act (P.L. 93-86) a pilot program to provide incentives to private forest land owners to encourage forest land owners to increase timber production or other resource improvements on private lands.

During this period two major reports were released by the Executive, one by the President's Advisory Panel on Timber and the Environment, the other by the Forest Service entitled "Outlook for Timber in the United States." Both reports concluded that significant improvements in management of the Nation's forest and related resources must occur if future demands for these resources are to be met at reasonable prices.

Appropriately Congress turned its attention to the management of the National Forests. During appropriations hearings on the Forest Service Fiscal Year 1974 budget request it was established that the Forest Service was facing a reduction of some 1,500 personnel in FY 1974. It was also established that funding requests for management of the National Forests was far short of the needs for reforestation and timber stand improvement on National Forest lands.

In response, bills were introduced in the Senate to provide for long-term investments in timber and other resources of the National Forests

and to assure an adequate funding base for managing National Forest resources.

Hearings were held on some of these bills before the Senate Committee on Agriculture and Forestry. The Administration testified that special funds from National Forests receipts would not be sufficient to cover National Forest investments. Conflicting testimony from timber industry spokesmen and conservation organizations raised questions about placing priority on only one of the forest timber resources. During the hearings it also became clear that the Congress lacked a useful framework for considering legislation to establish long-range forest policy. Rep. Rarick, Chairman of the Subcommittee on Forests of the Committee on Agriculture introduced H.R. 11320 in the House to provide such framework. H.R. 15283 is a successor bill.

H.R. 15283 is landmark forestry legislation. Under the bill the Forest Service would be required by statute to engage in long term planning. Until now the Congress has had inadequate and incomplete information about which to make annual appropriation decisions for Federal forestry efforts. In the absence of a long-term program for the National Forests, the Congress could only determine the cumulative effect of annual budget and appropriation decisions after the fact.

The Assessment called for in H.R. 15283 will place before the Congress comprehensive data on the state of our Nation's forests and related resources and the anticipated demand, supply, use, and price of these resources. The accompanying Resource Program in which the President will recommend future forestry program objectives and levels of funding will give the Congress a foundation on which to review program accomplishments, evaluate the effectiveness of current forest policy, and establish meaningful forestry goals. Both the Congress and the Executive will have the tools now to develop sound plans and policies for the future of forests and related resources. And the public will also for the first time have the opportunity to view the total forest resource situation and the outlook for the future.

The need for legislation to provide a long-term perspective on the Nation's forest and related resources has been recognized by conservation groups as well as commodity users of the National Forests. In his report to the Committee on H.R. 11320, the Secretary of Agriculture acknowledged the need for a "better-defined, long-range perspective on national forestry programs" and noted that such a long-range view is a "pre-requisite to meeting future demands for forests and related resources." The Secretary further pointed out that the formulation of sound national forestry goals, establishment of meaningful investment priorities, and forestry program accomplishment would benefit from joint consideration by the Congress and the Administration.

The Forest and Related Resources Planning Act of 1974 is the latest in a long line of legislation expressing the intent of Congress to guide the Nation's forest policy, and is in consonance with the Organic Act of 1897, the Multiple Use Act of 1960, and Wilderness Act of 1964 and the National Environmental Policy Act of 1969.

As such, it is a substantial step forward. This bill would assure that Congress, and through it, the whole nation, would have at hand the necessary and essential facts upon which to base wise decisions to

direct policy for the National forests. In this way, Congress will enhance its historic oversight role while providing for an orderly process for more careful planning for the National forests and related resources.

The Committee anticipates that as a part of the Congressional review process to evaluate the Assessment, the Program and the President's statement of policy, the Committee will hold public hearings.

In approving H.R. 15283, the Committee wishes to make it clear that it is neither the intent nor the desire of the Committee to expand its legislative jurisdiction over matters that properly reside in other Committees of the Congress. This legislation concentrates on the public lands administered by the U.S. Forest Service.

COMMITTEE CONSIDERATION

On November 7, 1973, the Forest and Rangeland Environmental Management Act of 1973, H.R. 11320, was introduced and subsequently referred to the Forrester Subcommittee. A report was requested from the United States Department of Agriculture, and on December 10, 1973, the Department submitted a favorable report, if the bill was amended. On December 11 and 12, 1973, the Forrester Subcommittee held open hearings on the legislation. In an open business meeting on March 20, 1974, the Forrester Subcommittee ordered the bill reported with amendments by a voice to the full Committee. In another open business meeting on that date, the action was reconsidered and S. 2296, as amended, was reported with an additional amendment by a rollcall vote of 6 to 1 to the full Committee. On May 29, 1974, in an open business meeting of the Subcommittee the previous action was reconsidered and the legislation was ordered reported with additional amendments by a rollcall vote of 8 to 0 to the full Committee, with instructions that a clean bill be introduced. On June 6, 1974, H.R. 15283, the Forest and Related Resources Planning Act of 1974, was introduced. On June 11, 1974, the full Committee in an open business meeting unanimously ordered reported H.R. 15283, as amended. A quorum was present and voting.

ADMINISTRATION POSITION

During the process of consideration of the legislation by the Forrester Subcommittee, the following two communications were received, in sequence. Many of the suggestions of the Administration, both formal and informal, were incorporated in H.R. 15283.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., December 10, 1973.

Hon. W. R. POAGE,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 11320, the "Forest and Rangeland Environmental Management Act of 1973."

The Department of Agriculture agrees with the general objectives of H.R. 11320. Many of the activities addressed by this legislation

are presently being undertaken under existing authorities. While the bill would broaden and strengthen existing statutory authorities, it would also limit Presidential flexibility in a number of respects. The Department of Agriculture therefore recommends enactment of the bill only if modified along the lines suggested herein.

H.R. 11320 sets forth various findings relating to the renewable nature of forest and rangeland resources, the role of the Forest Service in administering these resources, the need for comprehensive planning for the renewable resources of America's forests and rangelands, and the need for proper levels of funding and investments in forest and related resource management.

Section 3 of the bill would require the Secretary to prepare a Renewable Resource Assessment which would include a detailed presentation and analysis of (1) current and anticipated use, (2) supply of and demand for renewable resources, (3) an inventory of present and potential renewable resource yields, (4) opportunities for increasing yields of goods and services, and (5) a description of Forest Service programs and responsibilities, as well as a discussion of important policy considerations expected to significantly influence the use and management of the Nation's forests and rangelands. Section 4 would provide for the development of a long-term Renewable Resource Program to be submitted by the President to the Congress for each of the next five decades. Section 5 would direct the Secretary to develop and maintain inventories of all National Forest System lands and resources. The bill would also require land use and resource planning for units of the National Forest System, cooperation with the States in resource planning, and public participation in the development of the Assessment and Program. In addition, H.R. 11320 would require the Secretary to determine optimum management levels for the renewable resources and authorized uses of each National Forest management unit. Section 9 would set the year 2000 as the target year when all backlogs of needed conservation treatment for the National Forest System shall be completed. The bill would declare the importance of a "proper system" of transportation in the National Forest System by requiring that the full amounts appropriated for forest roads, trails, and highways be requested and expended each year by the Forest Service.

H.R. 11320 is an expression of concern over the demands and conflicting pressures being placed on the Nation's forest resources. The legislation is timely, as it follows closely upon the recent release of the "Report of the President's Advisory Panel on Timber and the Environment" and the "Outlook for Timber in the United States," which was prepared by the Forest Service of this Department. Both of these reports conclude that significant improvements in management of the Nation's forest and related resources must occur if future demands for these resources are to be met at reasonable prices.

A better-defined, long-range perspective on national forestry programs is a prerequisite to meeting future demands for forests and related resources. We believe that joint consideration by the Congress and the Administration of the state of the Nation's forest resources, the anticipated supply, demand, and pertinent price trends for these resources, and costs of alternative approaches related to specified pro-

gram accomplishment will benefit formulation of sound national forestry goals, assist in the establishment of meaningful investment priorities, and help to assure program accomplishment.

We therefore support the basic requirements of H.R. 11320 that the Secretary of Agriculture periodically develop a National Assessment and a long-range Renewable Resources Program to be transmitted to the Congress by the President with his recommendations. The bill would strengthen present Forest Service planning efforts by providing a stronger statutory base for the development of a long-range forest resource plan, supported by adequate analysis and resource inventories.

We have also enclosed a revision of the bill which incorporates a number of proposed changes. Our revision reflects and remedies two major concerns.

First, we are concerned with those aspects of the bill which would restrict Presidential flexibility and discretion in preparing annual operating plans and attendant budget requests. It is essential that the President retain the flexibility to accommodate changing economic and social conditions and to exercise his judgment in the budgetary process on the appropriate balance among all worthy public programs. The regular appropriations process allows ample opportunities and an orderly process for questioning Presidential fiscal priorities and should continue to be relied upon as the appropriate forum for handling budget questions and issues.

Second, we urge that the scope of the Assessment and Resource Program be limited to "forest and related renewable resources." As now phrased, H.R. 11320 would require the Secretary to assess and present programs for all renewable resources. This broad terminology could lead to an overlap and conflict with renewable resource assessment and program planning efforts performed by other agencies of the Federal government. We would prefer to define the scope of a "Forest and Related Renewable Resources Assessment" as including those matters currently within the purview of the National Forest System, State and Private Forestry, and Forestry Research responsibilities and authorities of the Forest Service.

Our detailed comments and suggestions for amendments are included in the enclosed Supplemental Statement.

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,

CARROLL G. BRUNTHAVER,
Acting Secretary.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 6, 1974.

HON. W. R. POAGE,
*Chairman, Committee on Agriculture,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: On December 10, 1973, we sent you the Department of Agriculture's legislative report on H.R. 11320, the Forest and Rangeland Environmental Management Act. In our report we in-

dicated concerns regarding those aspects of the bill which would restrict Presidential flexibility and discretion in preparing annual operating plans and attendant budget requests. We also urged that the scope of the proposed Assessment and Resource Program be limited to forest and related renewable resources, rather than applying to all renewable resources.

H.R. 11320 as amended by the Subcommittee on Forests and presented to the full Committee has not remedied many of the concerns we outlined. We therefore wish to take this opportunity to reiterate our views to the Committee. In addition to the Subcommittee amendments addressed below, we continue to be particularly concerned that the bill unduly restricts Presidential flexibility and discretion and that it remains too wide in scope. We urge that the Committee consider further the recommendations set forth in our letter of December 10, 1973, on H.R. 11320.

Section 4 of H.R. 11320 provides for preparation and transmittal to Congress of a long-range Renewable Resource Program. The Program would include an inventory of a full range of specific needs and opportunities for forestry investments, identification of program outputs, results, benefits, and costs, and a discussion of priorities for accomplishing the Program goals. As amended by the Subcommittee on Forests, section 4 would require the Secretary of Agriculture to utilize other Federal agencies and soil and water conservation districts in preparing the Program. We believe the intent of the Subcommittee on Forests in so amending section 4 of the bill was to prevent the duplication of Federal efforts and to promote cooperation among Federal agencies and other organizations. We addressed this point in our December 10, 1973, report to you on H.R. 11320, in which we urged that the scope of the Assessment and Resource Program be limited to include those matters currently within the purview of the National Forest System, State and Private Forestry, and Forestry Research responsibilities and authorities of the Forest Service. In our testimony before the Subcommittee on Forests on December 11, we stressed that where other agencies of Government conduct comprehensive surveys of renewable resources, we would use their data and analysis to the extent possible. We would not duplicate their efforts. For example, within this Department we can make use of the soil, water, and related resource data gathered by the Soil Conservation Service pursuant to section 302 of the Rural Development Act of 1972.

Soil and water conservation districts are only one of many organizations which might have a role in preparation of the Assessment and the long-range Program. We therefore urge that this amendment be deleted and that, instead, language be included in the Committee report which fully explains the Committee's intent as to the scope of the Assessment and Program and the scope of cooperative efforts by the Secretary of Agriculture in preparing these documents.

In the bill now before the full Committee, section 9(b) relating to construction of forest roads and trails has been amended to provide that when less than the full amounts authorized for forest roads and trails are requested or when a portion of road funds are impounded, the States and counties shall receive "25 per centum of timber sale receipts, plus the value of purchaser road construction and other required deposits." We strongly oppose this amendment.

First, this provision would serve to restrict Presidential flexibility and discretion in preparing annual operating plans and attendant budget requests in the same manner as the original provision of section 9. We continue to believe it essential that the President retain the flexibility to accommodate changing economic and social conditions and to exercise his judgment in the budgetary process on the appropriate balance among all worthy public programs.

Secondly, the question of payments to States and counties from National Forest receipts is a complex matter. While we believe the current method of sharing National Forest receipts with local governments has worked reasonably well, we acknowledge that there are some shortcomings under the present system. Many counties receive more revenues from National Forest lands than they would receive if these lands were in private ownership. On the other hand, many counties receive less revenues per acre of National Forest lands than they would receive if the lands were taxed for private use. The amendment of the 25 percent fund payments proposed in section 9(b) of H.R. 11320 would not address this fundamental situation, and in our view would further complicate efforts to reduce the differences in payments between various States.

The impact of construction of forest development roads by timber purchasers upon National Forest receipts is but one facet of the total National Forest receipts question. We believe that any effort to change the present system of distributing National Forest receipts to States and countries should take a broader view than that proposed in H.R. 11320.

Section 9(b) as amended would change the source of payments to the States from 25 percent of all monies received, as provided in 16 U.S.C. 500, to 25 percent of "timber sale receipts, plus the value of timber purchaser constructed roads and other required deposits." With this change, many counties could experience a significant decrease in revenue. For example, in our Eastern Region, 47 percent of National Forest receipts in fiscal year 1973 came from sources other than timber such as recreation, grazing, mineral leases, and special uses. In our Rocky Mountain Region, 44 percent of National Forest receipts for fiscal year 1973 were derived from sources other than timber sales.

We are also particularly concerned with the inclusion of "other required deposits" in the base receipts from which revenues to States would be calculated. For example, deposits made for the reforestation or improvement of cut-over areas are expenses associated with harvesting timber that are borne by the timber sale purchaser as part of the cost of doing business. These costs do not represent potential receipts to the Treasury and therefore should not be considered as such for the purposes of determining revenues due the States.

We strongly recommend that the language of section 9(b) relating to the 25 percent fund payments be deleted. However, if the Committee feels this question must be addressed, we recommend that in lieu of section 9(b), the following be substituted:

"The Congress declares that the installation of a proper system of transportation to service the National Forest System, as is provided in Public Law 86-657, the Act of October 13, 1964 (16 U.S.C. 532-

538), shall be carried forward in time to meet anticipated needs on an economical and environmentally sound basis, and the method chosen for financing the construction and maintenance of the transportation system should be such as to enhance local, regional, and national benefits. Within one year following enactment of this Act, the Secretary of Agriculture shall prepare and transmit to the Congress an indepth analysis of the various methods of financing the construction of forest development roads together with his recommendations for financing such roads in the future. The analysis shall display the specified costs, results, and benefits of each method of financing forest development roads including the impact of each financing method upon (a) revenue paid the States and countries from national forest receipts and (b) the forest development road and trail funds as provided in the Act of March 14, 1913 (16 U.S.C. 501)."

Such a study of the methods of financing forest road construction is consistent with the basic thrust of H.R. 11320 to gather and present forestry resource data essential to making appropriate, long-term decisions for forestry and related resource programs. In determining whether or not the 25 percent fund payment procedure should be amended, we believe it is essential that the Congress and the Administration have the benefit of the detailed information and facts that such a study would provide.

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

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

CURRENT AND FIVE 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 not exceed \$2.9 million per year, in accordance with the following estimate.

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., June 21, 1974.

HON. W. R. POAGE,
*Chairman, Committee on Agriculture,
House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: As requested by Committee Counsel, here are the cost and manpower estimates which we anticipate would be required to implement H.R. 15283, the Forest and Related Resources Planning Act of 1974.

	Current year	+1	+2	+3	+4
Man-years.....	0	53	53	53	53
Obligations (in millions).....	0	\$0.7	\$1.7	\$2.3	\$2.9

These figures reflect the additional costs needed to expand the Forest Survey as provided in section 2(b) of H.R. 15283. No new programs would be authorized by the legislation.

Sincerely,

GENE S. BERGOFFEN,
(for R. Max Peterson, Deputy Chief).

The same cost estimate was submitted to the Committee by the Department of Agriculture.

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) :

McSWEENEY-McNARY ACT OF 1928, AS AMENDED

* * * * *

[SEC. 9. The Secretary of Agriculture is authorized and directed, under such plans as he may determine to be fair and equitable, to cooperate with appropriate officials of each State, Territory or possession of the United States, and either through them or directly with private and other agencies, in making and keeping current a comprehensive survey of the present and prospective requirements for timber and other forest products in the United States and its Territories and possessions, and of timber supplies, including a determination of the present and potential productivity of forest land therein, and of such other facts as may be necessary in the determination of ways and means to balance the timber budget of the United States. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed \$1,000,000 annually to complete the initial survey authorized by this section: *Provided*, That the total appropriation of Federal funds under this section to complete the initial survey shall not exceed \$11,000,000. There is additionally authorized to be appropriated not to exceed \$5,000,000 annually to keep the survey current.]

Sec. 9. "The Secretary of Agriculture is hereby authorized and directed to make and keep current a comprehensive survey and analysis of the present and prospective conditions of and requirements for the forest and related resources of the United States, its territories and possessions, and of the supplies of such renewable resources, including a determination of the present and potential productivity of the land, and of such other facts as may be necessary and useful in the determination of ways and means needed to balance the demand for and supply of these renewable resources, benefits and uses in meeting the needs of the people of the United States. The Secretary shall carry out the survey and analysis under such plans as he may determine to be fair and equitable, and cooperate with appropriate officials of each State, territory, or possession of the United States, and either through them or directly with private or other agencies. There is authorized to be appropriated not to exceed \$20,000,000 in any fiscal year to carry out the purposes of this section."

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FOREST AND RANGELAND ENVIRONMENTAL MANAGEMENT ACT OF 1974

FEBRUARY 18, 1974.—Ordered to be printed



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

REPORT

[To accompany S. 2296]

The Committee on Agriculture and Forestry, to which was referred the bill (S. 2296) to provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the environment of certain of the Nation's lands and resources, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

MAJOR PROVISIONS OF THE BILL

The bill would encourage wise and orderly development of the renewable resources of our forest, range, and associated lands. It would—

(1) require the Secretary of Agriculture to prepare a National Renewable Resource Assessment not later than December 31, 1974, and to update it during 1979 and each tenth year thereafter;

(2) expand the resource surveys under 16 U.S.C. 581h to include all renewable resources, and change the appropriation authorization therefor from \$5 million annually to the amount needed;

(3) require the Secretary to prepare a Forest Service Renewable Resource Program not later than December 31, 1974, to cover the five fiscal years beginning July 1, 1975, and at least each of the next four fiscal decades, and to update such Program each five years thereafter to cover at least each of the four fiscal decades beginning after such updating;

(4) require transmission of the Assessment and Program to Congress in 1975 and after each updating, and adoption of policy resolutions by Congress within one year after such transmission (to be modified as necessary at the beginning of each new Congress);

(5) require expenditure of funds appropriated to carry out such policy, except to the extent the Appropriation Act provides for discretion, or events occurring after enactment of the appropriation prevent the accomplishment of its purpose;

(6) require an annual progress report by the Secretary;

(7) require national forest system management to be on a current basis by the year 2000;

(8) encourage the use of appropriated funds for forest road and trail construction by requiring a reduction in construction financed by purchasers of forest products whenever appropriation requests or expenditures are reduced below the amount authorized or provided;

(9) direct the Secretary to consider avoiding use of purchaser road construction authority in a manner that would unduly affect forest revenues and payments to a particular county; and

(10) require Forest Service offices to be located near Forest Service operations.

BACKGROUND

In 1876, the Congress created the Bureau of Forestry, in the Department of Agriculture. This began the era of concern for forests and rangelands and resources. In a period that culminated in 1911, when the Committee reported and the Congress enacted the Weeks Law, the Forest Service was fashioned as the core of Federal multiple-use sustained-yield renewable resource management, research and assistance to private landowners.

On January 10, 1924 in the 68th Congress, Senator Charles McNary of Oregon issued a report on reforestation of public and private lands. The conclusion of that report was that the United States was not practicing the kind of husbandry that would insure an adequate supply of timber for the Nation's growing uses in the years to come.

The Clarke-McNary Act enacted June 7, 1924 (43 Stat. 653) broadened the cooperation in fire control, assistance to landowners and other cooperative ventures. In 1928 the McSweeney-McNary Act (45 Stat. 699) authorized a broad program of investigations, experiments and research in growing, managing and utilizing trees, forest products, forage, wildlife, weather, and water.

In 1933 Senator Royal S. Copeland chaired a comprehensive effort which produced Senate Document 12. This "National Plan for American Forestry" (73d Congress, 1st Session) was presented by the Secretary of Agriculture in response to the leadership of Senator Copeland. In the 74th Congress in response to S. Res. 289, a document called, "The Western Range" (Senate Document 199) was also presented to the Congress.

On March 24, 1941, during the 75th Congress, Senator John Bankhead of Alabama issued another report which called for better management of public and private lands to insure that our woodlands would be a national asset rather than a liability. Significantly, the report indicated Congress had a full appreciation that the several and varied multiple uses of the forests were important to the American people.

The report talked of sustained yield, which Congress dealt with in the Multiple-Use Sustained-Yield Act of 1960. It recommended

incentives for commercial forest production on small private land holdings, which the Committee on Agriculture and Forestry dealt with as part of the Agriculture and Consumer Protection Act of 1973. The report also called for better management of the National Forest System, pointing out the compelling needs for reforestation and the protection of those forest values which the public finds essential.

The debate over conservation goals and the ways to attain them has continued for years. It is not likely to diminish soon. Over the past two decades there have been several efforts to develop a National Conservation Policy. Temporary committees were proposed. The Executive has been active in this regard.

In the 1950's there was Mission 66 for the National Parks, a program for the National Forests, and a public land management plan. All of these were directed toward Federal lands. All of them were followed through with varying levels of action.

It is against this background that the need for this legislation emerges. One of the areas of repeated concern in recent years has revolved around our forests and rangelands. The debate has encompassed both policy in its broadest terms of national direction and goals, and operating procedures and silvicultural practices.

The Committee on Agriculture and Forestry surveyed the general situation in cooperation with many of the concerned public and private groups. The Committee concluded that in terms of the Congressional function to make policy, and for the purposes of improving Executive-Congressional relations, the primary need was to improve the methods by which the Nation secures information on long-range goals and then sets into motion policies and programs which are both flexible and yet sustained over a long period.

The wise and proper management of our Nation's forest and rangeland is of paramount concern to the Committee.

While nearly all of our farm land is privately owned, a sizeable portion of the Nation's forest and rangeland is held by the national government. This places on the Federal establishment a substantial role as a land manager, along with an important function as a catalyst to provide for sensible husbandry of private lands, insofar as this meets the national interest.

However, to reach conclusions about what ought to be done on the Federal lands, we need knowledge about the current and likely private actions. Reaching conclusions on how the public effort can help the private effort requires a comprehensive understanding of the whole picture.

In preparing this legislation, the Committee refrained from attempting to determine in advance what National Policy ought to be. That is not the goal of this legislation.

Instead, a course was charted which is designed to product a National Assessment of the total picture and of specific needs. When the facts of the Assessment are in, a Program will be developed with full public participation, resulting in a common base for subsequent budget requests and action.

The process of fact-finding and goal setting is to be followed up by a detailed process of program evaluation which will determine if the effort being made is accomplishing the mission set forth.

COMMITTEE CONSIDERATION

Questions relating to the condition and use of our renewable resources have increased in number and intensity over the last decade. Each issue has been raised independently and has been put forward with its own body of "facts". The result has been an extended debate over what are the facts, a further extended debate over how one issue relates to others as well as whether the issue raised is a symptom rather than a cause. Time after time the quest has been for a quick and simple solution to the issue in the form it seemed to surface.

One school of thought has been that many "issues" would resolve themselves if only the Federal structure were reorganized. Combining agencies, shifting duties, and moving offices have been recommended as reforms under the theory that form and structure determine substance. The Committee had before it a number of these "issues" ranging from proposals to treat specific resource problems to broader concerns, including organizational issues.

In June, 1973, the Subcommittee on Environment, Soil Conservation and Forestry held public hearings on an Executive proposal to move certain Forest Service offices and to abolish others as well as legislation dealing with issues of National Forest management.

One bill was S. 1775, popularly known as the Timber Supply Act. Because the version before this Congress also dealt with export issues it was referred both to this Committee and to the Committee on Banking, Housing and Urban Affairs. That Committee divided the bill into two parts; one dealing with log exports, which went directly to the Senate Calendar as S. 1033. The other dealt with timber resources and supplies. It came to this Committee as S. 1775.

In addition, the Committee had before it S. 1996, which dealt more broadly with forest land and resources—both public and private.

The immediate crisis provided by the proposed Executive Branch effort to restructure the Forest Service caused not only an in-depth hearing, but also a determination by the Committee that the time had arrived to seek to treat basic causes rather than symptoms.

On July 19, 1973, S.J. Res. 134, which dealt with reorganization of the Forest Service, was reported by the Committee. In addition, on July 11 the Subcommittee on Foreign Agricultural Policy held a hearing on Export Control Policy and on July 30 it issued a report on the issues presented, including log and forest products exports.

However, earlier in the spring, as the Agriculture and Consumer Protection Act of 1973 was under consideration, questions of renewable resource policies on forests and rangelands came up. The Committee included in Title X of that Act the Rural Environmental Conservation Program. It contained a forestry incentives program for small woodland owners. This proposal had originally been introduced by Senator Stennis and had received considerable study.

It was in this period that the Chairman, in consultation with other Members of the Committee, directed that the staff begin to assemble background information and analyze the various issues that had arisen regarding forests and rangelands so that consideration could be given to an appropriate course of action that would have long-term benefits.

Out of this grew the outline for the Forest and Rangeland Environmental Management Act.

A series of concepts were put into legislative draft form. Meetings were held with interested groups which included conservation, industrial and local governmental representatives. On July 31, 1973, S. 2296 was introduced by Senator Humphrey and others. This bill received wide distribution, comment, and reaction.

A further series of informal meetings were held by the Committee staff at the direction of the Committee co-sponsors. In the meantime, the concepts in the bill were receiving generally favorable reaction from other Members of the Senate and the number of co-sponsors was growing.

The refinements that were developed showed that the central idea in the bill had overwhelming support, to wit: The Federal role could be met most effectively by having a comprehensive Assessment of the range and forest land renewable resources which would be the basis for a Program. This Program would be presented by the Executive, reviewed in the Congress with public participation, and used as a guide to the formulation of budgets for a reasonable period ahead.

On November 7, 1973, a further revision was introduced with 25 co-sponsors and the Subcommittee held a public hearing on the bill on November 20, 1973. Following the hearing and further working sessions with interested and concerned groups, the Subcommittee on Environment, Soil Conservation and Forestry reported the bill with amendments to the full Committee in Committee Print form on December 7, 1973.

Over the next two months the Committee had the bill under advisement. On February 6, 1974, it was ordered reported by the full Committee.

During the period, on all the issues, the Committee heard approximately 100 witnesses. Far more statements were filed with it on the various bills and on the issue of organization. The informal working meetings, held by the staff, were composed of a cross-section of groups that have diverse views.

The following list of organizations were represented: the Citizens Committee on Natural Resources, the National Wildlife Federation, the Wildlife Management Institute, the American Forestry Association, the National Association of Counties, the National Parks and Conservation Association, the Association of State Foresters, the Industrial Forestry Association, the Northwest Timber Association, the National Forest Products Association, the American Pulpwood Association, the Western Timber Association, and the American Plywood Association.

The distinguished former Chief of the Forest Service, Dr. Richard E. McArdle (1952-1961), participated as a private individual.

The staff also met at length, on a number of occasions, with representatives of the Sierra Club, the Friends of the Earth, and the Wilderness Society. In addition, an even larger number of interested citizens appeared before the subcommittee and offered formal testimony.

SHORT SECTION-BY-SECTION ANALYSIS

Section 1. *Short Title*. The short title is the "Forest and Rangeland Environmental Management Act of 1974".

Section 2. *Findings*. In this section Congress makes a number of findings concerning the Nation's natural resources and the need for comprehensive inventories and planning Forest Service programs.

Section 3. *Renewable Resource Assessment.* Subsection (a) requires the Secretary of Agriculture "through the Forest Service" to prepare not later than December 31, 1974, a National Resource Assessment dealing with America's renewable resources of the forest, range, and other associated lands, and to update such assessment during 1979 and each tenth year thereafter. The Assessment would cover uses, demands, supplies, programs, and policy.

Subsection (b) amends section 9 of the McSweeney-McNary Act of May 22, 1928, to—

(1) provide for making and keeping current a survey of needs and supplies of renewable resources (rather than only of timber and forest products),

(2) authorize appropriation of such sums as may be necessary for that purpose (rather than \$5 million annually).

Section 4. *Renewable Resource Program.* This section requires the Secretary of Agriculture to prepare a Program for protection, management, and development of the National Forest System. This Program will also include cooperative programs on non-Federal lands and for research. The Program would initially be prepared by December 31, 1974, and would cover the five fiscal year periods beginning July 1, 1975, and at least each of the next four fiscal decades. It would be updated each five years to cover at least each of the four fiscal decades following the updating.

Section 5. *National Forest System Resource Inventories.* This section requires the Secretary, as part of the Assessment, to maintain a continuing inventory of national forest lands and renewable resources.

Section 6. *National Forest System Resource Planning.* This section requires the Secretary as a part of the Program provided for by section 4 to develop and maintain land and resource use plans for National Forest System units. Such plans are to be coordinated with the land use planning processes of state and local governments and other Federal agencies.

Section 7. *Cooperation in Resource Planning.* This section provides for making the Assessment, resource surveys, and Program prepared under the Act available to states and other organizations in planning for renewable resources on non-Federal land.

Section 8. *National Participation.* Subsection (a) provides for the use of hearings, meetings, advisory groups, and other participatory mechanisms in developing the Assessment, Program, inventories, and planning.

Subsection (b) provides for transmission of the Assessment and Program on the first day of Congress in 1975 and following each updating thereafter.

Subsection (c) provides for hearings and, within one year after submission of the Assessment and Program, the adoption of a resolution by Congress setting policy to guide the President in framing Forest Service and related agencies' budgets for the five or ten year Program period beginning in such Congress.

Subsection (d) provides for review of such Congressional policy by each new Congress within ninety days after convening for the purpose of guiding the President with respect to budgets transmitted during the two fiscal years beginning thereafter.

Subsection (e) provides that each budget, beginning with that for fiscal 1976, shall state the extent to which it meets the Congressional policy and the reasons for recommending any course which fails to meet such policy. Any amount appropriated for purposes covered by the Congressional policy resolution would be required to be expended and could be impounded only if the Appropriation Act gives such discretion or if the President finds that because of events occurring after enactment of the Appropriation Act such expenditure would fail to accomplish its purpose.

Subsections (f) and (g) require the Secretary to file an annual report evaluating progress in implementing the Program and measuring costs and benefits.

Subsection (h) requires the reports to indicate plans for corrective action and legislative recommendations.

Subsection (i) requires the reports to be in concise summary form with detailed appendices.

Section 9. *National Forest System Program.* Subsection (a) requires the Secretary to develop and administer the renewable resources of the National Forest System in full accord with the Multiple Use Sustained Yield Act of 1960.

Subsection (a) further requires that by the year 2000 renewable resource restoration and intensive management in the National Forest System should be on a current basis, with backlogs eliminated.

Subsection (b) provides that if for any fiscal year the budget request for forest development roads and trails (including the ten percent of forest receipts available under 16 U.S.C. 501) is less than the amount authorized therefor, or if any portion of the appropriation for that purpose is impounded, the amount of construction financed by forest product purchasers under 16 U.S.C. 535(2) would have to be reduced below the preceding fiscal year by an equal amount. The purpose of this provision is to encourage the use of appropriated funds for this work, and to discourage the practice of asking for inadequate appropriations with the idea of relying on purchasers for road construction. The term "impounding" is defined.

This subsection further provides that in applying the authority for purchaser road construction, consideration is to be given to avoiding an undue effect on any particular county's share of forest receipts. Purchaser road construction results in lowering the gross forest receipts which are used in measuring payments to counties under 16 U.S.C. 500 and 501. Timber sales which include road construction via revenue reduction can be made without limit unless proscribed by failure to use appropriated funds. It is not the intent of the Committee to limit the option to use timber purchaser construction when the required level of appropriated funds has been allocated as provided above.

Section 10. *National Forest System Defined. Organization.* Subsection (a) defines National Forest System to include all lands, waters, or interests therein administered by the Forest Service.

Subsection (b) requires Forest Service field, field supervisory, and regional offices to be so situated as best to serve the public, giving priority to location in rural areas and towns near national forest and Forest Service program locations in accordance with section 901(b) of the Agricultural Act of 1970.

SECTION-BY-SECTION EXPLANATION AND JUSTIFICATION

Section 1.—The title of the legislation is the “Forest and Rangeland Environmental Management Act of 1974.”

The United States consists of approximately 2.3 billion acres, of which 1.4 billion acres is natural forest land or natural rangeland. Another 420 million acres are in improved pasture or cropland and the balance is in other types of land.

This legislation addresses the issues and opportunities on forest and rangeland. It is designed to secure an assessment of the resources on the ecosystems of these lands, but would exclude lands used for such purposes as orchard, crop, improved pasture, agriculture generally and industrial site, transportation, and urban use.

Section 2.—Eleven findings are made which set forth the need for this legislation:

The air, water, soil, plants and animals are cited as finite and renewable resources.

The air is affected and renewed by the living processes of plants and animals.

The soil is the thin mantle of modified organic and inorganic material that covers the earth at a depth of from a few inches to several feet. The interactions of plants and animals renew the life-giving organic components which make the soil a renewable resource.

The water is cycled and recycled by atmospheric and subterranean processes which determine its availability and viability in the life giving processes.

These are the great inter-related processors of our environment which combine and interact to maintain life by sustaining each other in a total environment.

In contrast, the mineral resources and subsurface parent soil are not considered to be renewable within the time frame which this legislation contemplates, although there are certain major mineral deposits and soils which are capable of renewal in the longer geological frame of time.

The conservation of the environment is, therefore, declared to be essential for the achievement of an ecologically healthy and economically functioning resource base.

The fourth and fifth findings take note of the rich national endowment of forests and rangelands which, by their very nature, produce, or are capable of producing—multiple renewable resources, products and benefits.

Manmade decisions have a most significant impact on the nature of the products and benefits that will be secured from forest and range land. For example:

Decisions made by man determine whether forested lands will be allocated to recreational parks, with roads and campgrounds; as scenic backdrop for a mountain vista to be preserved; as carefully guarded stands of trees protecting streams where water temperature is the key to promotion of a fishery; or as forested wilderness, which is a community of life untrammelled by man,

where man may be a visitor who does not remain—an area that retains its primeval character and influence without permanent improvements or human habitation.

On the other hand, there may be areas of a forest where there is continual activity by man engaged in commercial ventures; where roads are built for long-term timber management; the trees are cut for such products as lumber, pulp and plywood; new crops of trees are encouraged by the silvicultural practices that are followed; where the trees are planted as seed or seedlings; and where the growing forest is thinned, pruned and protected from damage caused by the activities of man and natural forces.

In the main, however, forest or range will not provide simply one or two uses, but instead will be a multiple use resource, with a continual flow of benefits as the result of careful planning.

The sixth through eleventh findings indicate the central and pivotal national role of the Forest Service in the United States Department of Agriculture in securing these benefits from forests and rangelands.

The Forest Service serves both the public and private sectors in a wide variety of ways:

It develops facts on the condition and trends of the Nation's forests and rangelands. It performs essential research, and disseminates the knowledge produced. It conducts a wide range of cooperative programs with the States and private landowners to promote the wisest protection and management of resources. Finally it administers the National Forest system, which is the only comprehensive national system of Federal resource lands.

The Multiple-Use Sustained-Yield Act of 1960 gave the Forest Service the widest and most comprehensive charter, for management of the 187,000,000 acres it administers, that any Federal agency possesses.

The National Forest System provides:

recreational opportunities of varying types greater than those of the National Park System;

comprehensive opportunities for fish and wildlife activities which are broader than the Fish and Wildlife Refuges;

lands which contain the backbone of the major mountain water source systems. These water source protection lands range from those which provide water to major metropolitan areas, such as Los Angeles, to vital watersheds in the Southern Piedmont and Appalachian Mountain chain;

lands which play a significant role in the economies of the livestock and timber industries.

It is important to note, however, that in terms of inherent potential productivity of forage and timber, the lands in the system rate only average. But they are admirably situated, and, in general, they are in a condition that enables them to demonstrate the several kinds of benefits and uses that can be obtained from all range and forest lands under prudent management.

Section 3.—The Renewable Resource Assessment:

The Assessment called for in this legislation is the essential fact-finding tool upon which future national policy will be built. It will be made ordinarily at the end of each decade. However, the *first* Assessment will be made in the middle of this decade.

The Assessment will be comprehensive.

It will cover all of the renewable resources associated with the forest and rangelands.

It is designed to give a long-term perspective for planning and for programs, since it will cover all resources, in order to obtain a total national focus.

It is not the purpose of this legislation to lodge solely in the Forest Service new authorities it does not now possess, and which are possessed by other agencies. It is expected that the lead role for assuring that the Assessment is properly and completely made in a timely fashion will rest with the Secretary of Agriculture, acting through the Forest Service, and that there will be good cooperation with other agencies—both public and private—to insure that the Assessment will be of maximum usefulness to all who would be expected to use it.

The Assessment is not a commitment to do specific things. It is an analysis of the present situation, of how things came to be as they are, and what the outlook may be as to where the present course will take the nation. Beyond that, it will display the opportunities for the future, and what measures will be required to realize these opportunities.

The Senate Committee on Agriculture and Forestry does not expect the first Assessment, due December 31, 1974, to be as fully complete and comprehensive as subsequent Assessments will be. An early date for submission for the first Assessment was established to draw attention to the sense of urgency that the Committee attaches to a new and vigorous approach to meeting challenges that have been avoided for too long. However, the Committee fully expects that the Assessment for the 1980's will benefit from the first effort so as to be more comprehensive and complete.

One of the most important elements of the Assessment will be the effectiveness with which it displays the totality of forest and rangeland, and the dispersion of resources by public and private ownerships and geographic regions. The full exposition of the interrelationships between these resources will also be essential.

The amendment of the McSweeney-McNary Act makes it clear that the authority exists for the Secretary to secure all of the renewable resource information needed—either directly or through cooperation with others—and to secure the funds needed to this end.

Again, it is not expected that the Secretary will take over existing functions of other agencies, but that a high level of inter-agency cooperation will exist in order to develop the pertinent data.

Section 4.—The Renewable Resource Program :

The directives in this legislation go to the Forest Service. The lands managed by the States and local governments, as well as by private individuals and other Federal agencies are governed by whatever authorities currently exist for them.

The design of the Program will require that for the three elements of Forest Service activity (National Forest System, Cooperative Programs and Research) there will be a detailed Program year-by-year for the next five-year period. There will be a more generalized Pro-

gram for the subsequent five years, and a much less detailed set of Programs for each of the following four decades.

Projections can be taken on into additional decades if this will help to show why the planned level of activity must begin at a certain time to realize a future goal.

For example, some forest ecosystems have a planning horizon of two or three times longer than 50 years. Defining current objectives may require displaying various situations for different time frames.

The Renewable Resource Program directed under this section is to consist of the Program recommended to the Congress, with the supporting reasons. However, one or more alternatives also may be set forth separately as an addendum to the recommended Program. These alternatives may be for parts of a program or consist of an alternative Program. The Act does not require submission of an alternative Program or parts thereof, but does not foreclose this.

Forest Service programs cannot be constructed in a vacuum. The Assessment will give a comprehensive picture of the sum of public and private activities and expectations, thus encouraging a comprehensive and integrated Federal approach at the very least. Programs of research will meet gaps in theoretical and applied knowledge on a timely basis. Cooperative programs will provide the type of timely assistance that will assist voluntary efforts of others.

In all aspects, the Program will have to conform to requirements of pertinent law. It is of national importance that the National Forest System be operated in full accord with the concepts set forth in various existing laws, such as the Multiple-Use Sustained-Yield Act of 1960 and the National Environmental Policy Act of 1969.

This legislation does not intend to change these fundamental propositions. It does not contain an authorization to accelerate or reduce the cutting of timber. It does not place any one use over another in terms of priorities. It fully continues the requirement that due consideration shall be given to the relative values and the various resources.

The Program is to cover both funding for current operations as well as investments, and the latter are expressed for good and obvious reasons. The record has shown that this has been the greatest lag in meeting investment opportunities and obligations. This has perhaps occurred because the realization of these benefits will occur in the *future*, and the avoidance of expenditure *today* always has considerable appeal.

A key feature of this legislation is that it attempts to prevent short-sighted current actions which will short-change future generations. The use of the terms "total related benefits" and "direct and indirect returns" signifies that the broadest set of standards will be applied to Assessment and Program construction, rather than some sort of narrow profit and loss statement.

The bill provides that the Program shall include, but not be limited to "(1) An inventory of a full range of specific needs and opportunities for both public and private program investments."

As to the 750 million acres of forest and 600 million acres of range land, a total national program concept is to be recommended to Congress. Obviously, the Act does not provide that the submission of a Program authorizes new public investments in private lands or private investments in public lands. The Program can recommend what the private sector ought to do in the areas under its direct management,

what the public sector ought to do to aid private efforts. The Program can display how the private sector may wish to suggest investments it may propose in public lands and resources. The Committee does not express a view on the desirability of such an approach. It would keep an open mind in assessing any new concept that may be put forward.

Also Section 4(2) calls for "Specific identification of Program outputs, results anticipated, and benefits associated with investments" so that costs can be compared to related benefits and direct and indirect returns to the Federal Government. This discussion will help focus on what the Federal level of activity ought to be and the reasons therefor."

Section 4(3) provides for "a discussion of priorities for accomplishment of inventoried program needs." In estimating the proposed public effort it would be appropriate to signify the degree of certainty that the private sector will proceed with its programs on private lands.

Section 5.—National Forest Resource Inventories:

With new systems of information retrieval it is increasingly possible, and necessary, to maintain on a continuing basis, comprehensive and detailed inventories of all of the National Forest System lands and renewable resources. This data must be kept current and identify new and emerging resources and values. This section directs that this be done. It will assist in making certain that the benefits envisioned will be recognized and that oncoming problems will be quickly sensed.

The display of inter-related data, rather than the present procedure of treating each resource or use as somehow independent, will do much to assure that professional and public understanding of goals can move the total Federal effort ahead more harmoniously.

Section 6.—National Forest System Resource Planning:

The plans referred to in this Section are the basis for the Program called for in Section 4 as it relates to the National Forest System. This section sets forth that planning in the National Forest System lands will be developed and maintained and revised as appropriate. It does not provide authority in the Forest Service to institute planning on non-Federal land.

However, National Forest System plans are to be coordinated with the land use planning processes of state, local and other Federal agencies to the extent that they have such plans. This will prevent overlap and wasteful duplication. It will give the states a greater opportunity to be aware of the land use planning process within the National Forest System, and it will insure more effective coordination with this planning. Land use planning within the National Forest System is already authorized, and is being carried out under the provisions of the Multiple-Use Sustained-Yield Act of 1960. It is desirable that plans on the lands within the System give major consideration to their impact on plans developed by state or local governments. For example: the Forest Service road network has impacts on the State and local roads systems.

The further requirement that such plans shall use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic and other sciences, is designed to assure that a balanced, comprehensive methodology will be employed.

Section 7.—Cooperation in Resource Planning:

This section requires that the Assessments, resource surveys and Programs prepared under this legislation will be made available to States and other organizations for their planning on the protection, use and management of renewable resources on the non-Federal lands they have as their responsibility. It does not authorize Federal planning on non-Federal lands.

The Committee expects that there will be a high order of Federal inter-agency cooperation and information sharing.

This section is designed to foster a spirit of full participation and mutual leadership on the part of the much larger, and often more significant, non-Federal landowner group in the process of planning the protection, and management of the renewable resources under their charge.

The Committee takes note that 69 percent of the 1.2 billion acres of forest-range ecosystems in the contiguous 48 states are in the hands of non-Federal owners. Federal lands, including the National Forest System lands, do not possess unusual qualities of productivity which suggest that they can be relied on to provide a share of the output of any economic resource that is disproportionate to their share of the total ecosystem. Nevertheless, more intensive multiple use management is clearly necessary on the major portion of the System lands not legally placed in the Wilderness System or where other factors mitigate against intensive management. Thus the actual productivity may be brought up to the System's proportionate productivity potential as designated in the Program with full consideration of proper constraints.

Further, it is recognized that the American people look to the National Forest System to provide major opportunities for outdoor recreation and Wilderness, as well as wildlife and watershed protection. In line with this the Congress has already directed that these expectations be considered in planning programs on Federal lands.

Section 8.—National Participation:

Subsection (a) of Section 8 provides that the Secretary is to provide through regulation for the use of hearings, meetings, advisory groups and other participatory mechanism, for the development of the Assessment, Program, resource inventories and planning provided for in the legislation.

The public is rightly seeking a greater voice and participation in the decisions which go into government policy making. Therefore, the Committee has provided that the regulation process will be used to inform the public of the systems of public participation.

However, other appropriate systems of communication may also be used for the public to express itself in a comprehensive way. The Committee desires that the public know that it is truly being consulted on policy issues, and that the public input is making a difference in the Program put forth. This process should help to limit procedural controversies and improve subsequent discussions of substantive issues.

Subsection (b) of Section 8 provides for the transmission of the Assessment and Program on the first day of Congress in 1975 and, following each updating as set forth in Sections 3 and 4 of the legislation.

Subsection (c) provides for Congressional hearings and, within one year after submission of the Assessment and the Program, the adoption of a resolution by Congress which sets policy to guide the President in framing budgets of the Forest Service and related agencies for the five or ten year Program period beginning in each Congress.

The intention is that the Assessment will look far enough into the future to give a responsible presentation of the long and short term outlook.

The Congress and the Executive will use the Assessment for a 10-year period, subject to possible modification, as is provided for in Subsection (d), based on new facts or significant changes.

The Program is to be set forth in detail for a five year period, year-by-year. For the second period and ensuing periods, it will not be in such annual detail, but it will show the overall effort planned for these periods. For each of the succeeding four decades, it will be in broad, yet reasonably measurable terms, so as to set goals and directions.

The Department of Agriculture recommended a change in language so that the President would only have to "consider" the Program in framing budgets, rather than using it as a "guide." The argument is made that the term "guide" restricts the flexibility of the President.

This it certainly does not do.

What the legislation does is make it clear that this Program is a "guide"; thus it is one of several possibilities. The President takes into account fiscal issues, the national defense and general welfare as other "guides" in formulating overall budget policy. He is required under this language simply to consider the Program as the guide in setting resource conservation criteria.

Subsection (e) of Section 8 requires that in the event that the President does not submit to Congress a budget that accomplishes the policy, he is to set forth the reason or reasons he has not done so. This is a clear recognition of the flexibility provided to the President, and it insures that the President's position on the environmental resource budgets involved are clearly stated.

This will require that the "trade-offs" be clearly outlined and thus it is fully consistent with the other language included in the bill inserted at the request of the Department that requires the Program in Section 4 to show "program outputs, results anticipated, and benefits associated with investments in such a manner that the anticipated costs can be directly compared with the total related benefits and direct and indirect returns to the Federal Government." Since the Department was anxious to have these detailed requirements in the formulation of the Program that the Congress will have before it to set policy, it is the view of the Committee that this same concept should follow through in the presentation of the budget. The budget like the Program therefore will require that the Executive "show and tell", in order that in each step of the process the best and most enlightened decisions can be made with all the facts before the Congress that were used by the Executive. The result will promote sound budgeting from start to finish.

Subsections (f) through (i) tie the package together, providing the Congress with information which evaluates in a detailed manner the

stewardship of the Forest Service over the Program, given current budget and manpower levels.

In other words, the legislation provides for an Assessment of the situation and needs, followed by goal-setting, through the Program which is then all tied together by detailed evaluation of how the Program is being carried out.

The language of these subsections was prepared with the cooperation of the Systems Analysis Division of the General Accounting Office. It is expected that at appropriate times the General Accounting Office will assist the Committee in the evaluation process as a means of providing true oversight.

The evaluation principle is essential. Currently the Annual Report of the Chief of the Forest Service reveals very little on performance (however, this is often true of similar reports from other agencies). Further, these reports are usually issued at a time so far after the close of the fiscal year that they are of little value for budget planning purposes.

For example, the last such report was issued on April 3, 1972, and it covered two preceding fiscal years (1970 and 1971). Therefore when the budgets for fiscal years 1973, 1974, and 1975 were presented to the Congress, the public and the Congress were without a report from the Chief of the Forest Service for even the most recent year. Also the reports are not analytical and do not indicate program effectiveness except in general terms.

Subsection (g) details types of things that shall be set forth but does not act to limit the scope of useful evaluations.

Subsection (h) requires that the report set forth plans for corrective action where there are shortcomings and where recommendations for new legislation where warranted.

Subsection (i) deals with the structuring of material in the body of the report and its appendices. The Annual Report now consists of a limited writeup and tables. These are of low utility and interest because, among other things, (1) they fail to reveal facts essential to meeting management objectives; (2) they do not focus on issues and; (3) they are late in being issued.

Examples of shortcomings in the last Forest Service Report are:

1. Lands Administered. These data do not reveal private inholdings and whether they impede or aid management; they do not reveal acquisition or disposal goals in terms of adjusting the pattern of land ownership via exchange or purchase; and they do not readily show the net change in ownership and the reasons therefore despite the substantial programs and authority that exists in land management.

2. Receipts and expenditures. These data are most abbreviated and do not meet any standard of fiscal explanation.

3. Recreation. There are 3 tables displayed here which give only minimal facts on which to gauge the effectiveness of recreation programs. The Use figure lists everything from camping, and gathering forest products to travel and winter sports. However, none of these is presented in a way that gives a measure of the strain on or the need for certain types of facilities and activities.

4. Big game harvest. This table lists the legal harvest of selected big game species. It gives no clue on the condition of the game habitat and totally ignores the fish, bird, and small game harvest. Even more significant there is an absolute void of analysis and data on wildlife

population trends. The table on wildlife habitat improvement is so abbreviated as to give no idea of improvements in relation to need and their geographical pattern.

5. Grazing. The Chief's report gives one column to this vital area and no discussion of national forest and grassland grazing issues. The one abbreviated table shows a few national statistics on numbers of livestock grazed, numbers of permits and an unsubstantiated figure on livestock losses.

6. Timber is treated with a very limited discussion followed by tables on number, volume and value of timber sold, volume and value cut, acres given stand improvement and planting. Considering the substantial significance of both forest resource management and timber harvesting on the national forests, the treatment is totally deficient.

7. Roads and trails. This major investment program is given only the most cursory highlight and tabular treatment.

8. State and private forestry. This topic is treated more substantially than are key elements of the management of the National Forest System. However, the text and tables are not readily relatable and do not give a perspective to this important function.

9. Research. A topical approach is used without an effective overview and there is no tabular material on either funding or programs to provide a basis for judgments.

It is expected that under this legislation the Annual Report would not only be issued on a more timely basis but also would be a more useful document.

Section 9.—National Forest System Program Elements:

The 187,000,000 acres of forest and rangeland embraced in this National estate is a vital national asset. There has been a wide ranging debate over how these lands should be managed, whether management systems and practices are properly and effectively applied, and whether necessary priorities are being observed.

In this legislation, the Committee has made every effort to include concepts that are broad in character and which are designed to bring before the public and the Congress factual data on which to base future decisions.

The reforms are in method and procedure, preserving professional management flexibility to promote proper action by those charged with carrying out programs. This section sets forth broad guides in two areas.

Subsection (a) states that in full accord with the concepts for multiple use and sustained yield of products and services as set forth in the Multiple-Use Sustained-Yield Act of 1960, the Secretary shall take such action as will assure the development and administration of the renewable resources of the National Forest System. The term "development" is used in its broadest context. In cases where no activity achieves an authorized use, the proper level of "development" would be attained. At the same time, where intensive interrelated activities are required on a regular and comprehensive basis such a course would be charted.

Wise management is based upon facts and takes into account emerging, tested knowledge. Since we are constantly learning it would hardly be productive to try to cast into legislative fiat prescriptions for management.

Subsection (a) enunciates as policy the goal that by the year 2000 the renewable resources of the National Forest System will be in an operating posture whereby all backlogs of needed treatment for their restoration shall be reduced to a current basis. The purpose of this general instruction is to provide a target for planning that will assure scheduled attention for the millions of acres in the National Forest System that will benefit from such things as forest stand improvement, reforestation, recreational facility modernization and improvement. The second requirement is that by the year 2000 the major portion of planned intensive management procedure shall be installed and operating on an environmentally sound basis.

The intensive management procedures contemplated are actions that stimulate a high yield of the various resources on a balanced basis. Examples are: forest growth stimulating techniques; range management systems that encourage the timely growth of browse species; fish and wildlife habitat conditions that promote a healthy population of various species; and recreational provisions that assure constructive public use. These are the concepts well established by the Multiple-Use Sustained - Yield Act of 1960.

This two-part instruction aims to: (1) wipe out the backlog of now lagging work so that the entire National Forest System will have the plant, animal, soil, water and air output that is ecologically sound; and (2) assure that at least half of the recognized intensive management procedures for optimum realization of future outputs will be installed and operating.

While the target year has been set, the Act does not set precise goals—quantitative and qualitative. These would be recommended in the sections of the Act which provide for the Assessment and the Program. As to action to eliminate backlogs, the Act will set three bases for reduction or termination of effort: (1) elimination of the backlog; (2) a showing that the cost to treat the balance exceeds the economic and environmental benefits; or (3) total supplies of the renewable resource of the United States are projected as adequate to meet the future needs of the American people.

These tests will act both as a spur to proper action on a timely basis and as a brake against needless actions which possess insufficient economic and environmental benefits to justify the expenditure of funds.

It is intended that the total national situation will be used in testing and suggesting the required effort in the National Forest. It is proper, if, for example, private efforts will not raise forest restoration efforts to needed levels, for the Forest Service to seek to close the gap by growing as much timber as can be properly grown. However, it is not the intent of this Act to propose that harvest levels on the National Forest System should exceed the ability of the National Forest lands to grow timber, backed up by the action needed to grow it. Rather, the National Forest System is viewed as an entity which will make its proper national contribution if managed as an entity. Its reserves of standing timber are not a pool to be tapped because timber in other ownerships has been liquidated without regard to the sustained yield capacities of that land, or to satisfy domestic and export demands that, if met now, will exacerbate future supply problems. These are not actions consistent with the 1960 Multiple-Use Sustained-Yield Act.

Subsection (b) Forest Roads and Trails, deals with the transportation system to service the National Forest System. The Congress declares that its installation shall be carried forward in time to meet anticipated needs on an economically and environmentally sound basis and that the choice of financing methods will enhance local, regional, and national benefits.

There are two basic means for financing needed forest road construction:

(1) *Direct appropriations*

Under 16 U.S.C. 501, 10 percent of Forest Service receipts is allocated to road construction, currently about \$40 million yearly. The biennial Highway Act sets an authorization for Forest Development Roads and Trails. In fiscal years 1972-74 it was \$170 million a year. For fiscal year 1975, and fiscal year 1976 it is \$140 million a year.

The combined amounts would have permitted an appropriated fund program of \$193 million in fiscal year 1972, \$203 million in fiscal year 1973, \$211 million in fiscal year 1974 and \$180 million in 1975.

In the period fiscal years 1973-75 the unfunded backlog of authorizations has risen from \$327 million to \$503 million due to failure to use authorizations.

(2) *Backdoor spending*

Authority also exists in the Act of October 13, 1974, to reduce the appraised price of timber by the "estimated" cost of the roads needed to remove that timber. This is not subject to budgetary control. The level of revenue reduction in fiscal year 1972 was \$100 million, rose to \$135 million in 1973, jumped to \$173 million in fiscal year 1974 and is proposed at \$187 million in fiscal year 1975.

For the National Forest System roads are constructed by three methods:

(1) a few roads are built by Forest Service employees using appropriated funds;

(2) some are built under contracts let by competitive bid to private road construction firms using appropriated funds; and

(3) many are built by timber purchasers (who may do it directly or sub-contract the job) being "reimbursed" by a reduction in the price paid for timber in a sale by the "estimated" cost of the road (including an allowance for profit and risk).

These three basic methods were provided for in the Act of October 13, 1964 (16 U.S.C. 532-538).

Each method has its advantages and disadvantages. Each method has a reasonable role. In each of the recent Congresses the report of the biennial Highway Act has urged the Executive to make full use of the authorization to build roads with appropriated funds and to de-emphasize dependence of securing roads under timber contracts thus, among other things, reducing timber sale revenues. The key reform in this section is to provide that in the budgetary process the entire road program will be considered as an entity.

There is no restriction in the bill on the flexibility, now in law, on the use of the authorizations, either as to allocation to road and trail construction, reconstruction, maintenance, engineering or supplementing timber purchaser construction.

However, should the Executive elect not to request the current authorization, or should it impound the amount thereof appropriated, the same reduction shall apply to the back-door spending authority, which has adverse effects on national forest revenues, payments to counties from revenues and other elements of the road program.

The back-door spending authority is unique. It permits the Forest Service to reduce the appraised asking price for timber by the estimated cost of securing the permanent road needed to harvest the timber on that sale in order that the timber purchaser perform that task.

In fiscal year 1972 the Forest Service had a total road and trail program of \$271 million of which \$171 million was supported by appropriations and \$100 million was supported by revenue reduction. In the process, \$21 million of appropriated funds were allocated to support the engineering and supplemental financing of the revenue reduction system.

In fiscal year 1974 the Service has a \$303 million total program of which \$130 million was supported by appropriated funds and \$173 million by revenue reduction. Further, the support cost for the revenue reduction method for engineering and supplemental construction had risen to \$79 million. Even more significantly, in 1972, out of the \$171 million in appropriated funds, \$111 million was allocated for road and trail construction and reconstruction.

In 1974 the lesser \$130 million program had been so tilted that a mere \$8 million of the appropriated funds is allocated to road construction; there is no trail construction or reconstruction and the only road construction is associated with timber production.

The proposed 1975 budget further exacerbates the problem. Out of the \$146 million request for appropriate funds, only \$8 million will be used for construction, but \$90 million will be used to supplement and engineer timber purchaser roads. The revenue reduction backdoor spending component, which is not visible in the budget, is projected for 1975 to climb to a record \$187 million. It will likely be even higher since the 1974 estimate of \$142 million now is projected to be a \$173 million revenue loss.

One result is a "revenue taking" from counties. This taking, which was \$25 million in 1972, will reach possibly \$50 million in 1975. In the meantime over \$30 million of current authorization will languish unused. The total unfunded contract authority for roads and trails, which was \$327 million in 1973, will have risen to \$503 million. Within three years, program flexibility has been eliminated.

This is the *only* Forest Service program where the agency has the authority to "appropriate" revenue without any Congressional control or any standard spelled out in law as to when and how this may be done.

For example, under the Knutsen-Vandenberg Act (16 U.S.C. 576 (b)), reforestation and stand improvement work is authorized out of revenue on lands cut over in a timber sale. There is a limitation that the fund collected may not exceed costs for the contemplated work when compared to costs on comparable national forest lands during the previous three years.

The payments, which act to reduce revenues from the sale of timber, must be deposited with the Forest Service, maintained in a spe-

cial account, spent only on those lands. These payments are spent either directly by the Service or under contract to firms who bid to do reforestation or stand improvement work.

However, when timber purchasers are granted a reduced price to construct a road under a timber sale contract, the amount of reduction is based on the "estimated cost" for a road that may not have yet been designed (in fact the purchaser may subsequently design it under a design allowance in the timber contract), there is no "special account" created into which funds are placed, and thus no accountability on the part of either the Forest Service or the timber purchaser.

Since the allowance may cover both temporary roads and permanent roads, it is impossible to tell what was actually done under the "allowance." In fact, since the whole procedure is based upon the use of the "estimated cost", rather than a bid price to construct roads, the timber purchaser may incur a loss if his actual cost exceeds the Forest Service estimate or he may secure a windfall if his actual cost is less than the "estimated cost."

The Secretary has adequate rulemaking authority already to revise procedures. The reform that is proposed in this legislation goes to the broader policy issue; the unwillingness of the Executive to voluntarily follow the request by the Congress that greater use be made of appropriated funds under the Highway Act and 16 U.S.C. 501 authorizations to secure roads that will become a part of the permanent National Forest Transportation System.

There is another impact of the failure to use authorizations and reliance on revenue reductions. The allocation of appropriated funds to timber purchasers to supplement the cost of road construction and for engineering, surveys, plans and supervision of timber purchaser work jumped from \$21 million in 1972 to \$90 million in 1975.¹

In the past three years, there have been growing demands upon the National Forests to provide more of every one of the multiple uses and resources and insistent demands that there be better forest management and that timber be better offered for sale. Despite all of these facts, the appropriated funds available to construct permanent roads has declined from \$100 million to virtually nothing; the dependence on timber purchaser construction has almost doubled and constitutes the entire road program. In addition, the resultant revenue reductions, which in 1972 had an adverse impact on the counties of \$25 million, will jump to about \$50 million in 1975.

The Committee recognizes that where roads are intended only for that timber sale and are not to become a part of the permanent road network that timber purchaser construction may be a mutually beneficial way to proceed.

¹ 16 U.S.C. 535 states:

"That where roads of a higher standard than that needed in the harvesting and removal of the timber and other products covered by the particular sale are to be constructed, the purchaser of the national forest timber and other products shall not be required to bear that part of the costs necessary to meet such higher standard, and the Secretary is authorized to make such arrangements to this end as may be appropriate." Pub. L. 88-657, Sec. 4, Oct. 13, 1964, 78 Stat. 1089.

This language prevents the Forest Service from requiring that a timber purchaser construct a road on a timber sale at either the standard needed to harvest timber in the entire drainage based upon its allowable cut or to require a road at multiple use standards, even if the Service reduces the price of the timber by an amount sufficient to cover the "estimated" cost of the higher standard road. Thus, the only way the Service can get a permanent road at the standard needed for permanent management to meet future needs when a timber purchaser is constructing the road is to supplement his allowance for the timber sale road with appropriated funds if he is willing to so cooperate.

There are also instances where a permanent road can be constructed by the purchaser under a timber sale contract, especially where the road needed would be at the standard that a prudent businessman could use in that instance. The timber purchaser should neither be expected nor forced to be a major road contractor, but rather the terms and conditions of the sale should be those which enable him to promptly cut and remove the timber thereon.

The record shows that the Executive has often failed to use the authorized levels of road funds and has substituted heavy reliance on a method that has several inherent shortcomings.

Rather than incorporate an outright curb on the use of timber purchaser construction and revenue reduction, the Committee has selected a middle course which imposes no limit on revenue reduction method of securing road construction if the budget request is for the amounts authorized as described in this subsection and whatever amount is appropriated is not subsequently impounded.

Therefore, had this subsection been in effect during this period, the Service would have been able to carry out about the same total construction program at no greater cost.

The language of the Act will maintain the essential need for flexibility but changes the order—regular authorized funding will become the first priority, and revenue reduction and back-door uncontrolled spending will become the second priority—but need not be diminished.

The Forest Service estimates that it needs a total transportation network of 338,000 miles to carry out effectively multiple-use, sustained-yield management. The present network is only 198,000 miles—less than 60 percent of need. In addition, 144,000 miles or over 70 percent of the existing network is in need of reconstruction.

Even if the Assessment shows that there is a substantial error in the current estimate, it can be seen that a very substantial backlog exists, and the currently misaligned priorities in funding are counter-productive.

The Committee has also included language at the end of this subsection which is designed to further assist the counties by requiring the Secretary to give due consideration to actions which may unduly impair the revenues that counties receive in determining where to use which fund source.

The purpose of this language is to promote a reasonable allocation of methods of securing construction of roads so that a few counties do not have their already low level of payments of revenues reduced or diminished by undue reliance on timber purchaser construction contracts in their local forest while another national forest, with more substantial payments to its counties, receives substantial assistance in road construction via appropriated funds. For example, the reliance on timber purchaser, revenue reduction construction in a county that receives a payment in lieu of taxes from the national forests of \$9.00 per acre is far less than it is on one whose payments are 50 cents or only 15 cents per acre.

Section 10.—National Forest System Defined:

Subsection (a) places in law the definition of the lands that are considered to be a part of the system and incorporates the term

"National Forest System" into law. The lands in the national forests are of diverse origins; some are original public domain, others were purchased under laws, or secured by donation or exchange or other means. It is the purpose of this subsection to state that all lands administered by the Forest Service are, in fact, part of a National Forest System.

Subsection (b) provides that field offices, such as District Rangers and Forest Supervisors, and Regional offices shall be so situated as to provide the optimum level of convenient, useful service to the public. Priority shall be given to the maintenance and location of facilities in rural areas and towns near the National Forest and Forest Service locations. The standards of Section 901(b) of the Act of November 30, 1970 (84 Stat. 1383), as amended, are established as the guide. This will permit the Forest Service to make orderly adjustments in the assignment of lands to a particular management unit such as a Ranger District and to adjust local field offices when these improve the service. It also would set a standard that would have to be observed in possible realignments of Regional Offices.

In its action on S.J. Res. 134 of this Congress (Report No. 93-337) this Committee expressed the need for maintaining the Forest Service's excellent organizational structure and key office location.

DEPARTMENTAL VIEWS

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., November 21, 1973.

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

DEAR MR. CHAIRMAN: As you requested, here is our report on Amendment 641 to S. 2296, the "Forest and Rangeland Environmental Management Act of 1973."

The Department of Agriculture agrees with the general objectives of the Amendment. Many of the activities addressed by this legislation are presently being undertaken under existing authorities. While the Amendment would broaden and strengthen existing statutory authorities, it would also limit Presidential flexibility in a number of respects. The Department of Agriculture therefore recommends enactment of the Amendment only if modified along the lines suggested herein.

The Amendment to S. 2296 sets forth various findings relating to the renewable nature of forest and rangeland resources, the role of the Forest Service in administering these resources, the need for comprehensive planning for the renewable resources of America's forests and rangelands, and the need for proper levels of funding and investments in forest and related resource management.

Section 3 of the Amendment would require the Secretary to prepare a Renewable Resource Situation Assessment which would include a detailed presentation and analysis of (1) current and anticipated use, (2) supply of and demand for renewable resources, (3) an inventory of present and potential renewable resource yields (4) opportunities

for increasing yields of goods and services, and (5) a description of Forest Service programs and responsibilities, as well as a discussion of important policy considerations expected to significantly influence the use and management of the Nation's forests and rangelands. Section 4 would provide for the development of a long-term Renewable Resource Program to be submitted by the President to the Congress for each of the next five decades. Section 5 would direct the Secretary to develop and maintain inventories of all National Forest Systems lands and resources. The Amendment would also require land use and resource planning for units of the National Forest System, cooperation with the States in resource planning, and public participation in the development of the Assessment and Program. In addition, the Amendment would require the Secretary to determine optimum management levels for the renewable resources and authorized uses of each National Forest management unit. Section 9 would also set the year 2000 as the target year when all backlogs of needed conservation treatment for the National Forest System shall be completed. The Amendment would declare the importance of a "proper system" of transportation in the National Forest System by requiring that the full amounts appropriated for forest roads, trails, and highways be requested and expended each year by the Forest Service.

Amendment 641 is an expression of concern over the demands and conflicting pressures being placed on the Nation's forest resources. The legislation is timely, as it follows closely upon the recent release of the "Report of the President's Advisory Panel on Timber and the Environment" and the "Outlook for Timber in the United States," which was prepared by the Forest Service of this Department. Both of these reports conclude that significant improvements in management of the Nation's forest and related resources must occur if future demands for these resources are to be met at reasonable prices.

A better-defined, long-range perspective on national forestry programs is a prerequisite to meeting future demands for forests and related resources. We believe that joint consideration by the Congress and the Administration of the state of the Nation's forest resources, the anticipated supply, demand, and pertinent price trends for these resources, and costs of alternative approaches related to specified program accomplishment will benefit formulation of sound national forestry goals, assist in the establishment of meaningful investment priorities, and help to assure program accomplishment.

We therefore support the basic requirements of Amendment 641 that the Secretary of Agriculture periodically develop a National Assessment and a long-range Renewable Resource Program to be transmitted to the Congress by the President with his recommendations. The Amendment would strengthen present Forest Service planning efforts by providing a stronger statutory base for the development of a long-range forest resource plan, supported by adequate analysis and resource inventories.

We have also enclosed a revision of the Amendment which incorporates a number of proposed changes. Our revision reflects and remedies two major concerns.

First, we are concerned with those aspects of the bill which would restrict Presidential flexibility and discretion in preparing annual

operating plans and attendant budget requests. It is essential that the President retain the flexibility to accommodate changing economic and social conditions and to exercise his judgment in the budgetary process on the appropriate balance among all worthy public programs. The regular appropriations process allows ample opportunities and an orderly process for questioning Presidential fiscal priorities and should continue to be relied upon as the appropriate forum for handling budget questions and issues.

Second, we urge that the scope of the Assessment and Resource Program be limited to "forest and related renewable resources." As now phrased, the Amendment would require the Secretary to assess and present programs for all renewable resources. This broad terminology could lead to an overlap and conflict with renewable resource assessment and program planning efforts performed by other agencies of the Federal government. We would prefer to define the scope of a "Forest and Related Renewable Resources Assessment" as including those matters currently within the purview of the National Forest System, State and Private Forestry, and Forestry Research responsibilities and authorities of the Forest Service.

Our detailed comments and suggestions for Amendments are included in the enclosed Supplemental Statement.

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,
Under Secretary.

Enclosures.

Note: The Supplemental Statement follows, and the proposed revised language is on file with the Committee.

USDA SUPPLEMENTAL STATEMENT ON AMENDMENT 641 TO S. 2296
"THE FOREST AND RANGELAND ENVIRONMENTAL MANAGEMENT ACT
OF 1973"

Section 2—Findings

The Amendment sets forth a number of findings which declare the importance of renewable resources, their conservation, and their wise management to the Nation's ecological and economic well-being. The findings also recognize the total mission and role of the Forest Service in managing and protecting renewable resources and specifically describe the National Forest System and its mission. In addition, the findings express the need for comprehensive inventories and planning to secure the greatest net benefit from Forest Service programs and the need for proper levels of funding and investment in the various activities and programs of the agency to assure optimum benefits.

Subsections 2(a)-(c) relate directly to policy set forth in the National Environmental Policy Act and are not unique to the purposes of this legislation. We therefore suggest that these subsections be deleted.

To simplify subsection 2(d), we suggest that this subsection be amended to read as follows:

() the United States is richly endowed with land bearing, or capable of bearing, forest trees and associated forage as principal vegetal cover, which lands by their very nature produce, or are capable of producing, multiple renewable resources, products, and benefits.

Subsection 2(f) recognizes the total mission of the Forest Service and defines the National Forest System. Statutory recognition of the National Forests and related lands as an identifiable public lands system would help the public understand the role of the National Forests and the contribution they make collectively to the Nation's economic and social well being. Identifying the National Forest System in this way would parallel acts which have established and recognized the National Park System and the National Wildlife Refuge System. We suggest that this identification be accomplished through affirmative language rather than as a "finding." Section 10 of our proposed revision contains such specific language as a substitute to that found in the latter part of subsection 2(f). We therefore suggest subsection 2(f) end with the phrase "and through the management of the National Forest System" and that the remainder of the subsection be deleted.

Subsection 2(h) of the findings contains an apparent printing error and is vague. To clarify the intent of this finding, we suggest that the provision be reworded as follows:

() proper levels of funding for investment in the various activities and programs of the Forest Service are essential to achieving and sustaining an optimum flow of benefits from forest and related resources.

Subsections 2(i) and (m) essentially duplicate each other, as well as subsection 2(f). The purpose of these subsections is to emphasize the integral nature of the three basic program objectives of the Forest Service. Subsection (f) accomplishes this by describing the Forest Service mission. We therefore suggest that subsections (i) and (m) be deleted from the findings. Our suggested revision of subsection (k) of the Amendment eliminates language which is redundant and does not parallel basic provisions of the Multiple Use-Sustained Yield Act. Our suggested revision of subsection 2(l) emphasizes the full range of factors that bear on Forest Service organizational design.

Section 3—Renewable Resource Situation Assessment

As indicated in our cover letter, we believe it is important to clarify the scope of the Assessment and to restrict its content to be consistent with present responsibilities of the Forest Service. Accordingly we suggest that the title of the Assessment be changed to "FOREST AND RELATED RENEWABLE RESOURCE ASSESSMENT." Our proposed revision rewords each reference to "renewable resources" to reflect this change.

Our ability to analyze trends and to formulate effective forestry programs depends upon comprehensive data on forestry and related

resources. We therefore support subsection 3(b), which would strengthen the Forest Survey authorized by the McSweeney-McNary Act of May 22, 1928 (45 Stat. 702, as amended, 16 U.S.C. 581h). Express broadening of the focus of the current Forest Survey from surveys of timber to surveys of all forest and related resources will assure the availability of data necessary to prepare the Assessment, and will greatly assist the formulation of long-range resource plans by the Forest Service, other Federal agencies, States, conservation organizations, industry groups, and others.

Our proposed revision would also require that cost, price, and other economic factors be analyzed as a part of the Assessment. These factors must bear on any comprehensive resource evaluation.

Section 4—Renewable Resource Program

We support the concept of a long-range forestry and related resources program which would present a range of alternative objectives and associated programs, related costs, accomplishment targets, schedules, and a discussion of priorities related to the various alternatives. We believe such a program could provide the Administration and the Congress with a reliable and useful perspective on national forestry needs, issues, and opportunities, and would lead to improved agency decision making and program formulation. We propose that the title of this planning document be amended to read "FOREST AND RELATED RESOURCES PROGRAM."

Section 4 would require development of a specific ten-year program, for each of the next five decades. Under section 8 of the Amendment, the program would be sent to Congress every ten years.

We believe it is unrealistic to seek to prepare detailed program schedules and recommendations spanning a 50-year period. Economic and other considerations fluctuate so often that projections and recommendations beyond a five- or ten-year period generally lose validity and relevance.

We agree that a long-range Forest and Related Resources Program should be submitted to Congress at intervals not to exceed ten years. We contemplate that such a program would cover a ten-year projection and program period, with greater detail for the first five years.

The Program should display alternative objectives and associated programs, rather than only one program recommendation. It should include specific identification of program outputs, results and benefits as well as an inventory of program opportunities. Such a display will aid both Congress and the Executive Branch in weighing the impacts of short-term decisions, not only on future yields of forests and related resources, but on other national considerations, including fiscal and economic policy.

Appropriate amendments to provide for our suggested approach are included in sections 4 and 8 in our proposed revision of the Amendment.

For the framework for long-range planning, we would rely on the Forest and Related Resources Assessment, which, as required by section 3(a) of the Amendment, would deal with trends in resource use and demand.

Section 5—National Forest System Resource Inventories

We recognize the need for assembling resource data on individual units of the National Forest System. The effect of section 5 would be to emphasize current on-the-ground inventory efforts under existing authority and to provide an essential base of information for developing the Assessment and Resource Program as set forth in sections 3 and 4. With a technical amendment included in our proposed revision, we would have no objection to this section.

Section 6—National Forest System Planning

This section would require the Secretary to develop, maintain, and revise land and resource use plans for units of the National Forest System and to use a systematic interdisciplinary approach in this planning.

Land use and resource planning are, of course, integral to the management of the National Forest System and have long been a routine component of National Forest System administration. The Forest Service has adequate authority to engage in all such unit planning and has for some time now utilized an interdisciplinary mix of skills and professions in developing our land use plans. The effect of section 6, therefore, would be to give emphasis to agency land use planning efforts rather than to grant new or expanded authority.

In our proposed revision, we have added economic sciences to the listing in subsection (b).

Section 7—Cooperation in Resource Planning

This section would assure that the data gathered and presented in the Assessment and Resource Program are made available to the States for use in their land use planning efforts. Our proposed revision includes this section with some clarifying amendments.

Section 8—National Participation

This section provides for public participation in the preparation of the Assessment and Resource Program and review by Congress. It would also require the Secretary to promulgate regulations governing public participation.

In our proposed revision, we have deleted the formal requirement for regulations in subsection (a). Regulations could still be utilized, but other means for outlining procedures for public participation may be more appropriate.

Subsection (b) establishes the schedule by which the Secretary would prepare the Assessment and Program. As covered in our discussion of section 4, we suggest that the Assessment and Resource Program be transmitted to the Congress at not less than ten year intervals.

Subsection (c) would provide that the statement of policy adopted by the Congress would be a "guide" to the President in forming the fiscal budgets. To assure Presidential flexibility our revision would provide that the statement of policy would be "considered" by the President.

Subsection (e) would require the President to qualify and quantify the degree to which each annual budget request meets the forestry policy set by each Congress and to justify any request which would

fail to meet such forestry goals or policy set by the Congress. Such requirements imply that the guidelines which Congress would establish pursuant to subsection (c) would, in fact, be restraints upon the President's ability to develop the annual budget in a manner to reflect his judgment of the appropriate balance among all worthy public programs. These provisions would reduce Presidential flexibility to accommodate and reflect economic, social, and other trends and fluctuations in the annual budget. We, therefore, recommend that subsection (e) be deleted. The regular appropriations process allows ample opportunity and an orderly process for questioning of Presidential fiscal priorities. We believe the appropriations process should continue to be relied upon as the appropriate forum for handling budgetary questions and issues.

In our proposed revision we have included technical amendments to subsection (f). As now phrased, this subsection would now call for evaluation of programs authorized by the Act. Since no programs are authorized by the Amendment, this subsection should be amended to provide for evaluation of the component elements of the Resource Program.

Section 9.—National Forest System Program

Subsection (a) would require the Secretary to determine optimum management levels for renewable resources and authorized uses of the National Forest System. We believe this provision is duplicative, and unnecessary, since the Resource Program set forth in section 4 would be an expression of various levels of management and would contain projections and analyses of alternative levels of resource management.

Subsection (b) would set the year 2000 as the target year for completing all backlogs of needed conservation measures on National Forest lands. This target may not be realistic and could reduce Presidential flexibility over a long period of time to frame annual budgets as he judges appropriate. The goal of reducing backlogs is one which we are striving to accomplish, but a range of circumstances created by the economy and nature herself mitigate against fixed targets. We, therefore, recommend that subsection (b) be deleted from the Amendment or rephrased to give emphasis and direction without specific target dates.

Subsection (c) would declare that a "proper system of transportation to service the National Forest System" will aid "proper attainment of goals . . ." and that methods of financing forest roads and trails can benefit local communities, regions, and the Nation. Under this provision the Forest Service would be required to request each year the full amounts available under 16 U.S.C. 501 and 23 U.S.C. 205. If the Secretary were to request less than that amount, he would have to reduce, by an equivalent sum, the value of roads constructed by timber purchasers in return for reduction of the appraised price of timber. Moreover, in using timber purchaser construction the Secretary would be directed to consider avoiding actions which would unduly impair revenue to counties within the National Forest System.

We recommend that subsection (c) be deleted. Its provisions would further restrain Presidential flexibility in developing the annual budget. The requirement that road construction by timber operators be

adjusted downward when budget requests are less than the full amounts available for forest roads and trails would hinder efforts of this Department to operate in the most efficient manner and to assist in reducing Federal spending and cash outlays to help fight inflation. Moreover, it would tend to restrict our ability to use combinations of funding procedures to construct roads and trails as authorized by the Act of October 13, 1964 (78 Stat. 1089).

Section 10—Organization

This section would require that Forest Service offices be located to provide optimum levels of "convenient, useful services to the public." First priority would be given to locating and maintaining offices in rural areas.

This Department has always given emphasis to the location of USDA facilities and personnel in rural areas. In fact, the very nature of the mission of most USDA agencies necessitates that agency programs be located in rural areas. For example, in the Forest Service organization some 77 percent of agency personnel are located in rural areas in towns with less than 50,000 population, 48 percent being located in towns of less than 5,000 population.

However, we would like to point out that in the process of determining the location of USDA offices, we also consider and give high priority to such additional factors as the mix of employee skills, economy of operation, and program effectiveness. Our proposed revision of Amendment 641 reflects the importance of these factors as well as the direction relating to the location of USDA offices contained in the Rural Development Act of 1970 (84 Stat. 1383).

COST ESTIMATES

In accordance with Section 252 of the Legislative Reorganization Act of 1970, the following are the estimates of the costs that would be incurred in carrying out the provisions of the bill. These estimates were received from the U.S. Department of Agriculture.

The cost for this legislation is composed of two parts:

1. The costs associated with preparation of the Assessment, Program, inventories and associated work, and public meetings necessary to produce the basis for setting policy.

2. The "cost" to operate the policy that will be later enunciated.

Estimates of the Forest Service Additional Average Annual Positions of Civilian Employment Fund Requirements for New Programs authorized by S. 2296 are as follows:

	Current year	+1	+2	+3	+4
Man-years.....	0	53	53	53	53
Obligations (millions).....	0	\$0.7	\$1.7	\$2.3	\$2.9

The man-years and cost estimates listed above are those associated with expanding the surveys as set forth in section 3(b) of S. 2296. The current annual authorization for the surveys is \$5 million. Present man-years involved in the surveys total 131.

The provisions of the bill do not create other new authority for the Forest Service; thus, its immediate impact will not be to add new program costs. However, the budgetary review process and program evaluation process, especially those set forth in subsections (f) through (i) of Section 8, will provide more effective measures of costs and benefits, direct and indirect, for courses of action. The bill thus contains useful safeguards that force critical review and reporting and thus continual program improvement.

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, 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):

McSWEENEY-McNARY ACT OF 1928, AS AMENDED

[SEC. 9. The Secretary of Agriculture is authorized and directed, under such plans as he may determine to be fair and equitable, to cooperate with appropriate officials of each State, Territory or possession of the United States, and either through them or directly with private and other agencies, in making and keeping current a comprehensive survey of the present and prospective requirements for timber and other forest products in the United States and its Territories and possessions, and of timber supplies, including a determination of the present and potential productivity of forest land therein, and of such other facts as may be necessary in the determination of ways and means to balance the timber budget of the United States. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed \$1,000,000 annually to complete the initial survey authorized by this section: *Provided*, That the total appropriation of Federal funds under this section to complete the initial survey shall not exceed \$11,000,000. There is additionally authorized to be appropriated not to exceed \$5,000,000 annually to keep the survey current.]

“The Secretary of Agriculture is hereby authorized and directed to make and keep current a comprehensive survey and analysis of the present and prospective conditions of and requirements for the renewable resources of the forest and rangelands of the United States, its territories and possessions, and of the supplies of such renewable resources, including a determination of the present and potential productivity of the land, and of such other facts as may be necessary and useful in the determination of ways and means needed to balance the demand for and supply of these renewable resources, benefits and uses in meeting the needs of the people of the United States. The Secretary shall carry out the survey and analysis under such plans as he may determine to be fair and equitable, and cooperate with appropriate officials of each State, territory, or possession of the United States, and either through them or directly with private or other agencies. There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.”

8/17

Ninety-third Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday, the twenty-first day of January, one thousand nine hundred and seventy-four

An Act

To provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the productivity and other values of certain of the Nation's lands and resources, and for other purposes.



Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Forest and Rangeland Renewable Resources Planning Act of 1974".

SEC. 2. RENEWABLE RESOURCE ASSESSMENT.—(a) In recognition of the vital importance of America's renewable resources of the forest, range, and other associated lands to the Nation's social and economic well-being, and of the necessity for a long term perspective in planning and undertaking related national renewable resource programs administered by the Forest Service, the Secretary of Agriculture shall prepare a Renewable Resource Assessment (hereinafter called the "Assessment"). The Assessment shall be prepared not later than December 31, 1975, and shall be updated during 1979 and each tenth year thereafter, and shall include but not be limited to—

(1) an analysis of present and anticipated uses, demand for, and supply of the renewable resources, with consideration of the international resource situation, and an emphasis of pertinent supply and demand and price relationship trends;

(2) an inventory, based on information developed by the Forest Service and other Federal agencies, of present and potential renewable resources, and an evaluation of opportunities for improving their yield of tangible and intangible goods and services, together with estimates of investment costs and direct and indirect returns to the Federal Government;

(3) a description of Forest Service programs and responsibilities in research, cooperative programs and management of the National Forest System, their interrelationships, and the relationship of these programs and responsibilities to public and private activities; and

(4) a discussion of important policy considerations, laws, regulations, and other factors expected to influence and affect significantly the use, ownership, and management of forest, range, and other associated lands.

(b) To assure the availability of adequate data and scientific information needed for development of the Assessment, section 9 of the McSweeney-McNary Act of May 22, 1928 (45 Stat. 702, as amended, 16 U.S.C. 581h), is hereby amended to read as follows:

"The Secretary of Agriculture is hereby authorized and directed to make and keep current a comprehensive survey and analysis of the present and prospective conditions of and requirements for the renewable resources of the forest and range lands of the United States, its territories and possessions, and of the supplies of such renewable resources, including a determination of the present and potential productivity of the land, and of such other facts as may be necessary and useful in the determination of ways and means needed to balance the demand for and supply of these renewable resources, benefits and uses in meeting the needs of the people of the United States. The Secretary shall carry out the survey and analysis under such plans as he may determine to be fair and equitable, and cooperate with appropriate officials of each State, territory, or possession of the United States, and

either through them or directly with private or other agencies. There is authorized to be appropriated not to exceed \$20,000,000 in any fiscal year to carry out the purposes of this section."

SEC. 3. RENEWABLE RESOURCE PROGRAM.—In order to provide for periodic review of programs for management and administration of the National Forest System, for research, for cooperative State and private Forest Service programs, and for conduct of other Forest Service activities in relation to the findings of the Assessment, the Secretary of Agriculture, utilizing information available to the Forest Service and other agencies within the Department of Agriculture, including data prepared pursuant to section 302 of the Rural Development Act of 1972, shall prepare and transmit to the President a recommended Renewable Resource Program (hereinafter called the "Program"). The Program transmitted to the President may include alternatives, and shall provide in appropriate detail for protection, management, and development of the National Forest System, including forest development roads and trails; for cooperative Forest Service programs; and for research. The Program shall be developed in accordance with principles set forth in the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528-531), and the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321-4347). The Program shall be prepared not later than December 31, 1975, to cover the four-year period beginning October 1, 1976, and at least each of the four fiscal decades next following such period, and shall be updated no later than during the first half of the fiscal year ending September 30, 1980, and the first half of each fifth fiscal year thereafter to cover at least each of the four fiscal decades beginning next after such updating. The Program shall include, but not be limited to—

(1) an inventory of specific needs and opportunities for both public and private program investments. The inventory shall differentiate between activities which are of a capital nature and those which are of an operational nature;

(2) specific identification of Program outputs, results anticipated, and benefits associated with investments in such a manner that the anticipated costs can be directly compared with the total related benefits and direct and indirect returns to the Federal Government;

(3) a discussion of priorities for accomplishment of inventoried Program opportunities, with specified costs, outputs, results, and benefits; and

(4) a detailed study of personnel requirements as needed to satisfy existing and ongoing programs.

SEC. 4. NATIONAL FOREST SYSTEM RESOURCE INVENTORIES.—As a part of the Assessment, the Secretary of Agriculture shall develop and maintain on a continuing basis a comprehensive and appropriately detailed inventory of all National Forest System lands and renewable resources. This inventory shall be kept current so as to reflect changes in conditions and identify new and emerging resources and values.

SEC. 5. NATIONAL FOREST SYSTEM RESOURCE PLANNING.—(a) As a part of the Program provided for by section 3 of this Act, the Secretary of Agriculture shall develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies.

(b) In the development and maintenance of land management plans for use on units of the National Forest System, the Secretary shall use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences.

SEC. 6. COOPERATION IN RESOURCE PLANNING.—The Secretary of Agriculture may utilize the Assessment, resource surveys, and Program prepared pursuant to this Act to assist States and other organizations in proposing the planning for the protection, use, and management of renewable resources on non-Federal land.

SEC. 7. NATIONAL PARTICIPATION.—(a) On the date Congress first convenes in 1976 and thereafter following each updating of the Assessment and the Program, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate, when Congress convenes, the Assessment as set forth in section 2 of this Act and the Program as set forth in section 3 of this Act, together with a detailed Statement of Policy intended to be used in framing budget requests by that Administration for Forest Service activities for the five- or ten-year program period beginning during the term of such Congress for such further action deemed appropriate by the Congress. Following the transmission of such Assessment, Program, and Statement of Policy, the President shall, subject to other actions of the Congress, carry out programs already established by law in accordance with such Statement of Policy or any subsequent amendment or modification thereof approved by the Congress, unless, before the end of the first period of sixty calendar days of continuous session of Congress after the date on which the President of the Senate and the Speaker of the House are recipients of the transmission of such Assessment, Program, and Statement of Policy, either House adopts a resolution reported by the appropriate committee of jurisdiction disapproving the Statement of Policy. For the purpose of this subsection, the continuity of a session shall be deemed to be broken only by an adjournment sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period. Notwithstanding any other provision of this Act, Congress may revise or modify the Statement of Policy transmitted by the President, and the revised or modified Statement of Policy shall be used in framing budget requests.

(b) Commencing with the fiscal budget for the year ending September 30, 1977, requests presented by the President to the Congress governing Forest Service activities shall express in qualitative and quantitative terms the extent to which the programs and policies projected under the budget meet the policies approved by the Congress in accordance with subsection (a) of this section. In any case in which such budget so presented recommends a course which fails to meet the policies so established, the President shall specifically set forth the reason or reasons for requesting the Congress to approve the lesser programs or policies presented. Amounts appropriated to carry out the policies approved in accordance with subsection (a) of this section shall be expended in accordance with the Congressional Budget and Impoundment Control Act of 1974, Public Law 93-344.

(c) For the purpose of providing information that will aid Congress in its oversight responsibilities and improve the accountability of agency expenditures and activities, the Secretary of Agriculture shall prepare an annual report which evaluates the component elements of the Program required to be prepared by section 3 of this Act which shall be furnished to the Congress at the time of submission of the annual fiscal budget commencing with the third fiscal year after the enactment of this Act.

(d) These annual evaluation reports shall set forth progress in implementing the Program required to be prepared by section 3 of this Act, together with accomplishments of the Program as they relate to the objectives of the Assessment. Objectives should be set forth in qualitative and quantitative terms and accomplishments should be reported accordingly. The report shall contain appropriate measurements of pertinent costs and benefits. The evaluation shall assess the balance between economic factors and environmental quality factors. Program benefits shall include, but not be limited to, environmental quality factors such as esthetics, public access, wildlife habitat, recreational and wilderness use, and economic factors such as the excess of cost savings over the value of foregone benefits and the rate of return on renewable resources.

(e) The reports shall indicate plans for implementing corrective action and recommendations for new legislation where warranted.

(f) The reports shall be structured for Congress in concise summary form with necessary detailed data in appendices.

SEC. 8. NATIONAL FOREST SYSTEM PROGRAM ELEMENTS.—The Secretary of Agriculture shall take such action as will assure that the development and administration of the renewable resources of the National Forest System are in full accord with the concepts for multiple use and sustained yield of products and services as set forth in the Multiple-Use Sustained-Yield Act of 1960. To further these concepts, the Congress hereby sets the year 2000 as the target year when the renewable resources of the National Forest System shall be in an operating posture whereby all backlogs of needed treatment for their restoration shall be reduced to a current basis and the major portion of planned intensive multiple-use sustained-yield management procedures shall be installed and operating on an environmentally-sound basis. The annual budget shall contain requests for funds for an orderly program to eliminate such backlogs: *Provided*, That when the Secretary finds that (1) the backlog of areas that will benefit by such treatment has been eliminated, (2) the cost of treating the remainder of such area exceeds the economic and environmental benefits to be secured from their treatment, or (3) the total supplies of the renewable resources of the United States are adequate to meet the future needs of the American people, the budget request for these elements of restoration may be adjusted accordingly.

SEC. 9. TRANSPORTATION SYSTEM.—The Congress declares that the installation of a proper system of transportation to service the National Forest System, as is provided for in Public Law 88-657, the Act of October 13, 1964 (16 U.S.C. 532-538), shall be carried forward in time to meet anticipated needs on an economical and environmentally sound basis, and the method chosen for financing the construction and maintenance of the transportation system should be such as to enhance local, regional, and national benefits, except that the financing of forest development roads as authorized by clause (2) of section 4 of the Act of October 13, 1964, shall be deemed "budget authority" and "budget outlays" as those terms are defined in section 3(a) of the Congressional Budget and Impoundment Control Act of 1974 and shall be effective for any fiscal year only in the manner required for new spending authority as specified by section 401(a) of that Act.

SEC. 10. (a) NATIONAL FOREST SYSTEM DEFINED.—Congress declares that the National Forest System consists of units of federally owned forest, range, and related lands throughout the United States and its territories, united into a nationally significant system dedicated to the long-term benefit for present and future generations, and that it is the purpose of this section to include all such areas into one integral system. The “National Forest System” shall include all national forest lands reserved or withdrawn from the public domain of the United States, all national forest lands acquired through purchase, exchange, donation, or other means, the national grasslands and land utilization projects administered under title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C. 1010–1012), and other lands, waters, or interests therein which are administered by the Forest Service or are designated for administration through the Forest Service as a part of the system.

(b) The on-the-ground field offices, field supervisory offices, and regional offices of the Forest Service shall be so situated as to provide the optimum level of convenient, useful services to the public, giving priority to the maintenance and location of facilities in rural areas and towns near the national forest and Forest Service program locations in accordance with the standards in section 901(b) of the Act of November 30, 1970 (84 Stat. 1383), as amended.

SEC. 11. RENEWABLE RESOURCES.—In carrying out this Act, the Secretary of Agriculture shall utilize information and data available from other Federal, State, and private organizations and shall avoid duplication and overlap of resource assessment and program planning efforts of other Federal agencies. The term “renewable resources” shall be construed to involve those matters within the scope of responsibilities and authorities of the Forest Service on the date of this Act.

Speaker of the House of Representatives.

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

Ninety-third Congress of the United States of America

AT THE SECOND SESSION

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

An Act

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Forest and Rangeland Renewable Resources Planning Act of 1974".

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(1) an analysis of present and anticipated uses, demand for, and supply of the renewable resources, with consideration of the international resource situation, and an emphasis of pertinent supply and demand and price relationship trends;

(2) an inventory, based on information developed by the Forest Service and other Federal agencies, of present and potential renewable resources, and an evaluation of opportunities for improving their yield of tangible and intangible goods and services, together with estimates of investment costs and direct and indirect returns to the Federal Government;

(3) a description of Forest Service programs and responsibilities in research, cooperative programs and management of the National Forest System, their interrelationships, and the relationship of these programs and responsibilities to public and private activities; and

(4) a discussion of important policy considerations, laws, regulations, and other factors expected to influence and affect significantly the use, ownership, and management of forest, range, and other associated lands.

(b) To assure the availability of adequate data and scientific information needed for development of the Assessment, section 9 of the McSweeney-McNary Act of May 22, 1928 (45 Stat. 702, as amended, 16 U.S.C. 581h), is hereby amended to read as follows:

"The Secretary of Agriculture is hereby authorized and directed to make and keep current a comprehensive survey and analysis of the present and prospective conditions of and requirements for the renewable resources of the forest and range lands of the United States, its territories and possessions, and of the supplies of such renewable resources, including a determination of the present and potential productivity of the land, and of such other facts as may be necessary and useful in the determination of ways and means needed to balance the demand for and supply of these renewable resources, benefits and uses in meeting the needs of the people of the United States. The Secretary shall carry out the survey and analysis under such plans as he may determine to be fair and equitable, and cooperate with appropriate officials of each State, territory, or possession of the United States, and

August 6, 1974

Dear Mr. Director:

The following bills were received at the White House on August 6th:

S.J. Res. 228

S. 2296

S. 3669

H.R. 14012

H.R. 15074

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,



Robert D. Linder
Chief Executive Clerk

The Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C.