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APPROVED
JAN 2-1975

THE WHITE HOUSE
WASHINGTON

ACTION
Last Day: January 4

December 31, 1974

Posted 1/3
To Archives 1/3

MEMORANDUM FOR THE PRESIDENT
FROM: KEN COLE
SUBJECT: Enrolled Bill S. 3289
Land Exchange, Washington

Attached for your consideration is S. 3289, sponsored by Senator Jackson, which would amend the 1939 Act creating the Kaniksu National Forest in Washington to permit Kaniksu National Forest land exchanges for any non-Federal lands and would ratify certain previous land exchanges where local county lands were obtained.

OMB recommends approval and provides additional background information in its enrolled bill report (Tab A).

Max Friedersdorf (Loen) and Phil Areeda both recommend approval.

RECOMMENDATION

That you sign S. 3289 (Tab B).



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

DEC 27 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3289 - Land exchange, Washington
Sponsor - Sen. Jackson (D) Washington

Last Day for Action

January 4, 1975 - Saturday

Purpose

Authorizes certain exchanges of land within the Kaniksu National Forest in the State of Washington.

Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture
Department of the Interior

Approval
Defers to Agriculture

Discussion

The State of Washington and the National Forest Service are prepared to make certain mutually advantageous exchanges of land involving up to 21,000 acres of State owned land and comparable acreage within the boundaries of the Kaniksu National Forest. However, the 1939 Act creating the Kaniksu National Forest provided only for land exchanges involving privately owned, non-Federal lands -- an inconsistency with general land exchange authority available to the Forest Service which permits exchanges of land in National Forests for any non-Federally owned land which would include State lands. The enrolled bill would amend the 1939 Act to permit Kaniksu National Forest land exchanges for any non-Federal lands and would ratify certain previous land exchanges where local county lands were obtained.

Assistant Director for
Legislative Reference

Enclosures



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

December 24, 1974

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

Dear Mr. Ash:

This is in response to the request of your office for a report on the enrolled enactment S. 3289, "To amend the Act of August 10, 1939 (53 Stat. 1347), and for other purposes."

The Department of Agriculture recommends that the President approve the enactment.

The enactment would amend the Act of August 10, 1939, to provide that "any of the non-Federal lands" within the area described in the Act of August 10, 1939, may be accepted in exchange under the provisions of the Act entitled, "An Act to consolidate national forest lands," approved March 20, 1922. The Act of August 10, 1939, now provides that "privately owned" lands may be accepted in exchange. The enactment would also approve and confirm all exchanges made prior to the date of the Act involving any non-Federal lands within the area described in the Act of August 10, 1939.

The Act of August 10, 1939, added lands to the Kaniksu National Forest in the State of Washington totaling 459,400 acres. These lands consisted of 238,000 acres which had been purchased by the Resettlement Administration, 98,200 acres of public domain lands, 24,900 acres of State lands and 98,300 acres of other privately owned lands.

The 1939 Act referred to the Act of March 20, 1922, as the basic authority under which lands could be accepted in exchange for addition to the National Forest. The 1922 Act provides that "any lands" may be accepted in exchange, whereas the 1939 Act provided that "privately owned lands" may be accepted in exchange.

The State of Washington is interested in exchanging State-owned lands within the area added to the National Forest by the 1939 Act. These lands are highly suitable for National Forest purposes and their acquisition would facilitate the administration of the adjacent National Forest lands and other publicly owned lands.


Honorable Roy L. Ash

2

The proposed amendment would remove the apparent limitation, contained in the 1939 Act, that only privately owned lands may be accepted in exchange, and would allow the acceptance of any non-Federal lands in exchange. The amendment would be consistent with the general exchange authority provided in the 1922 Act. The proposed amendment would also confirm two exchanges which were inadvertently completed with the Pend Oreille County under the general provisions of the 1922 Act.

This Department recommended to the Congress that S. 3289 be enacted. The enactment is identical to the bill on which we reported. We strongly urge that the President approve the enactment.

Sincerely,


J. Phil Campbell
Acting Secretary



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

DEC 24 1974

Dear Mr. Ash:

This responds to your request for the views of this Department on enrolled bill S. 3289, "To amend the Act of August 10, 1939 (53 Stat. 1347), and for other purposes."

Enrolled bill S. 3289 would amend the Act of August 10, 1939, to provide that non-Federal lands described in the first section of the Act may be accepted in exchange under the provisions of the Act entitled "An Act to consolidate national forest lands" (43 Stat. 465; 43 Stat. 1090) and that they shall be added to and made a part of the national forest in which they are located. The bill would also approve and confirm all such exchanges made prior to the enactment of S. 3289.

Since this bill does not involve any programs under the jurisdiction of this Department we defer to the Department of Agriculture as to whether the President should approve it.

Sincerely yours,

Rayston C. Hughes
Assistant Secretary of the Interior

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



Save Energy and You Serve America!

To
M. Handberg
12-27-74



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

DEC 27 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3289 - Land exchange, Washington
Sponsor - Sen. Jackson (D) Washington

Last Day for Action

January 4, 1975 - Saturday

Purpose

Authorizes certain exchanges of land within the Kaniksu National Forest in the State of Washington.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture	Approval
Department of the Interior	Defers to Agriculture

Discussion

The State of Washington and the National Forest Service are prepared to make certain mutually advantageous exchanges of land involving up to 21,000 acres of State owned land and comparable acreage within the boundaries of the Kaniksu National Forest. However, the 1939 Act creating the Kaniksu National Forest provided only for land exchanges involving privately owned, non-Federal lands -- an inconsistency with general land exchange authority available to the Forest Service which permits exchanges of land in National Forests for any non-Federally owned land which would include State lands. The enrolled bill would amend the 1939 Act to permit Kaniksu National Forest land exchanges for any non-Federal lands and would ratify certain previous land exchanges where local county lands were obtained.

(signed) Wilfred H. Kozmel

Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE
WASHINGTON

MEMORANDUM FOR: WARREN HENDRIKS
FROM: *Ken Saenger* MAX L. FRIEDERSDORF
SUBJECT: Action Memorandum - Log No. 860
Enrolled Bill S. 3289

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 860

Date: December 27, 1974

Time: 7:00 p.m.

FOR ACTION: Mike Duval *oh*
Max Friedersdorf *oh*
Phil Areeda *no ok*cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 30

Time: 1:00 p.m.

SUBJECT:

Enrolled Bill S. 3289 - Land Exchange, Washington

ACTION REQUESTED:

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

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 860

Date: December 27, 1974

Time: 7:00 p.m.

FOR ACTION: Mike Duval
Max Friedersdorf
Phil Areeda

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 30

Time: 1:00 p.m.

SUBJECT:

Enrolled Bill S. 3289 - Land Exchange, Washington

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

Warren K. Hendriks
For the President

Warren K. Hendriks

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 860

Date: December 27, 1974

Time: 7:00 p.m.

FOR ACTION: Mike Duval
Max Friedersdorf
Phil Areeda

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 30

Time: 1:00 p.m.

SUBJECT:

Enrolled Bill S. 3289 - Land Exchange, Washington

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*No objection
P Areeda
OK*

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

KANIKSU NATIONAL FOREST LAND TRANSFER

DECEMBER 10, 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 S. 3289]

The Committee on Agriculture, to whom was referred the bill (S. 3289) to amend the Act of August 10, 1939 (53 Stat. 1347), and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE AND NEED FOR LEGISLATION

S. 3289 would amend the Act of August 10, 1939, to provide that "any of the non-Federal lands" within the area described in the Act of August 10, 1939, may be accepted in exchange under the provisions of the Act entitled, "An Act to consolidate national forest lands," approved March 20, 1922. The Act of August 10, 1939, now provides that "privately owned" lands may be accepted in exchange. S. 3289 would also approve and confirm all exchanges made prior to the date of the Act involving any non-Federal lands within the area described in the Act of August 10, 1939.

The Act of August 10, 1939, added a total of 459,400 acres to the Kaniksu National Forest in the State of Washington. These lands consisted of 238,000 acres which had been purchased by the Resettlement Administration, 98,200 acres of other public domain lands, 24,900 acres of State lands, and 98,300 acres of other privately owned lands.

As noted above, although the 1939 Act referred to the Act of March 20, 1922, as the basic authority under which lands could be accepted in exchange for addition to the Kaniksu National Forest, the land exchange provisions of the two Acts are inconsistent. Whereas the 1922 Act provides that "any lands" may be accepted in exchange, the 1939 Act limits the lands which may be accepted in exchange to "privately owned lands" only.

The State of Washington is interested in exchanging State-owned lands within the area added to the Kaniksu National Forest by the

1939 Act. These lands are highly suitable for national forest purposes and their acquisition would facilitate the administration of the adjacent national forest lands and other publicly owned lands.

The proposed amendment would remove the apparent limitation, contained in the 1939 Act, that only privately owned lands may be accepted in exchange, and would allow the acceptance of any non-Federal lands in exchange. The amendment would be consistent with the general exchange authority provided in the 1922 Act. The proposed amendment would also confirm two exchanges which were inadvertently completed with the Pend Oreille County under the general provisions of the 1922 Act.

COMMITTEE CONSIDERATION

On August 19, 1974, S. 3289 was referred to the House Committee on Agriculture. Subsequently, the bill was referred to the Forests Subcommittee. On November 25, 1974, the Forests Subcommittee held a hearing on the legislation. Following the hearing, the Subcommittee met in an open business meeting and ordered the bill reported by a voice vote to the full Committee. On December 5, 1974, the full Committee in an open business meeting and in the presence of a quorum ordered S. 3289 reported by a unanimous voice vote to the House.

ADMINISTRATION POSITION

Pursuant to the Committee's request, Deputy Under Secretary of Agriculture Richard A. Ashworth submitted the following favorable report on S. 3289 on October 2, 1974:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., October 2, 1974.

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

DEAR MR. CHAIRMAN: We would like to offer our views on S. 3289, an act "To amend the Act of August 10, 1939 (53 Stat. 1347), and for other purposes."

This Department recommends that S. 3289 be enacted.

S. 3289 would amend the Act of August 10, 1939, to provide that "any of the non-Federal lands" within the area described in the Act of August 10, 1939, may be accepted in exchange under the provisions of the Act entitled, "An Act to consolidate national forest lands," approved March 20, 1922. The Act of August 10, 1939, now provides that "privately owned" lands may be accepted in exchange. S. 3289 would also approve and confirm all exchanges made prior to the date of the Act involving any non-Federal lands within the area described in the Act of August 10, 1939.

The Act of August 10, 1939, added lands to the Kaniksu National Forest in the State of Washington totaling 459,400 acres. These lands consisted of 238,000 acres which had been purchased by the Resettlement Administration, 98,200 acres of public domain lands, 24,900 acres of State lands and 98,300 acres of other privately owned lands.

The 1939 Act referred to the Act of March 20, 1922, as the basic authority under which lands could be accepted in exchange for addition to the National Forest. The 1922 Act provides that "any lands" may be accepted in exchange, whereas the 1939 Act provided that "privately owned lands" may be accepted in exchange.

The State of Washington is interested in exchanging State-owned lands within the area added to the National Forest by the 1939 Act. These lands are highly suitable for National Forest purposes and their acquisition would facilitate the administration of the adjacent National Forest lands and other publicly owned lands.

The proposed amendment would remove the apparent limitation, contained in the 1939 Act, that only privately owned lands may be accepted in exchange, and would allow the acceptance of any non-Federal lands in exchange. The amendment would be consistent with the general exchange authority provided in the 1922 Act. The proposed amendment would also confirm two exchanges which were inadvertently completed with the Pend Orielle County under the general provisions of the 1922 Act.

Enactment of S. 3289 would not result in any new budget authority or outlays.

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

Sincerely,

RICHARD A. ASHWORTH,
Deputy Under Secretary.

CURRENT AND 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 be zero.

The enactment of S. 3289 could result in minor expenditures of funds in the administration of lands exchanges. These expenditures, however, would be more than offset by the savings in land management costs which would result from the consolidation of national forest lands to be accomplished by the exchanges.

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) :

* * * * *

THE ACT OF AUGUST 10, 1939 (53 STAT. 1347)

AN ACT To include within the Kaniksu National Forest lands owned or in course of acquisition by the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands of the United States situated within the area hereinafter described, including those acquired, or in course of acquisition, under the provisions of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195), the Emergency Relief Appropriation Act, approved April 8, 1935 (49 Stat. 115), or the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522), are hereby added to and made parts of the Kaniksu National Forest, Washington, and shall hereafter be subject to the rules and regulations applicable to national-forest lands, but claims, entries, filings, or appropriations under the public-lands laws, or special provisions included in conveyances of title to the United States, valid, and subsisting at the date of this Act and thereafter legally maintained, shall not be affected by this Act.

WILLAMETTE MERIDIAN

East half, section 1; east half section 12; east half northeast quarter, section 13; township 33 north, range 39 east.

North half, north half southwest quarter, southeast quarter southwest quarter, and west half southeast quarter, section 1; east half northeast quarter, northeast quarter southeast quarter, north half northwest quarter, southwest quarter northwest quarter, and southwest quarter, section 2; sections 3 to 5 inclusive; northeast quarter, northeast quarter northwest quarter, south half northwest quarter, and south half, section 6; sections 7 to 10, inclusive; northwest quarter northeast quarter, south half northeast quarter, west half, north half southeast quarter, and southwest quarter southeast quarter, section 11; sections 15 and 16; north half, north half south half, south half southeast quarter, and southwest quarter southwest quarter, section 17; east half and northwest quarter, section 18; all of section 19; east half, and west half northwest quarter, section 20; all of section 21; north half north half, southwest quarter northeast quarter, and northwest quarter southwest quarter, section 22; west half east half and north half northwest quarter, section 30; township 33 north, range 40 east.

Those parts of section 23 to 26, inclusive lying south of the divide between the waters of Bear Creek and North Fork Chewelah Creek; that part of section 27 lying within the watersheds of North Fork Chewelah Creek or Twelve Mile Creek; that part of section 28 lying within the watershed of Twelve Mile Creek; south half, section 20; northeast quarter southeast quarter, section 30; southeast quarter northeast quarter, southeast quarter southwest quarter, and southeast quarter, section 31; northeast quarter, northeast quarter northwest quarter, south half northwest quarter, and south half, section 32; sections 33 to 36, inclusive; township 34 north, range 40 east.

Northwest quarter northwest quarter, section 2; northeast quarter northeast quarter, section 3; township 35 north, range 40 east.

Sections 1 to 7, inclusive; north half, and east half southeast quarter, section 8; sections 9 to 15, inclusive; north half, and east half southeast quarter, section 16; south half northeast quarter, and north half southeast quarter, section 17; northeast quarter, northeast quarter northwest quarter, south half northwest quarter, and south half, section 21; sections 22 to 28, inclusive; sections 33 to 36, inclusive; township 36 north, range 40 east

Sections 1 and 2; lots 1, 2, 7, 8, 9, 10, 15, and 16, southeast quarter, east half southwest quarter, and southwest quarter southwest quarter, section 3; lots 1 to 15, inclusive, northwest quarter southeast quarter, south half southeast quarter, and southwest quarter, section 4; sections 5 to 36, inclusive; township 37 north, range 40 east

Southeast quarter, section 12; township 31 north, range 41 east

Sections 1 to 4, inclusive; sections 9 to 17, inclusive; east half east half section 18; sections 22 to 27, inclusive; sections 34 to 36, inclusive; township 32 north, range 41 east

Sections 1 to 5, inclusive; lots 1, 2, 14, south half northeast quarter, east half southeast quarter, southwest quarter southeast quarter, section 6; northeast quarter, lots 1, 6, 7, 8, 9, 10, 11, 12, southeast quarter, section 7; sections 8 to 16, inclusive; north half southwest quarter, north half southeast quarter, section 17; northeast quarter, lots 6, 7, 8, 9, 10, 11, 12, southeast quarter, section 18; lots 1 to 7, inclusive, lots 9, 10, 12, northeast quarter, north half southeast quarter, section 19; northwest quarter northwest quarter section 20; northeast quarter, northeast quarter northwest quarter, and south half northwest quarter, section 21; southeast quarter northeast quarter section 22; north half, southeast quarter, north half southwest quarter, and southeast quarter southwest quarter, section 23; sections 24 to 26, inclusive; northeast quarter, east half northwest quarter, southwest quarter northwest quarter, and south half, section 27; south half north half, and south half, section 28; all section 29; east half section 30; north half northeast quarter, southeast quarter northeast quarter, and southeast quarter, section 31; sections 32 to 36, inclusive; township 33 north, range 41 east

All of sections 23 to 30, inclusive, lying within the watershed of North Fork Chewelah Creek, sections 31 to 36, inclusive, township 34 north, range 41 east.

Lots 2, 3, 4, 5, 6, 11, and 12, north half southwest quarter, section 4; lots 1 to 12, inclusive, north half south half, southeast quarter southwest quarter, and southwest quarter southeast quarter, section 5; all of section 6; northeast quarter northwest quarter, section 7; township 35 north, range 41 east.

Sections 1 to 24, inclusive; west half section 27; sections 28 to 32, inclusive; north half, southwest quarter, north half southeast quarter, southwest quarter southeast quarter, section 33; northwest quarter, northwest quarter southwest quarter, section 34; township 36 north, range 41 east.

Section 1 to 36, inclusive, township 37 north, range 41 east.

Sections 1 to 3 inclusive; southwest quarter southeast quarter, section 4; northwest quarter northeast quarter, south half northeast quarter, east half northwest quarter, and south half, section 9; sections 10 to 16, inclusive; sections 21 to 28 inclusive; sections 33 to 36, inclusive; township 38 north, range 41 east.

Sections 1 to 6, inclusive; northeast quarter, south half northwest quarter, and south half, section 7; sections 8 to 27, inclusive; north half section 28; sections 29 and 30; north half section 31; north half and southeast quarter, section 33; sections 34 to 36, inclusive; township 31 north, range 42 east.

Sections 1 to 36, inclusive, township 31 north, range 42 east.

Sections 1 to 36, inclusive, township 33 north, range 42 east.

Sections 1 to 4, inclusive; those parts of sections 5 to 8, inclusive, lying within the Tacoma Creek watershed; sections 9 to 16, inclusive; those parts of sections 17, 18, and 19 lying within the watersheds of Tacoma and Drummond Creeks; sections 20 to 29, inclusive; those parts of section 30 lying within the Drummond Creek watershed; sections 31 to 36, inclusive; township 34 north, range 42 east.

That portion of the township lying east of the Divide between the watersheds of the Pend Oreille River on the east and the Colville River on the west, township 35 north, range 42 east.

Sections 1 to 18, inclusive; north half, north half south half, section 19; north half, north half south half, section 20; north half, north half south half, section 21; sections 22 to 27, inclusive; that portion lying on the watershed of the Pend Oreille River, section 33; sections 34 to 36, inclusive; township 36 north, range 42 east.

Northeast quarter northeast quarter, north half northwest quarter, and southwest quarter northwest quarter, section 1; sections 2 to 11, inclusive; east half northwest quarter, southwest quarter, and southwest quarter southeast quarter, section 12; northwest quarter northeast quarter, and west half, section 13; sections 14 to 23, inclusive; south half, section 24; sections 25 to 36, inclusive; township 37 north, range 42 east.

Lots 10 to 16, inclusive, and south half, section 1; lots 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, and 16, and south half, section 2; sections 3 to 11, inclusive; northwest quarter, south half, and northwest quarter northeast quarter, section 12; sections 13 to 36, inclusive; township 38 north, range 42 east.

Sections 1 to 36, inclusive; township 39 north, range 42 east.

Sections 1 to 3, inclusive; sections 10 to 15, inclusive; sections 19 to 36, inclusive; township 40 north, range 42 east.

Sections 4 to 9, inclusive; sections 16 to 21, inclusive; sections 28 to 32, inclusive; north half, southwest quarter, north half southeast quarter, southwest quarter southeast quarter, section 33; township 31 north, range 43 east.

West half section 5; sections 6 and 7; north half north half, and south half, section 8; sections 17 to 20, inclusive; southwest quarter section 21; southwest quarter, and south half southeast quarter, section 28; sections 29 to 33, inclusive; township 32 north, range 43 east.

Sections 4 to 9, inclusive; northwest quarter southwest quarter, section 10; sections 16 to 21, inclusive; north half, southwest quarter, north half southeast quarter, and southwest quarter southeast quarter, section 29; sections 30 and 31; west half northeast quarter, and west half, section 32; township 33 north, range 43 east.

North half, north half south half, and southwest quarter southwest quarter, section 1; sections 2 to 11, inclusive; sections 15 to 22, inclusive; north half northwest quarter, section 27; sections 28 to 34, inclusive; township 34 north, range 43 east.

Lot 7, section 2; sections 3 to 10, inclusive; southwest quarter northwest quarter, and southwest quarter, lots 3 and 4, section 11; north half, southwest quarter, and north half southeast quarter, section 14; sections 15 to 22, inclusive; north half, southwest quarter, north half southeast quarter, and southwest quarter southeast quarter, section 23; sections 25 to 36, inclusive; township 35 north, range 43 east.

Sections 5 to 8, inclusive; sections 17 to 20, inclusive; sections 28 to 33, inclusive; lot 4, southeast quarter northwest quarter, southwest quarter northeast quarter, southwest quarter, and west half southeast quarter, section 34; township 36 north, range 43 east.

All of section 31, township 37 north, range 43 east.

Lots 6 and 7, section 6; lots 2, 3, and 4, east half southwest quarter, west half southeast quarter, south half northeast quarter, and southeast quarter northwest quarter, section 7; west half southwest quarter, section 19; township 38 north, range 43 east.

Lots 1 and 2, section 3; north half, southeast quarter, north half southwest quarter, and southwest quarter southwest quarter, section 4; sections 5 to 8, inclusive; sections 17 to 20, inclusive; north half north half, section 30; northwest quarter northwest quarter, section 31; township 39 north, range 43 east.

Lots 4, 7, and 9, east half southwest quarter, and southwest quarter southwest quarter, section 3; lots 2, 3, and 4, and south half, section 4; sections 5 to 9, inclusive; section 10, that part west of the Pend Oreille River, sections 15 to 21, inclusive; northwest quarter northeast quarter, south half northeast quarter, northwest quarter, and south half, section 22; sections 27 to 33, inclusive; northwest quarter, and south half, section 34; township 40 north, range 43 east.

[SEC. 2. Any of the lands described in the first section of this Act which are privately owned may be accepted in exchange by the Secretary of the Interior under the provisions of the Act entitled, "An Act to consolidate national-forest lands", approved March 20, 1922, as amended (U. S. C., title 16, secs. 485, 486). All of such lands so accepted in exchange shall thereupon be added to and made a part of the Kaniksu National Forest in the State of Washington and shall thereafter be administered under the laws and regulations relating to the national forests. Lands received in exchange or purchased under the provisions of this Act shall be open to mineral locations, mineral development, and patent, in accordance with the mining laws of the United States.]

Sec. 2. Any of the non-Federal lands described in the first section of this Act may be accepted in exchange under the provisions of the Act entitled "An Act to consolidate national forest lands," approved March 20, 1922, as amended (42 Stat. 465; 43 Stat. 1090). All of such lands so accepted in exchange shall thereupon be added to and made a part of the national forest in which they are located and shall thereafter be administered under the laws and regulations relating to the national forests. Lands received in exchange or purchased under the provisions of this Act shall be open to mineral locations, mineral development, and patent, in accordance with the mining laws of the United States.

For reference purposes the Act of March 20, 1922, as amended (42 Stat. 465; 43 Stat. 1090), to which the Act of August 10, 1939, as amended by S. 3289, refers, is set forth in full below:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, when the public interests will be benefited thereby, the Secretary of the Interior be and hereby is authorized in his discretion to accept on behalf of the United States title to any lands within the exterior boundaries of the national forests which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and in exchange therefor may patent not to exceed an equal value of such national forest land, in the same State, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture: *Provided,* That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located. (42 Stat. 465.)

SEC. 2. Either party to an exchange may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of Agriculture; where mineral reservations are made in lands conveyed by the United States it shall be so stipulated in the patents, and that any person who acquires the right to mine and remove the reserved deposits may enter and occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals upon payment to the owner of the surface for damages caused to the land and improvements thereon: *Provided,* That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands conveyed to the United States shall be subject to the tax laws of the States where such lands are located. (43. Stat. 1090.)

AMENDING THE ACT OF AUGUST 10, 1939, TO AUTHORIZE THE SECRETARY OF AGRICULTURE TO MAKE LAND EXCHANGES IN THE KANIKSU NATIONAL FOREST IN THE STATE OF WASHINGTON

AUGUST 15, 1974.—Ordered to be printed

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

REPORT

[To accompany S. 3289]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 3289) to amend the Act of August 10, 1939 (53 Stat. 1350), having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

The text of S. 3289 is as follows:

That section 2 of the Act of August 10, 1939 (53 Stat. 1350) is hereby amended to read as follows:

“SEC. 2. Any of the non-Federal lands described in the first section of this act may be accepted in exchange under the provisions of the act entitled “An Act to consolidate National Forest Lands,” approved March 20, 1922, as amended (42 Stat. 465; 43 Stat. 1090). All of such lands so accepted in exchange shall thereupon be added to and made a part of the national forest in which they are located and shall thereafter be administered under the laws and regulations relating to the national forests. Lands received in exchange or purchased under the provisions of this act shall be open to mineral locations, mineral development, and patent, in accordance with the mining laws of the United States.”

SEC. 2. All exchanges made prior to the date of this act involving any non-Federal lands within the area described in section 1 of the act of August 10, 1939 (53 Stat. 1347) are hereby approved and confirmed.

I. PURPOSE AND DESCRIPTION OF S. 3289

S. 3289 would amend the Act of August 10, 1939, to provide that "any of the non-Federal lands" within the area described in the Act of August 10, 1939, may be accepted in exchange under the provisions of the Act entitled, "An Act to consolidate national forest lands," approved March 20, 1922. The Act of August 10, 1939, now provides that "privately owned" lands may be accepted in exchange. S. 3289 would also approve and confirm all exchanges made prior to the date of the Act involving any non-Federal lands within the area described in the Act of August 10, 1939.

The Act of August 10, 1939, added a total of 459,400 acres to the Kaniksu National Forest in the State of Washington. These lands consisted of 238,000 acres which had been purchased by the Resettlement Administration, 98,200 acres of public domain lands, 24,900 acres of State lands, and 98,300 acres of other privately owned lands.

As noted above, although the 1939 Act referred to the Act of March 20, 1922, as the basic authority under which lands could be accepted in exchange for addition to the Kaniksu National Forest, the land exchange provisions of the two Acts are inconsistent. Whereas the 1922 Act provides that "any lands" may be accepted in exchange, the 1939 Act limits the lands which may be accepted in exchange to "privately owned lands" only.

The State of Washington is interested in exchanging State-owned lands within the area added to the Kaniksu National Forest by the 1939 Act. These lands are highly suitable for national forest purposes and their acquisition would facilitate the administration of the adjacent national forest lands and other publicly owned lands.

The proposed amendment would remove the apparent limitation, contained in the 1939 Act, that only privately owned lands may be accepted in exchange, and would allow the acceptance of any non-Federal lands in exchange. The amendment would be consistent with the general exchange authority provided in the 1922 Act. The proposed amendment would also confirm two exchanges which were inadvertently completed with the Pend Oreille County under the general provisions of the 1922 Act.

II. LEGISLATIVE BACKGROUND

S. 3289 was introduced by Senator Henry M. Jackson on April 2, 1974. The Subcommittee on Public Lands held a hearing on the measure on July 17, 1974, and ordered it reported to the full Committee in open mark-up session on July 29, 1974. On August 12, 1974, by unanimous voice vote in open mark-up, the Committee ordered reported S. 3289, without amendments.

III. TABULATION OF VOTES CAST

The votes on the orders to report S. 3289 were taken by the Subcommittee and full Committee in open public session. As these votes were previously announced by the Committee in accord with the provisions of section 133 (b) of the Legislative Reorganization Act of 1946, as amended, tabulation of the votes in this Committee Report is unnecessary.

IV. COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, in open markup session on August 12, 1974, by voice vote, unanimously recommended that S. 3289 be enacted.

V. COST

In accordance with subsection (a) of section 255 of the Legislative Reorganization Act, the following is a statement of estimated costs which would be incurred in the implementation of S. 3289:

The enactment of S. 3289 could result in minor expenditures of funds in the administration of land exchanges. These expenditures, however, would be more than offset by the savings in land management costs which would result from the consolidation of national forest lands to be accomplished by the exchanges.

VI. EXECUTIVE COMMUNICATIONS

The reports of Federal agencies to the Committee concerning S. 3289 are set forth in full, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 28, 1974.

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

DEAR MR. CHAIRMAN: We would like to offer our views on S. 3289, a bill to amend the Act of August 10, 1939 (53 Stat. 1347), and for other purposes.

This Department recommends that S. 3289 be enacted.

S. 3289 would amend the Act of August 10, 1939, to provide that "any of the non-Federal lands" within the area described in the Act of August 10, 1939, may be accepted in exchange under the provisions of the Act entitled, "An Act to consolidate national forest lands," approved March 20, 1922. The Act of August 10, 1939, now provides that "privately owned" lands may be accepted in exchange. S. 3289 would also approve and confirm all exchanges made prior to the date of the Act involving any non-Federal lands within the area described in the Act of August 10, 1939.

The Act of August 10, 1939, added lands to the Kaniksu National Forest in the State of Washington totaling 459,400 acres. These lands consisted of 238,000 acres which had been purchased by the Resettlement Administration, 98,200 acres of public domain lands, 24,900 acres of State lands and 98,300 acres of other privately owned lands.

The 1939 Act referred to the Act of March 20, 1922, as the basic authority under which lands could be accepted in exchange for addition to the National Forest. The 1922 Act provides that "any lands" may be accepted in exchange, whereas the 1939 Act provided that "privately owned lands" may be accepted in exchange.

The State of Washington is interested in exchanging State-owned lands within the area added to the National Forest by the 1939 Act. These lands are highly suitable for National Forest purposes and their acquisition would facilitate the administration of the adjacent National Forest lands and other publicly owned lands.

The proposed amendment would remove the apparent limitation, contained in the 1939 Act, that only privately owned lands may be accepted in exchange, and would allow the acceptance of any non-Federal lands in exchange. The amendment would be consistent with the general exchange authority provided in the 1922 Act. The proposed amendment would also confirm two exchanges which were inadvertently completed with the Pend Oreille County under the general provisions of the 1922 Act.

Enactment of S. 3289 would not result in any new budget authority or outlays.

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.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C. July 16, 1974.

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

DEAR MR. CHAIRMAN: YOUR Committee has requested the views of this Department on S. 3289, a bill to amend the Act of August 10, 1939 (53 Stat. 1347), and for other purposes.

S. 3289 would amend the Act of August 10, 1939, to provide that non-Federal lands described in the first section of the Act may be accepted in exchange under the provisions of the Act entitled "An Act to consolidate national forest lands" (43 Stat. 465; 43 Stat. 1090) and that they shall be added to and made a part of the national forest in which they are located. The bill would also approve and confirm all such exchanges made prior to the enactment of S. 3289.

Since this bill does not involve any program under the jurisdiction of this Department we defer to the Department of Agriculture as to its merits.

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

Sincerely yours,

JOHN KYL,
Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., June 28, 1974.

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

DEAR MR. CHAIRMAN: This is in response to your request of June 19, 1974 for the views of the Office of Management and Budget on S. 3289, a bill to amend the Act of August 10, 1939 (53 Stat. 1347), and for other purposes.

The Office of Management and Budget concurs in the views of the Department of Agriculture in its report on S. 3289, and accordingly recommends enactment of the bill.

Sincerely,

WILFRED H. ROMMEL,
*Assistant Director for
Legislative Reference.*

VII. CHANGES IN EXISTING LAW

In compliance with subsection (4) of Rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, S. 3289, are shown as follows (existing law proposed to be omitted in enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

THE ACT OF AUGUST 10, 1939 (53 STAT. 1347)

AN ACT To include within the Kaniksu National Forest lands owned or in course of acquisition by the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands of the United States situated within the area hereinafter described, including those acquired, or in course of acquisition, under the provisions of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195), the Emergency Relief Appropriation Act, approved April 8, 1935 (49 Stat. 115), or the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522), are hereby added to and made parts of the Kaniksu National Forest, Washington, and shall hereafter be subject to the rules and regulations applicable to national-forest lands, but claims, entries, filings, or appropriations under the public-lands laws, or special provisions included in conveyances of title to the United States, valid, and subsisting at the date of this Act and thereafter legally maintained, shall not be affected by this Act.

WILLAMETTE MERIDIAN

East half, section 1; east half section 12; east half northeast quarter, section 13; township 33 north, range 39 east.

North half, north half southwest quarter, southeast quarter southwest quarter, and west half southeast quarter, section 1; east half

northeast quarter, northeast quarter southeast quarter, north half northwest quarter, southwest quarter northwest quarter, and southwest quarter, section 2; sections 3 to 5 inclusive; northeast quarter, northeast quarter northwest quarter, south half northwest quarter, and south half, section 6; sections 7 to 10, inclusive; northwest quarter northeast quarter, south half northeast quarter, west half, north half southeast quarter, and southwest quarter southeast quarter, section 11; sections 15 and 16; north half, north half south half, south half southeast quarter, and southwest quarter southwest quarter, section 17; east half and northwest quarter, section 18; all of section 19; east half, and west half northwest quarter, section 20; all of section 21; north half north half, southwest quarter northeast quarter, and northwest quarter southwest quarter, section 22; west half east half and north half northwest quarter, section 30; township 33 north, range 40 east.

Those parts of section 23 to 26, inclusive lying south of the divide between the waters of Bear Creek and North Fork Chewelah Creek; that part of section 27 lying within the watersheds of North Fork Chewelah Creek or Twelve Mile Creek; that part of section 28 lying within the watershed of Twelve Mile Creek; south half, section 20; northeast quarter southeast quarter, section 30; southeast quarter northeast quarter, southeast quarter southwest quarter, and southeast quarter, section 31; northeast quarter, northeast quarter northwest quarter, south half northwest quarter, and south half, section 32; sections 33 to 36, inclusive; township 34 north, range 40 east.

Northwest quarter northwest quarter, section 2; northeast quarter northeast quarter, section 3; township 35 north, range 40 east.

Sections 1 to 7, inclusive; north half, and east half southeast quarter, section 8; sections 9 to 15, inclusive; north half, and east half southeast quarter, section 16; south half northeast quarter, and north half southeast quarter, section 17; northeast quarter, northeast quarter northwest quarter, south half northwest quarter, and south half, section 21; sections 22 to 28, inclusive; sections 33 to 36, inclusive; township 36 north, range 40 east

Sections 1 and 2; lots 1, 2, 7, 8, 9, 10, 15, and 16, southeast quarter, east half southwest quarter, and southwest quarter southwest quarter, section 3; lots 1 to 15, inclusive, northwest quarter southeast quarter, south half southeast quarter, and southwest quarter, section 4; sections 5 to 36, inclusive; township 37 north, range 40 east

Southeast quarter, section 12; township 31 north, range 41 east

Sections 1 to 4, inclusive; sections 9 to 17, inclusive; east half east half section 18; sections 22 to 27, inclusive; sections 34 to 36, inclusive; township 32 north, range 41 east

Sections 1 to 5, inclusive; lots 1, 2, 14, south half northeast quarter, east half southeast quarter, southwest quarter southeast quarter, section 6; northeast quarter, lots 1, 6, 7, 8, 9, 10, 11, 12, southeast quarter, section 7; sections 8 to 16, inclusive; north half southwest quarter, north half southeast quarter, section 17; northeast quarter, lots 6, 7, 8, 9, 10, 11, 12, southeast quarter, section 18; lots 1 to 7, inclusive, lots 9, 10, 12, northeast quarter, north half southeast quarter, section 19; northwest quarter northwest quarter section 20; northeast quarter, northeast quarter northwest quarter, and south

half northwest quarter, section 21; southeast quarter northeast quarter section 22; north half, southeast quarter, north half southwest quarter, and southeast quarter southwest quarter, section 23; sections 24 to 26, inclusive; northeast quarter, east half northwest quarter, southwest quarter northwest quarter, and south half, section 27; south half north half, and south half, section 28; all section 29; east half section 30; north half northeast quarter, southeast quarter northeast quarter, and southeast quarter, section 31; sections 32 to 36, inclusive; township 33 north, range 41 east.

All of sections 23 to 30, inclusive, lying within the watershed of North Fork Chewelah Creek, sections 31 to 36, inclusive, township 34 north, range 41 east.

Lots 2, 3, 4, 5, 6, 11, and 12, north half southwest quarter, section 4; lots 1 to 12, inclusive, north half south half, southeast quarter southwest quarter, and southwest quarter southeast quarter, section 5; all of section 6; northeast quarter northwest quarter, section 7; township 35 north, range 41 east.

Sections 1 to 24, inclusive; west half section 27; sections 28 to 32, inclusive; north half, southwest quarter, north half southeast quarter, southwest quarter southeast quarter, section 33; northwest quarter, northwest quarter southwest quarter, section 34; township 36 north, range 41 east.

Section 1 to 36, inclusive, township 37 north, range 41 east.

Sections 1 to 3 inclusive; southwest quarter southeast quarter, section 4; northwest quarter northeast quarter, south half northeast quarter, east half northwest quarter, and south half, section 9; sections 10 to 16, inclusive; sections 21 to 28 inclusive; sections 33 to 36, inclusive; township 38 north, range 41 east.

Sections 1 to 6, inclusive; northeast quarter, south half northwest quarter, and south half, section 7; sections 8 to 27, inclusive; north half section 28; sections 29 and 30; north half section 31; north half and southeast quarter, section 33; sections 34 to 36, inclusive; township 31 north, range 42 east.

Sections 1 to 36, inclusive, township 31 north, range 42 east.

Sections 1 to 36, inclusive, township 33 north, range 42 east.

Sections 1 to 4, inclusive; those parts of sections 5 to 8, inclusive, lying within the Tacoma Creek watershed; sections 9 to 16, inclusive; those parts of sections 17, 18, and 19 lying within the watersheds of Tacoma and Drummond Creeks; sections 20 to 29, inclusive; those parts of section 30 lying within the Drummond Creek watershed; sections 31 to 36, inclusive; township 34 north, range 42 east.

That portion of the township lying east of the Divide between the watersheds of the Pend Oreille River on the east and the Colville River on the west, township 35 north, range 42 east.

Sections 1 to 18, inclusive; north half, north half south half, section 19; north half, north half south half, section 20; north half, north half south half, section 21; sections 22 to 27, inclusive; that portion lying on the watershed of the Pend Oreille River, section 33; sections 34 to 36, inclusive; township 36 north, range 42 east.

Northeast quarter northeast quarter, north half northwest quarter, and southwest quarter northwest quarter, section 1; sections 2 to 11, inclusive; east half northwest quarter, southwest quarter, and southwest quarter southeast quarter, section 12; northwest quarter northeast quarter, and west half, section 13; sections 14 to 23, inclusive; south half, section 24; sections 25 to 36, inclusive; township 37 north, range 42 east.

Lots 10 to 16, inclusive, and south half, section 1; lots 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, and 16, and south half, section 2; sections 3 to 11, inclusive; northwest quarter, south half, and northwest quarter northeast quarter, section 12; sections 13 to 36, inclusive; township 38 north, range 42 east.

Sections 1 to 36, inclusive; township 39 north, range 42 east.

Sections 1 to 3, inclusive; sections 10 to 15, inclusive; sections 19 to 36, inclusive; township 40 north, range 42 east.

Sections 4 to 9, inclusive; sections 16 to 21, inclusive; sections 28 to 32, inclusive; north half, southwest quarter, north half southeast quarter, southwest quarter southeast quarter, section 33; township 31 north, range 43 east.

West half section 5; sections 6 and 7; north half north half, and south half, section 8; sections 17 to 20, inclusive; southwest quarter section 21; southwest quarter, and south half southeast quarter, section 28; sections 29 to 33, inclusive; township 32 north, range 43 east.

Sections 4 to 9, inclusive; northwest quarter southwest quarter, section 10; sections 16 to 21, inclusive; north half, southwest quarter, north half southeast quarter, and southwest quarter southeast quarter, section 29; sections 30 and 31; west half northeast quarter, and west half, section 32; township 33 north, range 43 east.

North half, north half south half, and southwest quarter southwest quarter, section 1; sections 2 to 11, inclusive; sections 15 to 22, inclusive; north half northwest quarter, section 27; sections 28 to 34, inclusive; township 34 north, range 43 east.

Lot 7, section 2; sections 3 to 10, inclusive; southwest quarter northwest quarter, and southwest quarter, lots 3 and 4, section 11; north half, southwest quarter, and north half southeast quarter, section 14; sections 15 to 22, inclusive; north half, southwest quarter, north half southeast quarter, and southwest quarter southeast quarter, section 23; sections 25 to 36, inclusive; township 35 north, range 43 east.

Sections 5 to 8, inclusive; sections 17 to 20, inclusive; sections 28 to 33, inclusive; lot 4, southeast quarter northwest quarter, southwest quarter northeast quarter, southwest quarter, and west half southeast quarter, section 34; township 36 north, range 43 east.

All of section 31, township 37 north, range 43 east.

Lots 6 and 7, section 6; lots 2, 3, and 4, east half southwest quarter, west half southeast quarter, south half northeast quarter, and southeast quarter northwest quarter, section 7; west half southwest quarter, section 19; township 38 north, range 43 east.

Lots 1 and 2, section 3; north half, southeast quarter, north half southwest quarter, and southwest quarter southwest quarter, section 4; sections 5 to 8, inclusive; sections 17 to 20, inclusive; north half north half, section 30; northwest quarter northwest quarter, section 31; township 39 north, range 43 east.

Lots 4, 7, and 9, east half southwest quarter, and southwest quarter southwest quarter, section 3; lots 2, 3, and 4, and south half, section 4; sections 5 to 9, inclusive; section 10, that part west of the Pend Oreille River, sections 15 to 21, inclusive; northwest quarter northeast quarter, south half northeast quarter, northwest quarter, and south half, section 22; sections 27 to 33, inclusive; northwest quarter, and south half, section 34; township 40 north, range 43 east.

[**SEC. 2.** Any of the lands described in the first section of this Act which are privately owned may be accepted in exchange by the Secretary of the Interior under the provisions of the Act entitled, "An Act to consolidate national-forest lands", approved March 20, 1922, as amended (U. S. C., title 16, secs. 485, 486). All of such lands so accepted in exchange shall thereupon be added to and made a part of the Kaniksu National Forest in the State of Washington and shall thereafter be administered under the laws and regulations relating to the national forests. Lands received in exchange or purchased under the provisions of this Act shall be open to mineral locations, mineral development, and patent, in accordance with the mining laws of the United States.]

Sec. 2. Any of the non-Federal lands described in the first section of this Act may be accepted in exchange under the provisions of the Act entitled "An Act to consolidate national forest lands," approved March 20, 1922, as amended (42 Stat. 465; 43 Stat. 1090). All of such lands so accepted in exchange shall thereupon be added to and made a part of the national forest in which they are located and shall thereafter be administered under the laws and regulations relating to the national forests. Lands received in exchange or purchased under the provisions of this Act shall be open to mineral locations, mineral development, and patent, in accordance with the mining laws of the United States.

For reference purposes the Act of March 20, 1922, as amended (42 Stat. 465; 43 Stat. 1090), to which the Act of August 10, 1939, as amended by S. 3289, refers, is set forth in full below:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, when the public interests will be benefited thereby, the Secretary of the Interior be and hereby is authorized in his discretion to accept on behalf of the United States title to any lands within the exterior boundaries of the national forests which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and in exchange therefor may patent not to exceed an equal value of such national forest land, in the same State, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture.*

Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located. (42 Stat. 465.)

SEC. 2. Either party to an exchange may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of Agriculture; where mineral reservations are made in lands conveyed by the United States it shall be so stipulated in the patents, and that any person who acquires the right to mine and remove the reserved deposits may enter and occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals upon payment to the owner of the surface for damages caused to the land and improvements thereon: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands conveyed to the United States shall be subject to the tax laws of the States where such lands are located. (43. Stat. 1090.)



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 amend the Act of August 10, 1939 (53 Stat. 1347), and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of August 10, 1939 (53 Stat. 1350) is hereby amended to read as follows:

"SEC. 2. Any of the non-Federal lands described in the first section of this Act may be accepted in exchange under the provisions of the Act entitled 'An Act to consolidate national forest lands,' approved March 20, 1922, as amended (42 Stat. 465; 43 Stat. 1090). All of such lands so accepted in exchange shall thereupon be added to and made a part of the national forest in which they are located and shall thereafter be administered under the laws and regulations relating to the national forests. Lands received in exchange or purchased under the provisions of this Act shall be open to mineral locations, mineral development, and patent, in accordance with the mining laws of the United States."

SEC. 2. All exchanges made prior to the date of this Act involving any non-Federal lands within the area described in section 1 of the Act of August 10, 1939 (53 Stat. 1347) are hereby approved and confirmed.

Speaker of the House of Representatives.

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