

The original documents are located in Box 40, folder “1976/02/17 HR5608 Wetlands Loan Extension” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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APPROVED

FEB 17 1976

*Statement Issued
2/17/76*

*Signed
2/17/76*

THE WHITE HOUSE

ACTION

WASHINGTON

February 16, 1976

Last Day: February 17

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON

SUBJECT: H.R. 5608 - Wetlands Loan Extension

Attached for your consideration is H.R. 5608, sponsored by Representatives Oberstar, Leggett and Dingell, which extends the Wetlands Loan Act for seven years and increases the advance appropriation authorization for wetlands acquisition from the present \$105 million to \$200 million.

A discussion of the provisions of the bill is provided in OMB's enrolled bill report at Tab A.

Because the enrolled bill does not contain several Administration recommendations with respect to Migratory Waterfowl Hunting Stamps, OMB has prepared a signing statement for your consideration which indicates your disappointment that these recommendations were not included and urges the Congress to reconsider them.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill and issuance of the proposed signing statement which has been cleared by the White House Editorial Office.

RECOMMENDATION

That you sign H.R. 5608 at Tab B.

That you approve the signing statement at Tab C.

Approve *[Signature]*

Disapprove *[Signature]*

*To Omb
2/14/76*



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

FEB 11 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5608 - Wetlands loan
extension
Sponsors - Rep. Oberstar (D) Minnesota, Rep.
Leggett (D) California, and Rep. Dingell
(D) Michigan

Last Day for Action

February 17, 1976 - Tuesday

Purpose

Extends the Wetlands Loan Act for seven years and increases the advance appropriation authorization for wetlands acquisition from the present \$105 million to \$200 million.

Agency Recommendations

Office of Management and Budget	Approval (Signing Statement attached)
Department of the Interior	Approval
Council on Environmental Quality	Approval
U.S. Postal Service	No objection (informally)
Department of the Treasury	Concurs in a disapproval recommendation

Discussion

Forty percent of the original 127 million acres of wetlands in this country have been lost through draining, filling, or other development. In order to preserve those wetlands which significantly contribute to the production of migratory waterfowl, Interior has acquired 6.9 million acres of wetlands. Now, Interior believes that it must obtain an additional 1.9 million acres if we are to maintain current populations and distribution of migratory birds.



Funding for Federal wetlands acquisition is provided through two principal sources. First, the Hunting Stamp Tax Act requires all migratory waterfowl hunters, sixteen years of age or older, to purchase a "Migratory Bird Hunting Stamp" -- this so-called duck stamp costs five dollars, the maximum fee allowed under the law, and these monies (currently \$12 million annually) are earmarked for wetlands acquisition. Second, the Wetlands Loan Act of 1961, as extended in 1968, authorized appropriations not to exceed \$105 million for the period through the end of fiscal year 1976, for wetlands acquisition. Appropriations are advanced, interest free, to Interior's Migratory Bird Conservation Account, to be repaid from future stamp receipts deposited in the account. To date, \$93.4 million has been appropriated under this authority. However, beginning in fiscal year 1977, these funds are to be repaid to the General Fund of Treasury in annual amounts comprising 75 percent of the monies accruing from duck stamp receipts. If repayment proceeds as the law now requires, Interior's wetlands acquisition program will not be achieved within the present schedule.

The enrolled bill would extend the Wetlands Loan Act for an additional seven years and increase the appropriation authorization from the present \$105 million to \$200 million. Repayment of the appropriation advances would not begin until October 1, 1983. In addition, the "Migratory Bird Hunting Stamp" would be redesignated as the "Migratory Bird Hunting and Conservation Stamp." The stamp is currently sold at Post Offices, and under H.R. 5608, Interior would also be authorized to sell them.

In developing an Administration position on this legislation last year, Interior carried out a comprehensive study of the Federal Government's role in migratory bird management. The House acted before this analysis was completed, but the Administration's recommendations were presented during hearings before the Senate Interior Committee. The Administration recommended that H.R. 5608 be amended in the following basic ways:

1. Forgive all repayment requirements under the Wetlands Loan Act's original \$105 million authorization

since inflation and the interest free nature of these appropriations advances have made the advances, in effect, a subsidy. Future wetlands acquisition would be provided for through (a) earmarked duck stamp receipts and (b) direct appropriations, if needed, not to exceed \$295 million over a fifteen year period to begin in fiscal year 1977.

2. Authorize the Secretary to (a) require all migratory waterfowl hunters to have a valid duck stamp and (b) set, at his discretion, the price of the duck stamp in a manner which considers land acquisition and other program costs.

The Administration's amendments were directed at making the acquisition program as nearly self sustaining as possible (duck stamp receipts would have doubled) while giving the Secretary flexibility to meet migratory bird land acquisition program objectives in the future. The additional appropriation authority would have been subject to fiscal restraints and drawn upon in relation to how rapidly wetlands habitat was being lost.

H.R. 5608 passed in the House by 400 to 0 and on a voice vote in the Senate.

In reporting on H.R. 5608, the Senate Interior Committee did not react to the Administration proposal, but instead made the general observation that:

"The committee endorses the wetlands acquisition program of the Department of the Interior and believes that its continuation and extension are in the national interest."

Agency Views

Interior and CEQ both strongly recommend approval while the U.S. Postal Service has informally advised that it has no objection to H.R. 5608. In its enrolled bill letter, Interior noted that while H.R. 5608 does not reflect the Department's amendments:

" ... we do not believe that their absence constitutes a major departure in substance from the Administration's position on H.R. 5608."

* * * * *

"This bill is of critical importance to our wetlands acquisition program because it provides needed funding in excess of current duck stamp receipts to continue an accelerated land acquisition program which will acquire habitat sufficient to protect maximum levels of waterfowl."

On the other hand, in its enrolled bill letter, Treasury states that it "would support a recommendation that the enrolled enactment not be approved by the President." Treasury bases its recommendation on the fact that Congress did not adopt Interior's proposed amendments.

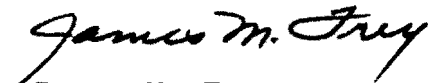
On balance, we support the Interior and CEQ recommendation. While the enrolled bill's mechanism for direct appropriations is clearly different than that proposed by the Administration, the practical effect over the near term is similar -- both (a) additional appropriation authorization, if needed, and (b) the continued full use of duck stamp receipts are provided for new wetlands acquisition. Your fiscal year 1977 budget is not affected by H.R. 5608, as only duck stamp receipts are planned to be used in the acquisition program, although both the Administration proposal and the enrolled bill provided for additional direct appropriation authority. As 1983 grows near, we expect further review of the Federal wetlands acquisition program will be necessary and action may then be necessary on the basis of the situation at that point in time.

Finally, we think the authority to raise the prices of duck stamps and require their purchase by all migratory waterfowl hunters would have been both equitable and programmatically sound improvements, but we do not believe the lack of such authority is grounds for veto. In this regard, we understand that Interior considered recommending the issuance of a signing statement which would express your disappointment that Congress failed to accept these two Administration proposals, but decided against such a recommendation

in the belief that the chances of favorable Congressional action would be slim.

In that connection, those proposals would be perceived by most conservationists, and the general public, as being equitable, fiscally sound, and in the public interest. Although some hunters may differ, most of them would recognize that the higher cost duck stamp or the requirement for a duck stamp are but a small portion of the expense of hunting and that these additional revenues would be of long-term benefit to both waterfowl and hunters. In fact, an Interior survey indicates that 70 percent of all hunters are prepared to pay \$10.00 for a "duck stamp."

In the event that you decide that a signing statement is warranted under the circumstances, we have prepared the attached draft statement for your consideration.



James M. Frey
Assistant Director for
Legislative Reference

Enclosures

STATEMENT BY THE PRESIDENT

I have today approved H.R. 5608, a bill which provides for the continued authorization of funds with which to purchase wetlands for the protection of migratory waterfowl. However, I am disappointed that the Congress did not accept certain Administration recommendations regarding this legislation.

To accomplish the objectives of this program, and to do so in the most sound financial manner, this Administration had proposed to Congress two changes. First, ~~we~~^I proposed that the Secretary of the Interior be authorized to increase the price of the Migratory Waterfowl Hunting Stamp, the so-called "duck stamp," considering both the increasing cost of buying wetlands and other costs incurred in conserving waterfowl. Since 1972, the price of a "duck stamp" has been \$5.00, the maximum allowed by law. I understand that ^{most} many duck hunters ^{should be} are willing to pay up to \$10.00 for a stamp to help pay the cost of conserving this resource. A \$10.00 "duck stamp" would double the revenues used to purchase wetlands, making approximately \$24 million available annually.

*RFJ
modification*

Second, ~~we~~^I proposed that the ^{17%} 13% of all migratory waterfowl hunters who do not currently need to buy stamps be required to have them. I refer to hunters under the age of 16, who are already required by 36 States to purchase hunting licenses.

Enactment of both proposals would not only have generated more revenues, enabling us to buy wetlands sooner, but would have made the acquisition program

more nearly self-financing.

I therefore urge the Congress to reconsider these proposals and enact them into law.

To-
J. Cavanaugh
2-11-76
6:00 p.m.



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

FEB 11 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5608 - Wetlands loan extension
Sponsors - Rep. Oberstar (D) Minnesota, Rep. Leggett (D) California, and Rep. Dingell (D) Michigan

Last Day for Action

February 17, 1976 - Tuesday

Purpose

Extends the Wetlands Loan Act for seven years and increases the advance appropriation authorization for wetlands acquisition from the present \$105 million to \$200 million.

Agency Recommendations

Office of Management and Budget	Approval (Signing Statement attached)
Department of the Interior	Approval
Council on Environmental Quality	Approval
U.S. Postal Service	No objection (informally)
Department of the Treasury	Concurs in a disapproval recommendation

Discussion

Forty percent of the original 127 million acres of wetlands in this country have been lost through draining, filling, or other development. In order to preserve those wetlands which significantly contribute to the production of migratory waterfowl, Interior has acquired 6.9 million acres of wetlands. Now, Interior believes that it must obtain an additional 1.9 million acres if we are to maintain current populations and distribution of migratory birds.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: February 13

Time: 530pm

FOR ACTION: George Humphreys
Max Friedersdorf
Ken Lazarus
Robert Hartmann

cc (for information): Jack Marsh
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date:

February 16

Time:

noon

SUBJECT:

H.R. 5608 - Wetlands Loan Extension

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.

[Faint handwritten notes and a signature line]

STATEMENT BY THE PRESIDENT

I have today approved H.R. 5608, a bill which provides for the continued authorization of funds with which to purchase wetlands for the protection of migratory waterfowl. However, I am disappointed that the Congress did not accept certain Administration recommendations regarding this legislation.

To accomplish the objectives of this program, and to do so in the most sound financial manner, this Administration had proposed to Congress two changes. First, we proposed that the Secretary of the Interior be authorized to increase the price of the Migratory Waterfowl Hunting Stamp, the so-called "duck stamp," considering both the increasing cost of buying wetlands and other costs incurred in conserving waterfowl. Since 1972, the price of a "duck stamp" has been \$5.00, the maximum allowed by law. I understand that many duck hunters are willing to pay up to \$10.00 for a stamp to help pay the cost of conserving this resource. A \$10.00 "duck stamp" would double the revenues used to purchase wetlands, making approximately \$24 million available annually.

Second, we proposed that the ^{17%}13% of all migratory waterfowl hunters who do not currently need to buy stamps be required to have them. I refer to hunters under the age of 16, who are already required by 36 States to purchase hunting licenses.

Enactment of both proposals would not only have generated more revenues, enabling us to buy wetlands sooner, but would have made the acquisition program



more nearly self-financing.

I therefore urge the Congress to reconsider these proposals and enact them into law.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

FEB 10 1976

Dear Mr. Lynn:

This responds to your request for our views on the enrolled bill H.R. 5608, "To extend until the close of 1983 the period in which appropriations are authorized to be appropriated for the acquisition of wetlands, to increase the maximum amount of such authorization, and for other purposes."

We recommend that the President approve the enrolled bill.

H.R. 5608 would extend the authorization for the Wetlands Loan Act of 1961 (75 Stat. 813) as amended (16 U.S.C. 715k-3-713k-5) and make other minor amendments to the Migratory Bird Hunting Stamp Act (16 U.S.C. 718).

Section 2 of H.R. 5608 provides for the extension of the authorization for the Wetlands Loan Act for an additional seven years and the increase of the advance appropriation authorization by an additional \$95 million from the present \$105 million to \$200 million. The date of the repayment of the loan advance to the Migratory Bird Conservation Fund would be extended until October 1, 1983.

Section 3 of the bill would change the name of the duck stamp from the "Migratory Bird Hunting Stamp" to the "Migratory Bird Hunting and Conservation Stamp". Section 3 would also amend the existing Act to permit the sale of stamps at places other than post offices, such as refuges, and provide that receipts from stamp sales shall be deposited in the migratory bird conservation fund. This section also provides that anyone, not just retail dealers of hunting or fishing equipment and authorized State agents for the sale of hunting or fishing licenses, may redeem unused stamps under prescribed conditions.

Section 4 provides the Secretary with the authority to purchase easements in land, as well as fee simple title in lands acquired under the existing Act.

Section 5 provides exchange authority to the Secretary with respect to easements to allow for the disposal of such interests in land by land exchange.

With the exception of the following four recommendations, the enrolled bill H.R. 5608 is in accord with the recommendations of this Department as transmitted to the Senate Committee on October 22, 1975.



1. In lieu of the loan extension provision in Section 1 of the bill, the Department recommended that H.R. 5608 include a provision to amend the Wetlands Loan Act to eliminate repayment of the initial loan to the fund and authorize the appropriation of funds, not to exceed \$295 million over a fifteen year period, to carry out the accelerated wetland acquisition program.
2. In lieu of the present fixed price of \$5 for the duck stamp, the Department recommended that the Migratory Bird Hunting Stamp Act be amended to provide the Secretary with the discretion to set the price of the duck stamp, taking into consideration the costs of land acquisition and other program costs.
3. In lieu of changing the name of the duck stamp to the "Migratory Bird Hunting and Conservation Stamp" as in H.R. 5608, we recommended that the duck stamp should be entitled the "Migratory Bird Conservation Stamp".
4. In lieu of the present statutory requirement that only hunters 16 years old and older possess a valid duck stamp, this Department recommended that the Migratory Bird Hunting Stamp Act be amended to require all hunters, no matter what age, to have a valid duck stamp.

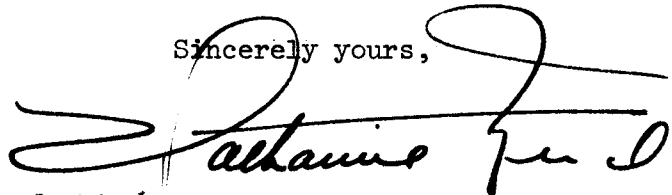
Although these four recommendations are not contained in H.R. 5608, we do not believe that their absence constitutes a major departure in substance from the Administration's position on H.R. 5608. If the Wetlands Loan Act is not amended to at least provide for an extension of the loan repayment, pay back to the Treasury will begin in FY 1977 using 75 percent of the money accruing annually to the Migratory Bird Conservation Fund from duck stamp receipts. Even though H.R. 5608 does not contain a provision to forgive the repayment of the loan advance, the bill does provide for an extension of the repayment date until October 1, 1983. Although the price of the duck stamp will remain at \$5, the sale of the stamp at this price will generate approximately \$12 million annually to be used toward the purchase of wetland habitat and enable the Fish and Wildlife Service to continue its wetlands acquisition program.

The Department was successful in at least changing the name of the duck stamp to include the express concept of "Conservation" to encourage other users of wetland habitat to buy the duck stamp

and support the acquisitions program. Although our recommendation that all hunters be required to have a valid duck stamp would have raised additional revenue for the program, the absence of this provision in the bill does not lower existing duck stamp revenues and will not change the status quo.

This Department strongly supports the objectives of H.R. 5608. This bill is of critical importance to our wetlands acquisition program because it provides needed funding in excess of current duck stamp receipts to continue an accelerated land acquisition program which will acquire habitat sufficient to protect maximum levels of waterfowl. Our goal is to maintain the capability to sustain maximum waterfowl populations that have occurred over the past 15 years. The need to identify and preserve wetlands and other waterfowl habitat has never appeared more critical than it is today. In the last 20 or 30 years more and more wetlands have been modified, and even destroyed by dredging, filling, draining and pollution. While we have no firm figure for the amount of wetland acreage lost to date, we know that from 1850-1953 there was a 45 percent reduction in wetland acreage in the United States.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Catherine P. O'Connell". The signature is written in a cursive style with a large initial "C" and a long horizontal stroke.

Assistant, Secretary of the Interior

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY

722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

February 9, 1976

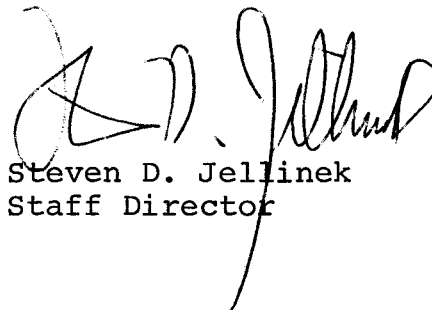
MEMORANDUM FOR JAMES M. FREY
OFFICE OF MANAGEMENT AND BUDGET

ATTENTION: Ms. Ramsey

SUBJECT: To extend until the close of 1983 the period in which appropriations are authorized to be appropriated for the acquisition of wetlands, to increase the maximum amount of such authorization, and for other purposes

This is to notify you of our support of the enrolled bill, H.R. 5608, the wetlands loan extension act of 1976.

In the past century almost half of America's natural wetlands have been destroyed through drainage and poor land use practices. The acquisition and maintenance of wetland habitat for migratory waterfowl and other wildlife species are an important part of our continuing effort to maintain a quality environment. The Council on Environmental Quality recommends that the President sign this enrolled bill.



Steven D. Jellinek
Staff Director



THE GENERAL COUNSEL OF THE TREASURY
WASHINGTON, D.C. 20220

FEB 9 1976

Director, Office of Management and Budget
Executive Office of the President
Washington, D. C. 20503

Attention: Assistant Director for Legislative
Reference

Sir:

Reference is made to your request for the views of this Department on the enrolled enactment of H.R. 5608, "To extend until the close of 1983 the period in which appropriations are authorized to be appropriated for the acquisition of wetlands, to increase the maximum amount of such authorization, and for other purposes."

The Act of October 4, 1961, (75 Stat. 813), as amended, authorizes appropriations not to exceed \$105,000,000 for a fifteen-year program of land acquisition for the benefit of the Nation's migratory waterfowl. The appropriations are treated as interest-free advances to the migratory bird conservation fund established pursuant to section 4 of the Migratory Bird Hunting Stamp Act of 1934, as amended, and are repayable to the Treasury, beginning with fiscal year 1977 out of the migratory bird conservation fund. The enrolled enactment would extend the authorization for appropriations until the close of 1983, and would increase the authorization to \$200,000,000.

The Department's proposed report on H.R. 5608, which was not cleared by OMB, questioned the need for the proposed extension and expansion of this program, and recommended that if the proposed expansion is deemed necessary consideration should also be given to an increase in the price of migratory bird hunting stamps.

The legislative history indicates that in a report to the Senate Committee on Commerce on the bill the Department of the Interior recommended amendments which would have (1) dispensed with the interest-free "advance" concept and financed future activity beyond the level of duck stamp receipts from nonrepayable appropriations, and (2) authorized the Secretary of the Interior to adjust the price of duck stamps in light

of land acquisition and other program costs. The amendments proposed by the Department of the Interior, however, were not adopted by the Congress.

In the circumstances, the Department would support a recommendation that the enrolled enactment not be approved by the President.

Sincerely yours,



General Counsel

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: February 13

Time: 530pm

FOR ACTION: George Humphreys
Max Friedersdorf
Ken Lazarus ✓
Robert Hartmann

cc (for information): Jack Marsh
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: February 16

Time: noon

SUBJECT:

H.R. 5608 - Wetlands Loan Extension

ACTION REQUESTED:

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

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*No objection .
BR for KL*

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.

[Faint stamp]

THE WHITE HOUSE
WASHINGTON

February 16, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.F.*
SUBJECT: H.R. 5608 - Wetlands Loan Extension

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

Attachments

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: February 13

Time: 530pm

FOR ACTION: George Humphreys
Max Friedersdorf
Ken Lazarus
Robert Hartmann

cc (for information): Jack Marsh
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date:

February 16

Time:

noon

SUBJECT:

2/14 - 9:00 am

H.R. 5608 - Wetlands Loan Extension

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

RTW

Presidential Statement (at paper clip) for approval.

Long

OK as amended on draft

RTW

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STATEMENT BY THE PRESIDENT

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To accomplish the objectives of this program, and to do so in the most sound financial manner, this Administration had proposed to Congress two changes. First, ~~we~~ ^I proposed that the Secretary of the Interior be authorized to increase the price of the Migratory Waterfowl Hunting Stamp, the so-called "duck stamp," considering both the increasing cost of buying wetlands and other costs incurred in conserving waterfowl. Since 1972, the price of a "duck stamp" has been \$5.00, the maximum allowed by law. I understand that ^{most} ~~many~~ duck hunters ^{should be} ~~are~~ willing to pay up to \$10.00 for a stamp to help pay the cost of conserving this resource. A \$10.00 "duck stamp" would double the revenues used to purchase wetlands, making approximately \$24 million available annually.

Second, ~~we~~ ^I proposed that the ^{17%} ~~13%~~ of all migratory waterfowl hunters who do not currently need to buy stamps be required to have them. I refer to hunters under the age of 16, who are already required by 36 States to purchase hunting licenses.

Enactment of both proposals would not only have generated more revenues, enabling us to buy wetlands sooner, but would have made the acquisition program

*up
modification*

more nearly self-financing.

I therefore urge the Congress to reconsider these proposals and enact them into law.

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I therefore urge the Congress to reconsider these proposals and enact them into law.

EXTENSION OF WETLANDS LOAN ACT

JUNE 27, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. SULLIVAN, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany H.R. 5608]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 5608) to extend until the close of 1983 the period in which appropriations are authorized to be appropriated for the acquisition of wetlands, and to increase the maximum amount of such authorization, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert the following:

That the first section of the Act entitled "An Act to promote the conservation of migratory waterfowl by the acquisition of wetlands and other essential waterfowl habitat, and for other purposes", approved October 4, 1961 (Public Law 87-383, 16 U.S.C. 715k-3) is amended by striking out "fifteen-year period" and all that follows thereafter and inserting in lieu thereof the following: "period beginning on July 1, 1961, and ending at the close of September 30, 1983, not to exceed \$200,000,000."

SEC. 2. Section 3 of such Act of October 4, 1961, is amended—

(1) by striking out "with fiscal year 1977," and inserting in lieu thereof "on October 1, 1983,"; and

(2) by striking out "prior to the end of the aforementioned said fifteen-year period" and inserting in lieu thereof "before October 1, 1983."

SEC. 3. The first section of the Act entitled "An Act to supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas, for the protection of certain migratory birds, for the enforcement of the Migratory Bird Treaty Act and regulations thereunder, and for other purposes", approved March 16, 1934 (48 Stat. 451; 16 U.S.C. 718a; commonly known as the "Migratory Bird Hunting Stamp Act") is amended by inserting after "hunting" in the first sentence the words "and conservation".

SEC. 4. (a) The first sentence of section 2 of such Act of March 16, 1934 (16 U.S.C. § 718b) is amended to read as follows: "The stamps required by section 1 of this Act shall be issued and sold by the Postal Service and may be

sold by the Department of the Interior under regulations prescribed jointly by the Postal Service and the Secretary of the Interior: *Provided*, That the stamps shall be sold at all post offices of the first- and second-class and at such other facilities or locations as the Postal Service and the Secretary of the Interior shall direct: *Provided further*, That the moneys received for such stamps sold by the Department of the Interior shall be deposited in the migratory bird conservation fund in accordance with the provisions of section 4 of this Act."

(b) The fifth sentence of such section 2 of such Act of March 16, 1934 (16 U.S.C. § 718b) is amended to read as follows: "The Postal Service, pursuant to regulations to be prescribed by it, shall provide for the redemption, on or before the thirtieth day of June of each fiscal year, of blocks composed of two or more attached unused stamps issued for such year that were sold on consignment to any person, including, but not limited to, retail dealers for resale to their customers, and that have not been resold by such persons, including such retail dealers."

SEC. 5. The first sentence of section 4 of such Act of March 16, 1934 (16 U.S.C. § 718d) is amended by inserting immediately after "Postal Service" the following: "or the Department of the Interior, whichever is appropriate."

SEC. 6. Section 2 of the Migratory Bird Conservation Act (16 U.S.C. § 715a) is amended by adding at the end thereof the following new sentence: "For purposes of this Act, the purchase or rental of any area of land, water, or land and water includes the purchase or rental of any interest in any such area of land, water, or land and water."

SEC. 7. The matter contained in section 4(b)(3) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(b)(3)) which precedes the first period is amended to read as follows:

"(3) to acquire lands or interests therein by exchange (A) for acquired lands or public lands, or for interests in acquired or public lands, under his jurisdiction which he finds to be suitable for disposition, or (B) for the right to remove, in accordance with such terms and conditions as the Secretary may prescribe, products from the acquired or public lands within the System".

Amend the title so as to read:

A bill to extend until the close of 1983 the period in which appropriations are authorized to be appropriated for the acquisition of wetlands, to increase the maximum amount of such authorization, and for other purposes.

PURPOSE OF THE BILL

The purpose of this legislation is to make additional funds available for acquisition of wetlands for migratory waterfowl.

In achieving this purpose, the bill would extend the authorization for the Wetlands Loan Act of 1961, as amended, for an additional seven years and increase the amount of funds authorized to be appropriated an additional \$95 million, from the present \$105 million to \$200 million.

LEGISLATIVE BACKGROUND

H.R. 5608 was introduced on March 26, 1975, by Mr. Oberstar and cosponsored by Mr. Leggett and Mr. Dingell.

The Subcommittee on Fisheries and Wildlife Conservation and the Environment held hearings on the legislation on May 15, 1975. The legislation was referred to the Departments of the Interior and Treasury for comments. No report was received from the Department of the Treasury.

The Department of the Interior, in its original report of May 14, 1975, indicated strong support for the objectives of the legislation; however, it did not recommend enactment of the legislation due to an insufficient time to review all ramifications of enactment and to give it a thorough review within the Executive Branch. Nevertheless, the witness for the Department in his testimony at the hearings

supported the legislation with amendments, many of which were adopted by the Committee when the bill was ordered reported.

The Department's view on the bills, based on the witnesses' testimony, were to excuse the repayment of the \$85.9 million advance appropriation under the Wetlands Loan Act; authorize continuation of the program through annual appropriations as may be necessary for future acquisition of wetlands; establish the price of the duck stamp based on the most current land values; and increase the availability of the stamp by allowing sales at certain other facilities.

In addition, the Department suggested other amendments which were designed to stimulate increased sales of the duck stamp. In this regard, it was suggested that the name of the stamp be changed to a Migratory Bird Conservation Stamp from a Migratory Bird Hunting Stamp; that not just retail dealers of hunting and fishing equipment, and authorized State agents for the sale of hunting or fishing licenses, but anyone authorized by the Secretary of the Interior and the Postal Service could redeem unused stamps under prescribed conditions; that all migratory waterfowl hunters, not just those 16 years of age or older (as required by present law) would be required to possess a valid stamp prior to taking such waterfowl; that the Secretary be allowed to acquire less than fee interest in lands when using Migratory Bird Conservation Act funds; and that the Secretary be allowed to dispose of interests in lands when the Secretary is exchanging lands in the National Wildlife Refuge System for lands of equal value.

On May 22, 1975, the Department issued a supplemental report, signed by the Director of the U.S. Fish and Wildlife Service, indicating that the statement on the part of the witness at the hearings was erroneous in that the Department had not completed its review of the legislation and that the Department's position in its letter of May 14th was its correct position on the legislation. This position was in support of the objectives of the legislation, but did not recommend enactment due to an insufficient time period to review the ramifications of the bill.

As of the date of ordering the bill reported by the Committee, June 24, 1975, no additional views on the legislation had been officially received by the Committee.

After giving careful consideration to the evidence presented at the hearings, and the Departmental reports, the Committee by voice vote unanimously ordered the bill reported, with amendments. This was accomplished by striking out all after the enacting clause and substituting new language and amending the title of the bill.

As ordered reported, the bill includes many of the amendments suggested for adoption by the witness at the hearings for the Department of the Interior. An explanation of, and comments on, the amendments adopted by the Committee can be found in the section-by-section analysis of this report.

As to the suggested amendments that were not adopted, such as those relating to an increase in the price of the stamp and the requirement that all hunters be required to possess a valid duck stamp (not just those 16 years of age or older), the Committee determined that these amendments should not be adopted at this time, but should be considered in detail at hearings at a later date at which time sportsmen and other interested citizens would be given an opportunity to be heard on these important issues.

BACKGROUND AND NEED FOR THE LEGISLATION

Originally in the 48 contiguous States there were some 127 million acres of wetlands. By 1955, this total acreage had been reduced to approximately 74 million acres. Of this amount, only 22.5 million acres were of significant value for migratory waterfowl use. Since it was anticipated that 10 million acres would remain in private ownership, there remained to be acquired for public control 12.5 million acres. Of this amount, available information indicated that about 5 million acres would be secured by the States, leaving 7.5 million acres to be purchased by the Secretary of the Interior from the migratory bird conservation fund. By 1958, purchases and donations consisted of approximately 3.5 million acres. Another 1.5 million acres were added by 1961, leaving 2.5 million acres to be acquired by the Secretary under the original goal.

Since 1961, approximately 1.9 million additional acres have been, or are in the process of being, acquired. There remains to be acquired approximately 600,000 acres of land to meet the original goal.

Following is a table supplied by the Department of the Interior which summarizes the goals and expected accomplishments of the Department during the accelerated program, from Fiscal Year 1962 through Fiscal Year 1976:

Category	Objective (acres)	Expected accomplishment fiscal year 1972-76 (acres)	Acres remaining	Percent accomplished
Refuges	750,000	408,000	342,000	54
Waterfowl production areas:				
Fee	600,000	383,000	217,000	64
Easement	1,150,000	1,107,000	43,000	96
Total WPA	1,750,000	1,490,000	260,000	85
Total	2,500,000	1,898,000	602,000	76

Recently, the Department revised its goal and identified for Federal acquisition an additional 1.3 million acres of prime waterfowl habitat. This figure represents an adjustment to the 2.5 million acre goal set in 1961, bringing the goal to 3.8 million acres, of which 1.9 million acres will have been acquired when the current Wetlands Loan Fund authorization is scheduled to terminate. The Department of the Interior feels that the remaining 1.9 acres to be acquired does not represent all that needs to be preserved to maintain desired waterfowl populations and distributions; however, it does reflect what the Department and the Migratory Bird Conservation Commission perceive to be the most vital habitat to continental waterfowl and the most vulnerable to destruction or severe adverse modification over the next decade.

The following table, supplied by the Department of the Interior, illustrates the general geographical areas where the U.S. Fish and Wildlife Service will focus its waterfowl habitat acquisition efforts over the next decade:

PROPOSED U.S. FISH AND WILDLIFE SERVICE MIGRATORY WATERFOWL HABITAT ACQUISITION PROGRAM, BY NATIONAL PRIORITY CATEGORY, FISCAL YEARS 1977-86

Priority	Flyway	Geographic location	Habitat type	Group/species	Primary habitat not protected by public agency	Minimum acres proposed for FWS preservation, fiscal years 1977-91	Estimated cost, 1975 prices, (millions)
1	C	Prairie pothole (North Dakota, South Dakota, Montana).	B	Canvasback, Redhead.			
2	C	do.	B	Other ducks.	1,000,000	(F) 275,000 (E) 550,000	\$66.0 25.0
3	M	Prairie pothole (Minnesota).	B	All.	200,000	825,000 (F) 150,000	91.0 25.4
4	P	California, Central Valley.	W	All.	63,000	60,000	11.2
5	A	Coastal (North Carolina to Massachusetts).	W	Black duck.	50,000	40,000	11.4
6	P	Coastal California (zones 2, 4, 7).	W	All.	70,000	60,000	24.6
7	M	Mississippi Delta (primarily Arkansas, Mississippi, Louisiana).	W	Wood duck, Mallard.	2,000,000	200,000	15.0
8	C	Coastal (northeast, Texas Laguna Madre).	W	All.	350,000	100,000	13.4
9	M	Coastal (primarily Louisiana).	W	All.	1,300,000	100,000	25.2
10	P	Great Basin (Idaho, Utah, Nevada).	B	Redhead.	6,000	40,000	11.1
11	M	General (Wisconsin, Michigan, some Iowa, Idaho).	B	Ducks.	100,000	100,000	24.4
12	A	Coastal (Chesapeake Bay, Delaware, Georgia, North Carolina, South Carolina, Florida).	W	do.	350,000	50,000	14.3
13	C	General (excludes glaciated prairie).	B	do.	250,000	100,000	14.1
14	P	Coastal (Washington).	W	All.	13,000	13,000	8.4
15	P	Coastal (Oregon).	W	All.	9,000	5,000	4.7
Subtotal, categories 1 to 15							
16	A	Inland (primarily North Carolina, South Carolina, Georgia).	W	Wood duck.	5,815,000 2,000,000	1,843,000 7,350	294.2 4.3
17	P	Inland (primarily California, Washington, Oregon, Idaho).	B	Ducks.	6,000,000	26,750	4.6
18	A	Inland (scattered bogs, ponds, etc. New England).	B	Ducks.	150,000		
19	M	Inland.	W	All.	U	17,100	7.7
20	P	do.	W	All.	U	6,750	3.6
21	P	Great Basin.	B	Geese.	10,000	400	.1
22	A	Inland (mostly Virginia so.).	W	All.	300,000	2,650	.8
23	C	Inland (Texas, Colorado, New Mexico, Oklahoma, Kansas).	W	All.	U	1,900	.7
24	P	Coastal (Oregon, Washington).	M	All.	6,000	2,050	1.2
25	A	Coastal (primarily New Jersey to Maine).	M	All.	100,000	8,300	3.1
Subtotal					8,566,000	73,250	26.1

PROPOSED U.S. FISH AND WILDLIFE SERVICE MIGRATORY WATERFOWL HABITAT ACQUISITION PROGRAM, BY NATIONAL PRIORITY CATEGORY, FISCAL YEARS 1977-86—Continued

Priority	Flyway	Geographic location	Habitat type	Group/species	Primary habitat not protected by public agency	Minimum acres proposed for FWS preservation, fiscal years 1977-91	Estimated cost, 1975 (millions)
26	M	Inland	B	Geese	U		
27	C	do	B	do	U		
28	C	Coastal	M	All	U		
29	P	Inland	M	All	U	1,600	.4
30	M	Inland (U. Mississippi and Illinois River Valleys)	M	All	U	1,750	1.1
31	A	Inland	M	All	U	13,850	6.1
32	C	do	M	do	U	13,600	6.5
33	A11		R				
Subtotal						30,800	14.1
Subtotal, categories 16 to 33.						8,566,000	104,750
Grand total:							
Priority categories 1 to 15						5,815,000	1,843,000
Priority categories 16 to 33.						8,566,000	104,750
Total all categories.						14,381,000	1,947,050

The statement of the Department of the Interior witness at the hearings describing the various types of wetlands involved in this program best explains the need for this legislation:

The term "wetlands" generally refers to lowlands covered with shallow and sometimes temporary or intermittent waters. They are referred to by such names as marshes, swamps, bogs, wet meadows, potholes, sloughs and river-overflow lands. Shallow lakes and ponds with emergent vegetation are also wetlands. The permanent waters of streams, reservoirs and deep lakes are not. Neither are water areas that are so temporary as to have little or no effect on the development of moist soil vegetation. Most wetlands can be drained or filled to create suitable lands for agricultural, industrial or residential use or expansion. High quality wetlands frequently lie in potential impoundment sites where permanent deep-water environment can be developed. When wetlands are modified the food and cover plants required by waterfowl and other wildlife are either destroyed or greatly reduced in abundance. Unfortunately, a great many people think that wetlands are just so much wasteland. So long as this belief prevails, wetlands will continue to be drained, filled, diked, impounded or otherwise altered and thus will lose their identity as wetlands and their value to wildlife.

Wetlands are being destroyed or degraded at an alarming rate. Greatest losses are occurring in the glaciated prairie pothole region, the Mississippi River Delta region and certain coastal areas. For example, an estimated 80 percent of the wetlands in western Minnesota has been drained since the mid-1950's. A recent Minnesota survey indicated that 40 percent of the wetlands existing in 1964 was drained in 10 years . . . About 35,000 acres were drained annually in the Dakotas and Minnesota during the mid-1960's. In addition to loss of wetlands, severe deterioration of upland nesting cover in the prairie pothole region is causing a profoundly adverse effect on waterfowl dependent on that habitat for production.

About two-thirds of the original 24 million acres of Mississippi Delta bottomland hardwoods, a major Mississippi Flyway wintering site, have been cleared and replaced by soybean fields and other agricultural uses. A loss rate of more than 200,000 acres annually occurred between 1950 and 1969. At the current rate of clearing, if left unchecked, the value of the Delta's floodplain hardwoods to waterfowl can be expected to be lost by the turn of the century.

Nearly 75 percent of the Nation's estuaries were moderately to severely degraded by 1970. The situation has not improved. Physical and chemical destruction of coastal habitat is expected to have a serious impact on waterfowl and other estuarine-dependent species in the very near future if this trend is not modified.

The need to identify and preserve wetlands and other waterfowl habitat has never been more critical than it is today. Wetlands are disappearing at an ever increasing rate, and likewise, the cost of the remaining wetlands is increasing. Obviously, the more funds that are immediately made available for acquisition, the better the choice, and the lower the price.

It is to be noted that the principal sources of funding for the acquisition of wetlands come from the Hunting Stamp Tax Act and the Wetlands Loan Act. Under the Hunting Stamp Tax Act, the price of the duck stamp is set at \$5. Revenues from the sale of these stamps have been averaging \$10 million to \$11 million for the past several years. These funds, together with the advance appropriations under the Wetlands Loan Act, have been the major source of funds for the acquisition of wetlands during the past 15 years.

The following table supplied by the Department of the Interior indicates the amount of funds that have been appropriated under these Acts for Fiscal Years 1962 through 1975 for acquisition of wetlands:

U.S. FISH AND WILDLIFE SERVICE MIGRATORY BIRD CONSERVATION ACCOUNT
APPROPRIATIONS, BY SOURCE, FISCAL 1962-75

Fiscal year:	Amount appropriated		
	Advance from the Wetlands Loan Act fund	Duck stamp receipts	Total
1962	0	\$4,095,000	\$4,095,000
1963	\$7,000,000	3,419,000	10,419,000
1964	10,000,000	4,560,000	14,560,000
1965	8,000,000	4,623,000	12,623,000
1966	7,500,000	4,685,000	12,185,000
1967	6,000,000	5,385,000	11,385,000
1968	7,500,000	5,825,000	13,325,000
1969	7,500,000	5,562,000	13,062,000
1970	5,800,000	6,107,000	11,907,000
1971	7,500,000	7,181,000	14,681,000
1972	7,500,000	7,351,000	14,851,000
1973	7,100,000	10,734,000	17,834,000
1974	3,500,000	10,500,000	14,000,000
1975	1,000,000	10,700,000	11,700,000

¹ Fiscal year 1975 duck stamp receipts are estimated only; final figures are not yet available.

WHAT THE BILL DOES: SECTION-BY-SECTION ANALYSIS

As indicated in the legislative background of this report, the Committee ordered reported to the House H.R. 5608; with amendments. This was accomplished by striking out all after the enacting clause and substituting new language and amending the title of the bill.

SECTION 1

Section 1 of the bill would amend the Wetlands Loan Act to extend for a period of seven years (from June 30, 1976, to September 30, 1983) the authorization that allows appropriations to be made to the Migratory Bird Conservation Fund in the form of interest free loans for the purpose of acquiring wetlands for migratory waterfowl.

In addition, section 1 would increase from \$105 million to \$200 million, the amount of funds authorized to be appropriated under the Act.

SECTION 2

Section 2 of the bill would amend the Wetlands Loan Act to extend from Fiscal Year 1977 to Fiscal Year 1983 the date when monies appropriated to the Migratory Bird Conservation Fund would be required to be repaid to the Treasury of the United States from duck stamp receipts. In this regard, beginning with Fiscal Year 1983, an amount equal to 75 percent of duck stamp receipts each year would be required to be applied against this loan.

In addition, section 2 would amend the Act to provide that in the event the full amount authorized to be appropriated (\$200 million) is appropriated before October 1, 1983, then the repayment of such loans would begin with the next full fiscal year.

SECTION 3

Section 3 of the bill would amend section 1 of the Hunting Stamp Tax Act to change the name of the "migratory bird hunting stamp" to the "migratory bird hunting and conservation stamp".

This is the stamp—better known as the duck stamp—that is required to be purchased by persons 16 years of age or older who participate in the taking of migratory waterfowl. The Committee is hopeful that by changing the name of the stamp that citizens outside the hunting community would be encouraged to purchase stamps, thereby assisting in the acquisition of wetlands for conservation of migratory waterfowl.

SECTION 4

Section 4(a) of the bill would amend section 2 of the Hunting Stamp Tax Act to authorize the sale of duck stamps at places other than just post offices. As amended, this section would authorize sales of such stamps by the Department of the Interior under regulations jointly prescribed by the Postal Service and the Secretary of the Interior. In this regard, the Committee expects the stamps to be made available at refuges and other appropriate and convenient places as the Secretary and the Postal Service may designate from time to time.

Section 4(b) of the bill would further amend section 2 of the Hunting Stamp Tax Act to provide that anyone, not just retail dealers of hunting or fishing equipment and authorized State agents for the sale of hunting or fishing licenses, could redeem unused stamps under certain prescribed conditions.

The Committee is hopeful that this change in the law will result in increased sales of duck stamps.

SECTION 5

Section 5 of the bill would amend section 4 of the Hunting Stamp Tax Act to require the Department of the Interior—as well as the Postal Service—to deposit the revenues it has collected from duck stamp sales into the Migratory Bird Conservation Fund account.

SECTION 6

Section 6 of the bill would amend section 2 of the Migratory Bird Conservation Act to allow the Secretary of the Interior to purchase or rent interests in land, water, or land and water, which have been recommended for purchase or rental by the Migratory Bird Conservation Commission.

The wording of the present law authorizing the Secretary of the Interior to purchase or rent areas for migratory bird refuges which have been approved by the Commission has been interpreted by the Secretary to mean that he is authorized to purchase or rent only the fee simple title. This amendment will make it clear that the Secretary has the authority to purchase or rent with monies from the Migratory Bird Conservation Fund partial interests, such as easements.

In this regard, the Committee would like to emphasize that when fee title is not available for purchase or is unobtainable because of certain circumstances, then every effort should be made by the Secretary to obtain permanent easements before lesser interests in such areas are obtained. The Committee feels that this approach would be in the best interest of the habitat and the migratory waterfowl involved.

SECTION 7

Section 7 of the bill would amend section 4(b)(3) of the National Wildlife Refuge System Administration Act of 1966 to broaden the exchange authority of the Secretary of the Interior to allow him to dispose of interests in acquired or public lands within the System by land exchange.

Under present law, the Secretary can acquire lands or interests therein by exchange for acquired or public lands only when he holds title to such lands in fee. The amendment would allow exchanges to take place for lands in which he has an interest in such lands such as an easement.

CONCLUSION

The Committee in extending the Wetlands Loan Act for an additional seven years is most hopeful that the Secretary will, on an annual basis, request the necessary funding authorized to be appropriated under this Act and proceed as expeditiously as possible to acquire those wetlands designated for acquisition before they are destroyed or diverted to other use. However, in some instances in past years certain Members of the Committee expressed concern that too much emphasis had been placed on the acquisition of valuable farm lands that are vitally needed for farming purposes. Therefore, in carrying out this program the Committee would like to emphasize that it expects the Secretary to concentrate on acquiring what is generally referred to as wetlands, such as marshes, swamps, bogs, wet meadows, potholes, sloughs, and lands and waters of this nature, and not what are considered to be valuable farm lands or lands which have already lost their identity as wetlands.

COST OF THE LEGISLATION

Funds appropriated under the \$105 million advance appropriation authorization provided by the Wetlands Loan Act have amounted to \$85.9 million through Fiscal Year 1975, leaving a balance to be appropriated of \$19.1 million.

In the event this legislation is enacted into law—which would increase the appropriation authorization from \$105 million to \$200 million and extend the program for an additional seven years, from June 30, 1976 to September 30, 1983—the maximum cost to the Federal Government for Fiscal Years 1976 through 1983 would be \$114.1 million. However, it should be pointed out that the legislation would require all advance appropriations under this Act to be repaid to the Treasury beginning with Fiscal Year 1984 out of duck stamp sales.

COMPLIANCE WITH CLAUSE 2(1)(3) OF RULE XI

With respect to the requirements of Clause 2(1)(3) of House Rule XI of the Rules of the House of Representatives—

(A) No oversight hearings were held on the administration of this Act during this session of Congress, beyond the one day of hearings on the legislation held by the Subcommittee on Fisheries and Wildlife Conservation and the Environment. The Subcommittee does plan to hold oversight hearings on the administration of this Act before the end of this Congress.

(B) Section 308(a) of the Congressional Budget Act of 1974 is not presently in effect. Therefore, no statement is furnished.

(C) No estimate and comparison of costs has been received by the Committee from the Director of the Congressional Budget Office, pursuant to section 403 of the Congressional Budget Act of 1974.

(D) The Committee on Government Operations has sent no report to the Committee on Merchant Marine and Fisheries pursuant to Clause 2(b)(2) of Rule X.

INFLATIONARY IMPACT STATEMENT

Pursuant to Clause 2(1)(4) of Rule XI, of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 5608 would have no significant inflationary impact on the prices and cost in the national economy.

DEPARTMENTAL REPORTS

H.R. 5608 was the subject of 2 reports from the Department of the Interior and follow herewith:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 14, 1975.

HON. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: This responds to your request for our views on H.R. 5608, a bill "To extend until the close of 1983 the period in which appropriations are authorized to be appropriated for the acquisition of wetlands, and to increase the maximum amount of such authorization."

The purpose of this bill is to extend the authorization for the Wetlands Loan Act of 1961 (75 Stat. 813), as amended (16 U.S.C. 715k-3 715k-5), an additional seven years and increase the advance appropriation an additional \$95 million from the present \$105 million to \$200 million.

We strongly support the objective of this bill. The need for a source of funding in excess of duck stamp receipts to continue an accelerated land acquisition program to acquire habitat for the waterfowl resource is essential. Indeed, the need to identify and preserve wetlands and other waterfowl habitat has never been more critical than it is today. In the last 20 or 30 years, wetlands have been modified, even destroyed, by dredging, filling, draining and pollution. For example, the table that follows shows the decrease in wetland acreage from 1850 through 1953. While we have no firm figure for the acreage today, it can be said with certainty that wetlands are disappearing at an increasing rate and the cost of such land increases at an even greater rate. Obviously, the fewer funds we have immediately available for acquisition, the less choice we have and the higher the price.

Change in wetland acreage since 1850-1953 (from Shaw and Fredine 1956).

States	Swampland patented to States since (acres)	USDA inventory (acres)	USDA inventory (acres)	FWS inventory (acres)
Arkansas.....	7,686,575	5,912,300	4,220,000	3,748,000
California.....	2,192,875	3,420,000	1,179,000	457,200
Florida.....	20,325,013	19,800,000	16,846,000	15,266,400
Illinois.....	1,460,164	925,000	600,000	176,700
Indiana.....	1,259,231	625,000	778,000	267,100
Iowa.....	1,196,392	930,000	368,000	117,000
Missouri.....	3,432,481	2,439,000	1,085,000	322,000
Total.....	37,552,731	34,051,900	25,076,000	20,355,200
Percent reduction since 1850.....		9.3	33.2	45.7

The objectives of the Fish and Wildlife Service's waterfowl habitat acquisition program have in the past been developed based on the assumption that a significant proportion of high value habitat would be maintained intact by the private sector. While this is, to a degree, still true, significant acreages of habitat once considered safe are now increasingly threatened. Under these circumstances the Fish and Wildlife Service has found it necessary to reevaluate its acquisition objectives and to more specifically attempt to pinpoint where the Federal Government should focus its efforts to preserve habitats most critical to our international waterfowl resources. Our approach requires that habitat currently used by significant numbers of waterfowl be maintained in such a way that it continues to support a similar average population. A number of tools are available for attaining this objective, including fee purchase, easements, leases, donations, and others which the Service hopes to employ to the fullest extent possible in order to fit the particular situation.

Basically, the Fish and Wildlife Service will preserve waterfowl habitat on the basis of individual species and flyway needs and priorities. Our efforts will focus on protecting key waterfowl breeding and wintering habitats. Data suggest that the amounts of breeding habitat available annually constrains the size of continental waterfowl population levels, and wintering habitat is essential because of the responsibility of the United States to support nearly the entire international waterfowl resource for the extended duration of the wintering period. By contrast, the individual States are expected to provide the majority of migration habitat needed, both to sustain waterfowl populations during their fall and spring migration, and to provide on-site opportunities for public use of the resource.

In order to accomplish the preservation of key breeding and wintering habitat that will not be otherwise protected, the Service has revised its objectives for the accelerated waterfowl habitat acquisition program from the 20-year old 12.5 million acre goal for combined State and Federal acquisition. The Fish and Wildlife Service proposes that for the 10-year period beginning with FY 1977 the accelerated wetland preservation goal should be adjusted from 2.5 million to 3.8 million acres, of which 1.9 million will have been acquired by June 30, 1976 when the current Wetland Loan Fund authorization is scheduled to terminate.

While there are worthwhile aspects of this bill, we cannot recommend enactment due to an insufficient time period to review all ramifications of enactment and give it a thorough review within

the Executive Branch. We are in the process of undertaking the necessary review and are preparing to provide it to the Committee at the earliest possible date.

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,

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 22, 1975.

HON. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: On May 15 I testified before your Subcommittee on Fisheries and Wildlife Conservation and the Environment concerning H.R. 5608, a bill "To extend until the close of 1983 the period in which appropriations are authorized to be appropriated for the acquisition of wetlands, and to increase the maximum amount of such authorization. In that testimony I stated that while the Administration could not recommend the enactment of the bill at that time, "(T)he Department's views on this bill are to dismiss repayment of the loan; authorize appropriations of such funds as may be necessary and establish the price of the duck stamp based on most current land values." However, that statement was erroneous in that the Department has not completed its review of this legislation and that when we have completed our review in concert with the appropriate Executive Branch review we will be transmitting our views to your Committee.

The Department's position on H.R. 5608 is properly stated in our letter to you of May 14 which was signed by Assistant Secretary Royston C. Hughes. In that letter we stated: While there are worthwhile aspects of this bill, we cannot recommend enactment due to an insufficient time period to review all ramifications of enactment and give it a thorough review within the Executive Branch. We are in the process of undertaking the necessary review and are preparing to provide it to the Committee at the earliest possible date.

I regret the confusion on this matter. We shall endeavor, as indicated in Assistant Secretary Hughes' letter, to provide the Committee with the fruits of our review at the earliest possible time.

Sincerely yours,

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is

enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF OCTOBER 4, 1961

AN ACT To promote the conservation of migratory waterfowl by the acquisition of wetlands and other essential waterfowl habitat, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetlands and other waterfowl habitat essential to the preservation of such waterfowl, there is hereby authorized to be appropriated for the [fifteen-year period beginning with fiscal year 1962, not to exceed \$105,000,000] period beginning on July 1, 1961, and ending at the close of September 30, 1983, not to exceed \$200,000,000.

SEC. 3. Funds appropriated pursuant to this Act shall be treated as an advance, without interest, to the migratory bird conservation fund. Such appropriated funds, beginning [with fiscal year 1977] on October 1, 1983, shall be repaid to the Treasury out of the migratory bird conservation fund, such repayment shall be made in annual amounts comprising 75 per centum of the moneys accruing annually to such fund. In the event the full amount authorized by the first section of this Act is appropriated [prior to the end of the aforesaid fifteen-year period] before October 1, 1983, the repayment of such funds pursuant to this section shall begin with the next full fiscal year: *Provided further,* That no land shall be acquired with moneys from the migratory bird conservation fund unless the acquisition thereof has been approved by the Governor of the State or appropriate State agency.

ACT OF MARCH 16, 1934

AN ACT To supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas, and for protection of certain migratory birds, for the enforcement of the Migratory Bird Treaty Act and regulations thereunder, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person who has attained the age of sixteen years shall take any migratory waterfowl unless at the time of such taking he carries on his person an unexpired Federal migratory-bird hunting and conservation stamp validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds; except that no such stamp shall be required for the taking of migratory waterfowl by Federal or State institutions or official agencies, or for propagation, or by the resident owner, tenant, or share cropper of the property or officially designated agencies of the Department of Agriculture for the killing, under such restrictions as the Secretary of Agriculture may by regulation prescribe, of such waterfowl when found injuring crops or other property. Any person to whom a stamp has been sold under this Act shall upon request exhibit such stamp for inspection to any officer or employee of the Department of Agriculture authorized to enforce provisions of this Act or to any officer of any State or any political subdivision thereof authorized to enforce game laws.

SEC. 2. [That the stamps required by this Act shall be issued and sold by the Postal Service under regulations prescribed by the Postal Service: *Provided,* That the stamps shall be sold at all post offices of the first- and second-class and at such others as the Postal Service shall direct.] *The stamps required by section 1 of this Act shall be issued and sold by the Postal Service and may be sold by the Department of the Interior under regulations prescribed jointly by the Postal Service and the Secretary of the Interior: Provided, That the stamps shall be sold at all post offices of the first- and second-class and at such other facilities or locations as the Postal Service and the Secretary of the Interior shall direct: Provided further, That the moneys received for such stamps sold by the Department of the Interior shall be deposited in the migratory bird conservation fund in accordance with the provisions of section 4 of this Act.* For each such stamp sold under the provisions of this section there shall be collected by the Postal Service a sum of not less than \$3 and not more than \$5 as determined by the Secretary of the Interior after taking into consideration, among other matters, the increased cost of lands needed for the conservation of migratory birds. No such stamp shall be valid under any circumstances to authorize the taking of migratory waterfowl except in compliance with Federal and State laws and regulations and then only when the person so taking such waterfowl shall himself have written his signature in ink across the face of the stamp prior to such taking. Such stamps shall be usable as migratory-bird hunting stamps only during the fiscal year for which issued. The Postal Service, pursuant to regulations to be prescribed by [him,] *it,* shall provide for the redemption, on or before the thirtieth day of June of each fiscal year, of blocks composed of two or more attached unused stamps issued for such year that were sold on consignment to any person, including, but not limited to, retail dealers for resale to their customers, and that have not been resold by such persons, including such retail dealers. As used in this section, the term "retail dealers" means persons regularly engaged in the business of retailing hunting or fishing equipment, and persons duly authorized to act as agents of a State or political subdivision thereof for the sale of State or county hunting or fishing licenses.

SEC. 4. All moneys received for such stamps shall be accounted for by the Postal Service or the Department of the Interior, whichever is appropriate, and paid into the Treasury of the United States; and shall be reserved and set aside as a special fund to be known as the migratory bird conservation fund, to be administered by the Secretary of Agriculture. All moneys received into such fund are hereby appropriated for the following objects and shall be available therefor until expended:

(a) So much as may be necessary shall be used by the Secretary of the Interior to make advance allotments to the Postal Service at such times and in such amounts as may be mutually agreed upon by the Secretary of the Interior and the Postal Service for direct expenditure by the Postal Service for engraving, printing, issuing, selling, and accounting for migratory bird hunting stamps and moneys received from the sale thereof, in addition to expenses for personal services in the District of Columbia and elsewhere, and such other expenses as may be necessary in executing the duties and functions required of the postal service.

(b) Except as authorized in subsection (c) of this section, the remainder shall be available for the location, ascertainment, and acquisition of suitable areas for migratory bird refuges under the provisions of the Migratory Bird Conservation Act and for the administrative costs incurred in the acquisition of such areas.

(c) The Secretary of the Interior is authorized to utilize funds made available under subsection (b) of this section for the purposes of such subsection, and such other funds as may be appropriated for the purposes of such subsection, or of this subsection, to acquire, or defray the expense incident to the acquisition by gift, devise, lease, purchase, or exchange of, small wetland and pothole areas, interests therein, and rights-of-way to provide access thereto. Such small areas, to be designated as 'Waterfowl Production Areas', may be acquired without regard to the limitations and requirements of the Migratory Bird Conservation Act, but all of the provisions of such Act which govern the administration and protection of lands acquired thereunder, except the inviolate sanctuary provisions of such Act, shall be applicable to areas acquired pursuant to this subsection.

* * * * *

SECTION 2 OF THE MIGRATORY BIRD CONSERVATION ACT

SEC. 2. That a commission to be known as the Migratory Bird Conservation Commission, consisting of the Secretary of Agriculture, as chairman, the Secretary of Transportation, the Secretary of the Interior, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives to be selected by the Speaker, is hereby created and authorized to consider and pass upon any area of land, water, or land and water that may be recommended by the Secretary of Agriculture for purchase or rental under this Act, and to fix the price or prices at which such area may be purchased or rented; and no purchase or rental shall be made of any such area until it has been duly approved for purchase or rental by said commission. Any Member of the House of Representatives who is a member of the commission, if reelected to the succeeding Congress, may serve on the commission notwithstanding the expiration of a Congress. Any vacancy on the commission shall be filled in the same manner as the original appointment. The ranking officer of the branch or department of a State to which is committed the administration of its game laws, or his authorized representative, and in a State having no such branch or department, the governor thereof, or his authorized representative, shall be a member ex officio of said commission for the purpose of considering and voting on all questions relating to the acquisition, under this Act, of areas in his State. *For purposes of this Act, the purchase or rental of any area of land, water, or land and water includes the purchase or rental of any interest in any such area of land, water, or land and water.*

SECTION 4 OF THE ACT OF OCTOBER 16, 1966

AN ACT To provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with

extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the National Wildlife Refuge System; and for other purposes

* * * * *

SEC. 4. (a) For the purpose of consolidating the authorities relating to the various categories of areas that are administered by the Secretary of the Interior for the conservation of fish and wildlife, including species that are threatened with extinction, all lands, waters, and interests therein administered by the Secretary as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas are hereby designated as the "National Wildlife Refuge System" (referred to herein as the "System"), which shall be subject to the provisions of this section. Nothing contained in this Act shall restrict the authority of the Secretary to modify or revoke public land withdrawals affecting lands in the System as presently constituted, or as it may be constituted, whenever he determines that such action is consistent with the public interest. No acquired lands which are or become a part of the System may be transferred or otherwise disposed of under any provision of law (except by exchange pursuant to subsection (b)(3) of this section) unless (1) the Secretary of the Interior determines after consultation with the Migratory Bird Conservation Commission that such lands are no longer needed for the purposes for which the System was established, and (2) such lands are transferred or otherwise disposed of for an amount not less than (A) the acquisition costs of such lands, in the case of lands of the System which were purchased by the United States with funds from the migratory bird conservation fund, or (B) the fair market value of such lands (as determined by the Secretary as of the date of the transfer or disposal), in the case of lands of the System which were donated to the System. The Secretary shall pay into the migratory bird conservation fund the aggregate amount of the proceeds of any transfer or disposal referred to in the preceding sentence.

(b) In administering the System, the Secretary is authorized—

(1) to enter into contracts with any person or public or private agency through negotiation for the provision of public accommodations when, and in such locations, and to the extent that the Secretary determines will not be inconsistent with the primary purpose for which the affected area was established.

(2) to accept donations of funds and to use such funds to acquire or manage lands or interests therein, and

(3) to acquire lands or interests therein by exchange [(a)](A) for acquired lands or public lands, or for interests in acquired or public lands, under his jurisdiction which he finds to be suitable for disposition, or [(b)](B) for the right to remove, in accordance with such terms and conditions as the Secretary may prescribe, products from the acquired or public lands within the System. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

* * * * *

WETLANDS LOAN EXTENSION ACT OF 1976

REPORT
OF THE
SENATE COMMITTEE ON COMMERCE
ON
H.R. 5608

TO EXTEND UNTIL THE CLOSE OF 1983 THE PERIOD IN WHICH APPROPRIATIONS ARE AUTHORIZED TO BE APPROPRIATED FOR THE ACQUISITION OF WETLANDS, TO INCREASE THE MAXIMUM AMOUNT OF SUCH AUTHORIZATION, AND FOR OTHER PURPOSES



JANUARY 26, 1976.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
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94TH CONGRESS }
2d Session }

SENATE }

REPORT
No. 94-594

WETLANDS LOAN EXTENSION ACT OF 1976

JANUARY 26, 1976.—Ordered to be printed

Mr. Moss, from the Committee on Commerce,
submitted the following

REPORT

[To accompany H.R. 5608]

The Committee on Commerce, to which was referred the bill (H.R. 5608) to extend until the close of 1983 the period in which appropriations are authorized to be appropriated for the acquisition of wetlands, to increase the maximum amount of such authorization, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute, and recommends that the bill as amended do pass.

PURPOSE AND SUMMARY

The purpose of this bill is to extend until 1983 the period during which the Department of the Interior can acquire wetlands for migratory waterfowl with appropriations authorized by the Wetlands Loan Act of 1961. The bill amends the Act (16 U.S.C. 715k-3) to extend the loan authorization for an additional 7 years, and it amends the Hunting Stamp Tax Act (16 U.S.C. 718a), a provision of the Migratory Bird Conservation Act (16 U.S.C. 715a), and a provision of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) to facilitate such acquisitions. The total amount authorized to be appropriated under this 1961 Act is increased \$95 million, from the present \$105 million to \$200 million.

BACKGROUND

There were originally approximately 127 million acres of wetlands in the area which forms the 48 contiguous States. By 1955, this total acreage had been reduced to approximately 74 million acres of which only 22.5 million acres were significant value in the conservation of migratory waterfowl.

It was anticipated at that time that 10 million of these acres would remain privately owned, but that the remaining 12.5 million acres should be acquired and placed under public control to assure preservation of these areas as wetlands. Available information indicated that approximately 5 million of these 12.5 million acres would be acquired by State and local governments, which meant that the Secretary of the Interior should purchase or acquire by donation 7.5 million acres, through the migratory bird conservation fund.

By 1958, total purchases and donations for this purpose equalled approximately 3.5 million acres. By 1961, an additional 1.5 million acres had been acquired by the Secretary. Thus, in 1961, 2.5 million acres remained to be acquired by the Secretary of the Interior to meet the original acquisition goal of 7.5 million acres.

Since 1961, approximately 1.9 million additional acres have been, or are in the process of being, acquired. Approximately 600,000 acres of land remain to be acquired to meet the original goal.

The following table summarizes the goals and expected accomplishments of the wetland acquisition program of the Department of the Interior from fiscal year 1962 through fiscal year 1976.

Category	Objective (acres)	Expected accomplishment fiscal year 1972-76 (acres)	Acres remaining	Percent accomplished
Refuges	750,000	408,000	342,000	54
Waterfowl production areas:				
Fee	600,000	383,000	217,000	64
Easement	1,150,000	1,107,000	43,000	96
Total WPA	1,750,000	1,490,000	260,000	85
Total	2,500,000	1,898,000	602,000	76

Source: Department of the Interior.

The Department revised its wetlands acquisition goal in 1975 and identified, for Federal acquisition, an additional 1.3 million acres of prime waterfowl habitat. This adjustment to the 2.5-million-acre goal set in 1961 meant that the revised goal was 3.8 million acres. One-half of this revised goal, 1.9 million acres, will have been achieved by the time the current Wetland Loan Fund authorization is scheduled to terminate. This 1.9 million acres of new acquisitions will not be sufficient to maintain desired waterfowl populations and distributions. Rather, it reflects what the Department of the Interior and the Migratory Bird Conservation Commission perceive to be the most vital habitat for continental waterfowl and the acreage which is the most vulnerable to destruction or severe adverse modification during the next decade.

The following table identifies the geographical areas in which the U.S. Fish and Wildlife Service will focus its waterfowl habitat acquisition efforts in the next decade.

PROPOSED U.S. FISH AND WILDLIFE SERVICE MIGRATORY WATERFOWL HABITAT ACQUISITION PROGRAM, BY NATIONAL PRIORITY CATEGORY, FISCAL YEARS 1977-86

Priority	Fly-way ¹	Geographic location	Habitat type ²	Group/species	Primary habitat not protected by public agency	Minimum acres proposed for FWS preservation, fiscal years 1977-91 ³	Estimated cost 1975 prices (millions)
1	C	Prairie pothole (North Dakota, South Dakota, Montana).	B	Canvasback, Redhead, ⁴			
2	C	Prairie pothole (Minnesota).	B	Other ducks...	1,000,000 (F) 275,000 (E) 550,000	825,000 (F) 150,000	\$66.0 25.0
3	M	Prairie pothole (Minnesota).	B	All	200,000	60,000	11.2
4	P	California, Central Valley	W	All	63,000	40,000	11.4
5	A	Coastal (North Carolina to Massachusetts).	W	Black duck	50,000	40,000	11.4
6	P	Coastal California (zones 2, 4, 7).	W	All	70,000	60,000	24.6
7	M	Mississippi Delta (primarily Arkansas, Mississippi, Louisiana).	W	Wood duck, Mallard.	2,000,000	200,000	15.0
8	C	Coastal (northeast, Texas Laguna Madre).	W	All	350,000	100,000	13.4
9	M	Coastal (primary Louisiana).	W	All	1,300,000	100,000	25.2
10	P	Great Basin (Idaho, Utah, Nevada).	B	Redhead	60,000	40,000	11.1
11	M	General (Wisconsin, Michigan, some Iowa, Idaho).	B	Ducks	100,000	100,000	24.4
12	A	Coastal (Chesapeake Bay, Delaware Bay, Georgia, North Carolina, South Carolina, Florida).	W	Ducks	350,000	50,000	14.3
13	C	General (excludes glaciated prairie).	B	Ducks	250,000	100,000	14.1
14	P	Coastal (Washington)	W	All	13,000	13,000	8.4
15	P	Coastal (Oregon)	W	All	9,000	5,000	4.7
Subtotal, categories 1 to 15					5,815,000	1,843,000	294.2
16	A	Inland (primarily North Carolina, South Carolina, Georgia).	W	Wood duck	2,000,000	7,350	4.3
17	P	Inland (primarily California, Washington, Oregon, Idaho).	B	Ducks	6,000,000	26,750	4.6
18	A	Inland (scattered bogs, ponds, etc. New England)	B	Ducks	150,000		
19	M	Inland	W	All	U ⁵	17,100	7.7
20	P	Inland	W	All	U ⁵	6,750	3.6
21	P	Great Basin	B	Geese	U ⁵	400	.1
22	A	Inland (mostly Virginia so).	W	All	300,000	2,650	.8
23	C	Inland (Texas, Colorado, New Mexico, Oklahoma, Kansas).	W	All	U ⁵	1,900	.7
24	P	Coastal (Oregon, Washington).	M	All	6,000	2,050	1.2
25	A	Coastal (primarily New Jersey to Maine).	M	All	100,000	8,300	3.1
Subtotal					8,566,000	73,250	26.1
26	M	Inland	B	Geese	U ⁵		
27	C	Inland	B	Geese	U ⁵		
28	C	Coastal	M	All	U ⁵		
29	P	Inland	M	All	U ⁵	1,600	.4
30	M	Inland (U. Mississippi and Illinois River Valleys).	M	All	U ⁵	1,750	1.1
31	A	Inland	M	All	U ⁵	13,850	6.1
32	C	Inland	M	All	U ⁵	13,600	6.5

See footnotes at end of table, p. 4.

PROPOSED U.S. FISH AND WILDLIFE SERVICE MIGRATORY WATERFOWL HABITAT ACQUISITION PROGRAM, BY NATIONAL PRIORITY CATEGORY, FISCAL YEARS 1977-86—Continued

Priority	Flyway ¹	Geographic location	Habitat type ²	Group/species	Primary habitat not protected by public agency	Minimum acres proposed for FWS preservation, fiscal years 1977-81 ³	Estimated cost, 1975 prices (millions)
33.....	All		R				
Subtotal.....						30,800	14.1
Subtotal, categories 16 to 33.....					8,566,000	104,750	40.2
Grand total:							
Priority categories 1 to 15.....					5,815,000	1,843,000	294.2
Priority categories 16 to 33.....					8,566,000	104,750	40.2
Total all categories.....					14,381,000	1,947,050	334.4

¹ Flyway symbol: C—Central; M—Mississippi; A—Atlantic; P—Pacific.

² Habitat type: B—Breeding; M—Migration; W—Wintering; R—Recreation.

³ Combined fee and, in some cases, easement. It is expected that some habitat shown in the lower priority categories (16-33), particularly those not yet approved by Migratory Bird Conservation Commission, will not be preserved by Fish and Wildlife Service during 10-year period. Also, techniques other than fee purchase by Fish and Wildlife Service for maintaining habitat will be considered before Fish and Wildlife Service acquisition 1a.

⁴ Canvasback and redhead habitat acres for priority No. 1 are included in priority 2.

⁵ Acreage undetermined.

Source: Department of the Interior.

NEEDS AND MEETING THE NEEDS

The committee endorses the wetlands acquisition program of the Department of the Interior and believes that its continuation and extension are in the national interest. The need to prevent irreversible damage to (or loss of) wetland breeding areas and other habitat areas for waterfowl is at least as great as it was in 1961, when the Wetlands Loan Act of 1961 was enacted. Wetlands are disappearing at an ever-increasing rate, and the cost of acquisition of the remaining wetlands is increasing.

The preservation of wetlands (i.e., lowlands covered with shallow and sometimes temporary or intermittent water) is important to insure the continued maintenance of waterfowl, and for other reasons as well. Marshes, swamps, bogs, wet meadows, potholes, sloughs, and river-overflow lands provide many benefits to society, including the production of upland game and shorebirds, recharge of ground water supply, floodwater retention, salt and nutrient entrapment, sport and commercial fishery production, and various recreational activities. Wetlands are not wasteland. The draining, filling, diking, impounding, and altering of wetlands as part of some "development" does not result in eliminating wasteland, but in destroying land vital to the ecosystem which supports mankind.

The principal source of funding for the acquisition of wetlands is the Hunting Stamp Tax Act and the Wetlands Loan Act of 1961. Under the Hunting Stamp Tax Act, the price of the duck stamp is set at \$5. Revenues from the sale of these stamps have been averaging \$10 million to \$11 million for the past several years. These revenues,

together with the advance appropriations under the Wetlands Loan Act of 1961, have been the major source of funds for the acquisition of wetlands during the past 15 years.

The legislation would extend the 1961 Wetlands Act (scheduled to expire on June 30, 1976) until Oct. 1, 1983, and would increase the amount authorized to be appropriated. The legislation would also require all advance appropriations under this Act to be repaid to the Treasury, beginning with fiscal year 1984, out of duck stamp receipts.

The Hunting Stamp Tax Act is amended to change the name of the stamp from the "migratory bird hunting stamp" to the "migratory bird hunting and conservation stamp" (1) to reflect the purpose for which the revenues are used, and (2) to make it easier to buy and redeem these stamps in order to increase sales.

LEGISLATIVE HISTORY

H.R. 5608 was passed by the House of Representatives on July 8, 1975, and referred to the Senate Committee on Commerce on the following day. The Subcommittee on the Environment held 2 days of hearings on the legislation, on September 22 and October 3. The legislation was considered by the full Committee during an executive session on December 9, and was at that time ordered to be reported.

SECTION-BY-SECTION ANALYSIS

Section 2(a) of the bill amends the Wetlands Loan Act of 1961 to extend, for a period of 7 years (from June 30, 1976, to September 30, 1983) the authorization for appropriations to be made to the Migratory Bird Conservation Fund in the form of interest free loans for the purpose of acquiring wetlands for migratory waterfowl. The amount of funds authorized to be appropriated under that Act is increased from \$105 million to \$200 million.

Section 2(b) of the bill amends the Wetland Loan Act of 1961 to extend, from fiscal year 1977 to fiscal year 1983, the date on which moneys appropriated to the Migratory Bird Conservation Fund must begin to be repaid to the Treasury of the United States. Beginning on Oct. 1, 1983 75 percent of the annual receipts from the sale of duck stamps must be applied to the repayment of these appropriations. If the full amount authorized to be appropriated (\$200 million) is appropriated before October 1, 1983, the repayment must begin in the next full fiscal year.

Section 3(a) of the bill amends section 1 of the Hunting Stamp Tax Act to change the name of the "Migratory Bird Hunting Stamp" to the "Migratory Bird Hunting and Conservation Stamp". This stamp (better known as the duck stamp) must be purchased by any person (16 years of age or older) who participates in the taking of migratory waterfowl and can be purchased by any person who wants to contribute to the acquisition of wetland habitat areas. The change in name is intended to encourage people outside the hunting community to purchase stamps, thereby assisting in the acquisition of wetlands for use in the conservation of migratory waterfowl.

Section 3(b) of the bill amends section 2 of the Hunting Stamp Tax Act to authorize the sale of duck stamps at places other than U.S. Post Offices. Sales would be authorized by the Department of the Interior, under regulations jointly prescribed by the Postal Service and the Secretary of the Interior, at refuges and such other appropriate and convenient places as the Secretary and the Postal Service designate.

Section 3(c) of the bill amends section 2 of the Hunting Stamp Tax Act to provide that anyone (not just retail dealers selling hunting or fishing equipment and State agents for the sale of hunting or fishing licenses) could redeem unused stamps, under prescribed conditions.

Section 3(d) of the bill amends section 4 of the Hunting Stamp Tax Act to require the Department of the Interior—as well as the Postal Service—to deposit the revenues it has collected from duck stamp sales into the Migratory Bird Conservation Commission.

Section 4 of the bill amends section 2 of the Migratory Bird Conservation Act to allow the Secretary of the Interior to purchase or rent interests in lands, water, or lands and water, which have been recommended for purchase or rental by the Migratory Bird Conservation Commission. The provision of the present law authorizing the Secretary of the Interior to purchase or rent, for migratory bird refuges, areas which have been approved by that Commission, has been interpreted by the Secretary to mean that he is authorized to purchase or rent only the fee simple title. This amendment provides that the Secretary also has the authority to purchase or rent partial interests in such areas (*i.e.* easements).

Section 5 of the bill amends section 4(b)(3) of the National Wildlife Refuge System Administration Act of 1966 to broaden the exchange authority of the Secretary of the Interior to allow him to dispose of interests in acquired or public lands within the System by land exchange. Under present law, the Secretary can acquire lands or interests in land by exchange for acquired or public lands only when he holds title to such lands in fee. The amendment permits exchanges as to lands in which he only has a partial interest.

ESTIMATED COSTS

Pursuant to the requirements of section 252 of the Legislative Reorganization Act of 1969, the Committee estimates that the maximum cost of this legislation to the Federal Government for fiscal years 1976 through 1983 would be \$114.1 million, including the balance of \$19.1 million which has not yet been appropriated from previously authorized funds.

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 this 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*):

ACT OF OCTOBER 4, 1961

AN ACT To promote the conservation of migratory waterfowl by the acquisition of wetlands and other essential waterfowl habitat, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of important wetlands and other waterfowl habitat essential to the preservation of such waterfowl, there is hereby authorized to be appropriated for the [fifteen-year period beginning with fiscal year 1962, not to exceed \$105,000,000] *period beginning on July 1, 1961, and ending at the close of September 30, 1983, not to exceed \$200,000,000.*

SEC. 3. Funds appropriated pursuant to this Act shall be treated as an advance, without interest, to the migratory bird conservation fund. Such appropriated funds, beginning [with fiscal year 1977] *on October 1, 1983*, shall be repaid to the Treasury out of the migratory bird conservation fund, such repayment shall be made in annual amounts comprising 75 per centum of the moneys accruing annually to such fund. In the event the full amount authorized by the first section of this Act is appropriated [prior to the end of the aforesaid fifteen-year period] *before October 1, 1983*, the repayment of such funds pursuant to this section shall begin with the next full fiscal [year; *Provided further, That*] *year.* No land shall be acquired with moneys from the migratory bird conservation fund unless the acquisition thereof has been approved by the Governor of the State or appropriate State agency.

ACT OF MARCH 16, 1934

AN ACT To supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas, and for protection of certain migratory birds, for the enforcement of the Migratory Bird Treaty Act and regulations thereunder, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person who has attained the age of sixteen years shall take any migratory waterfowl unless at the time of such taking he carries on his person an unexpired Federal migratory-bird hunting *and conservation* stamp validated by his signature written by himself in ink across the face of the stamp prior to his taking such birds; except that no such stamp shall be required for the taking of migratory waterfowl by Federal or State institutions or official agencies, or for propagation, or by the resident owner, tenant, or share cropper of the property or officially designated agencies of the Department of Agriculture for the killing, under such restrictions as the Secretary of Agriculture may by regulation prescribe, of such waterfowl when found injuring crops or other property. Any person to whom a stamp has been sold under this Act shall upon request exhibit such stamp for inspection to any officer or employee of the Department of Agriculture authorized to enforce provisions of this Act or to any officer of any State or any political subdivision thereof authorized to enforce game laws.

SEC. 2. The stamps required by this Act shall be issued and sold by the Postal Service under regulations prescribed by the Postal

Service: *Provided*, That the stamps shall be sold at all post offices of the first- and second-class and at such others as the Postal Service shall direct. **]** *The stamps required by section 1 of this Act shall be issued and sold by the Postal Service and may be sold by the Department of the Interior, pursuant to regulations prescribed jointly by the Postal Service and the Secretary of the Interior, at (1) each post office of the first- and second-class and (2) any establishment, facility, or location as the Postal Service and the Secretary of the Interior shall direct or authorize. The funds received from the sale of such stamps by the Department of the Interior shall be deposited in the migratory bird conservation fund, in accordance with the provisions of section 4 of this Act.* For each such stamp sold under the provisions of this section there shall be collected by the Postal Service a sum of not less than \$3 and not more than \$5 as determined by the Secretary of the Interior after taking into consideration, among other matters, the increased cost of lands needed for the conservation of migratory birds. No such stamp shall be valid under any circumstances to authorize the taking of migratory waterfowl except in compliance with Federal and State laws and regulations and then only when the person so taking such waterfowl shall himself have written his signature in ink across the face of the stamp prior to such taking. Such stamps shall be usable as migratory-bird hunting stamps only during the fiscal year for which issued. The Postal Service, pursuant to regulations to be prescribed by **[him,]** *it*, shall provide for the redemption, on or before the **[thirtieth]** *30th* day of **[June]** *September* of each fiscal year, of blocks composed of two or more attached unused stamps issued for such year (A) that were sold on consignment to *any person, including, but not limited to*, retail dealers for resale to their customers, and (B) that have not been resold by such *persons, including such retail dealers*. As used in this section, the term "retail dealers" means persons regularly engaged in the business of retailing hunting or fishing equipment, and persons duly authorized to act as agents of a State or political subdivision thereof for the sale of State or county hunting or fishing licenses.

SEC. 4. All moneys received for such stamps shall be accounted for by the Postal Service or the Department of the Interior, whichever is *appropriate*, and paid into the Treasury of the United States, and shall be reserved and set aside as a special fund to be known as the migratory bird conservation fund, to be administered by the Secretary of Agriculture. All moneys received into such fund are hereby appropriated for the following objects and shall be available therefor until expended:

SECTION 2 OF THE MIGRATORY BIRD CONSERVATION ACT

SEC. 2. That a commission to be known as the Migratory Bird Conservation Commission, consisting of the Secretary of Agriculture, as chairman, the Secretary of Transportation, the Secretary of the Interior, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives to be selected by the Speaker, is hereby created and authorized to consider and pass upon any area of land, water, or land and water

that may be recommended by the Secretary of Agriculture for purchase or rental under this Act, and to fix the price or prices at which such area may be purchased or rented; and no purchase or rental shall be made of any such area until it has been duly approved for purchase or rental by said commission. Any Member of the House of Representatives who is a member of the commission, if reelected to the succeeding Congress, may serve on the commission notwithstanding the expiration of a Congress. Any vacancy on the commission shall be filled in the same manner as the original appointment. The ranking officer of the branch or department of a State to which is committed the administration of its game laws, or his authorized representative, and in a State having no such branch or department, the governor thereof, or his authorized representative, shall be a member ex officio of said commission for the purpose of considering and voting on all questions relating to the acquisition, under this Act, of areas in his State. *For purposes of this Act, the purchase or rental of any area of land, water, or land and water includes the purchase or rental of any interest in any such area of land, water, or land and water.*

SECTION 4 OF THE ACT OF OCTOBER 16, 1966

SEC. 4. (a) For the purpose of consolidating the authorities relating to the various categories of areas that are administered by the Secretary of the Interior for the conservation of fish and wildlife, including species that are threatened with extinction, all lands, waters, and interests therein administered by the Secretary as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas are hereby designated as the "National Wildlife Refuge System" (referred to herein as the "System"), which shall be subject to the provisions of this section. Nothing contained in this Act shall restrict the authority of the Secretary to modify or revoke public land withdrawals affecting lands in the System as presently constituted, or as it may be constituted, whenever he determines that such action is consistent with the public interest. No acquired lands which are or become a part of the System may be transferred or otherwise disposed of under any provision of law (except by exchange pursuant to subsection (b) (3) of this section) unless (1) the Secretary of the Interior determines after consultation with the Migratory Bird Conservation Commission that such lands are no longer needed for the purposes for which the System was established, and (2) such lands are transferred or otherwise disposed of for an amount not less than (A) the acquisition costs of such lands, in the case of lands of the System which were purchased by the United States with funds from the migratory bird conservation fund, or (B) the fair market value of such lands (as determined by the Secretary as of the date of the transfer or disposal), in the case of lands of the System which were donated to the System. The Secretary shall pay into the migratory bird conservation fund the aggregate amount of the proceeds of any transfer or disposal referred to in the preceding sentence.

(b) In administering the System, the Secretary is authorized—

(1) to enter into contracts with any person or public or private agency through negotiation for the provision of public accommodations when, and in such locations, and to the extent that the Secretary determines will not be inconsistent with the primary purpose for which the affected area was established.

(2) to accept donations of funds and to use such funds to acquire or manage lands or interests therein, and

(3) to acquire lands or interests therein by exchange [(a)](A) for acquired lands or public lands, or for interests in acquired or public lands, under his jurisdiction which he finds to be suitable for disposition, or [(b)](B) for the right to remove, in accordance with such terms and conditions as the Secretary may prescribe, products from the acquired or public lands within the System. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

TEXT OF H.R. 5608, AS REPORTED

A BILL To extend until the close of 1983 the period in which appropriations are authorized to be appropriated for the acquisition of wetlands, to increase the maximum amount of such authorization, 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 "Wetlands Loan Extension Act of 1976".

SEC. 2. (a) The first section of the Act entitled "An Act to promote the conservation of migratory waterfowl by the acquisition of wetlands and other essential waterfowl habitat, and for other purposes", approved October 4, 1961 (16 U.S.C. 715k-3) is amended by striking out "fifteen-year period beginning with fiscal year 1962, not to exceed \$105,000,000." and inserting in lieu thereof the following: "period beginning on July 1, 1961, and ending at the close of September 30, 1983, not to exceed \$200,000,000."

(b) Section 3 of such Act of October 4, 1961 (16 U.S.C. 715k-5) is amended—

(1) by striking out "with fiscal year 1977," and inserting in lieu thereof "on October 1, 1983,";

(2) by striking out "prior to the end of the aforesaid fifteen-year period," and inserting in lieu thereof "before October 1, 1983"; and

(3) by striking out "year; *Provided further*, that no" and inserting in lieu thereof "year. No".

SEC. 3. (a) The first section of the Act entitled "An Act to supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas, for the protection of certain migratory birds, for the enforcement of the Migratory Bird Treaty Act and regulations thereunder, and for other purposes", approved March 16, 1934 (16 U.S.C. 718a; commonly known as the "Migratory Bird Hunting Stamp Act") is amended by inserting after "hunting" in the first sentence the words "and conservation".

(b) The first sentence of section 2 of such Act of March 16, 1934 (16 U.S.C. 718b), is amended to read as follows: "The stamps required by section 1 of this Act shall be issued and sold by the Postal Service and may be sold by the Department of the Interior, pursuant to regulations prescribed jointly by the Postal Service and the Secretary of the Interior, at (1) each post office of the first- and second-class, and (2) any establishment, facility, or location as the Postal Service and the Secretary of the Interior shall direct or authorize. The funds received from the sale of such stamps by the Department of the Interior shall be deposited in the migratory bird conservation fund, in accordance with the provisions of section 4 of this Act."

(c) The fifth sentence of section 2 of such Act of March 16, 1934 (16 U.S.C. 718b), is amended to read as follows: "The Postal Service, pursuant to regulations prescribed by it, shall provide for the redemption, on or before the 30th day of September of each fiscal year, of blocks composed of two or more attached unused stamps issued for such year (A) that were sold on consignment to any person, including, but not limited to, retail dealers for resale to their customers, and (B) that have not been resold by any such person."

(d) The first sentence of section 4 of such Act of March 16, 1934 (16 U.S.C. 718d), is amended by inserting immediately after "Postal Service" the following: "or the Department of the Interior, whichever is appropriate."

SEC. 4. Section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a) is amended by adding at the end thereof the following new sentence: "For purposes of this Act, the purchase or rental of any area of land, water, or land and water includes the purchase or rental of any interest in any such area of land, water, or land and water."

SEC. 5. Paragraph (3) of section 4(b) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(b)(3)) is amended to read as follows:

"(3) to acquire lands or interests therein by exchange (A) for acquired lands or public lands, or for interests in acquired or public lands, under his jurisdiction which he finds to be suitable for disposition, or (B) for the right to remove, in accordance with such terms and conditions as the Secretary may prescribe, products from the acquired or public lands within the System. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require."

AGENCY COMMENTS

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 22, 1975.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for our views on H.R. 5608, a bill "To extend until the close of 1983 the period in which appropriations are authorized to be appropriated for the ac-

quisition of wetlands, and to increase the maximum amount of such authorization."

We recommend enactment of H.R. 5608 if amended as herein described.

The purpose of this bill is to extend the authorization for the Wetlands Loan Act of 1961 (75 Stat. 813) as amended (16 U.S.C. 715k-3—715k-5) an additional seven years and increase the advance appropriation authorization an additional \$95 million from the present \$105 million to \$200 million.

H.R. 5608 would extend the date of repayment of the funds advanced to the migratory bird conservation fund until October 1, 1983, and it would change the name of the stamp to the "Migratory Bird Hunting and Conservation Stamp." The bill would amend the existing Act to permit the sale of stamps at places other than post offices, such as refuges, and provide that receipts from stamp sales shall be deposited in the migratory bird conservation fund. The bill also provides that anyone, not just retail dealers of hunting or fishing equipment and authorized State agents for the sale of hunting or fishing licenses, may redeem unused stamps under prescribed conditions.

Section 5 of H.R. 5608 would provide the Secretary with the authority to purchase easements in land, as well as fee simple title in lands acquired under the existing Act. The bill also provides exchange authority to the Secretary with respect to easements to allow for the disposal of such interests in land by land exchange.

We support the objective of this bill. The need for funding in excess of current duck stamp receipts to continue an accelerated land acquisition program which will acquire habitat sufficient to protect maximum levels of waterfowl is desirable. The goal is to maintain the capability to sustain maximum waterfowl populations that have occurred over the past 15 years. Indeed, the need to identify and preserve wetlands and other waterfowl habitat has never appeared more critical than it is today. In the last 20 or 30 years wetlands have been modified, even destroyed, by dredging, filling, draining and pollution. For example, the table that follows shows the decrease in wetland acreage from 1850 through 1953. While we have no firm figure for the acreage today, wetlands are continuing to disappear, and the cost of such land continues to rise. The fewer funds we have immediately available for acquisition, the less choice we have and the higher the price.

CHANGE IN WETLAND ACREAGE SINCE 1850-1953 (FROM SHAW AND FREDINE 1956)

[In acres]

State	Swampland patented to States since 1850	U.S.D.A. inventory of 1906	U.S.D.A. inventory of 1922	Fish and Wildlife Service inventory (1952-1953)
Arkansas.....	7,686,575	5,912,300.0	4,220,000.0	3,748,800.0
California.....	2,192,875	3,420,000.0	1,179,000.0	457,200.0
Florida.....	20,325,013	19,800,000.0	16,846,000.0	15,266,400.0
Illinois.....	1,460,164	925,000.0	600,000.0	176,700.0
Indiana.....	1,259,231	625,000.0	778,000.0	267,100.0
Iowa.....	1,196,392	930,000.0	368,000.0	117,000.0
Missouri.....	3,432,481	2,439,000.0	1,085,000.0	322,000.0
Total.....	37,552,731	34,051,900.0	25,076,000.0	20,355,200.0
Percent reduction since 1850.....		9.3	33.2	45.7

The Fish and Wildlife Service's habitat acquisition program has been construed in the past to be primarily of benefit to the waterfowl hunter. It is clear, however, that many segments of our society benefit, directly and indirectly, from the perpetuation of waterfowl and the preservation of wetland habitat. In view of the many benefits derived from waterfowl and wetlands preservation, we believe it would be more appropriate to refer to the present stamp as the "Migratory Bird Conservation Stamp," rather than the "Migratory Bird Hunting and Conservation Stamp," as presently included in H.R. 5608. The name of the stamp in H.R. 5608 could be interpreted as making a distinction that hunters are not conservationists. This is clearly not the case, as evidenced by the many contributions that hunters have made over the years to the conservation of our national resources. Waterfowl hunters have been the principal supporters of wetland preservation since 1934.

The objectives of the Fish and Wildlife Service's waterfowl habitat acquisition program in the past have been developed based on the assumption that a significant proportion of high value habitat would be maintained intact by the private sector. While this is still true, significant acreages of habitat once considered safe are now increasingly threatened. Under these circumstances the Fish and Wildlife Service has found it necessary to reevaluate its land acquisition objectives and to more specifically attempt to pinpoint the means by which the Federal Government should focus its efforts to protect international waterfowl resources. One approach requires that habitat currently used by significant number of waterfowl be maintained in such a way that it can continue to support similar populations in the future. A number of tools are available for attaining this objective, including fee purchase, easements, leases, donations, and others which the Service hopes to employ to the fullest extent possible in order to fit the particular situation.

Basically, the Fish and Wildlife Service will preserve waterfowl habitat on the basis of individual species and flyway needs and priorities. Our efforts will focus on protecting key waterfowl breeding and wintering habitats. Data suggest that the amounts of breeding and wintering habitat available annually constrains the size of continental waterfowl population levels. Wintering habitat is essential because of the responsibility of the United States to support nearly the entire continental waterfowl resource for the extended wintering period. By contrast, the individual States are expected to provide the majority of migration habitat needed, both to sustain waterfowl populations during their fall and spring migration, and to provide on-site opportunities for public use of the resource. Land acquisition will be used where other efforts fail to adequately protect critical habitat.

Our planning suggests that a 10 to 15 year program is most desirable in order to preserve critical habitat before it is lost. Such a program would, of course, be subject to fiscal restraints. If wetland habitat losses do not occur in the next several years as rapidly as expected, this program would not need to be carried out at the projected level. On the other hand, if habitat losses occur at a faster rate than expected, then we might want to request additional resources necessary to purchase critical wetlands sooner than originally planned.

In order to accomplish the preservation of key breeding and wintering habitat that will not be otherwise protected, the Service has revised its objectives for the accelerated waterfowl habitat acquisition pro-

gram. Although it cannot be projected with certainty, it appears that on the basis of recent analyses in order to maintain maximum waterfowl levels and maximum use levels the wetlands preservation plan should be adjusted from 2.5 million to 3.8 million acres, of which 1.9 million would be acquired by September 30, 1976, when the current Wetland Loan Fund authorization is scheduled to terminate.

The additional \$95 million provided in H.R. 5608 is insufficient to meet the present projections of the acquisition program. The \$95 million increased authorization, coupled with \$19.1 million still unappropriated within the original \$105 million authorization, plus estimated duck stamp receipts at the current \$5 price or \$12 million annually for 7 years, totals \$198.1 million of authorized appropriations which would average \$28.3 million annually, if appropriated equally over the next 7 years. We believe a more realistic approach to meeting our acquisition program objectives would be, first, to eliminate repayment of the loan. Because the loan is interest free, repayment would not compensate for the interest lost. Second, the price of the "duck stamp" should be set by the Secretary of the Interior at his discretion, considering the costs of land acquisition and other program costs. A recent review conducted by us indicates that a majority of the waterfowl hunters are willing to pay up to \$10 for a stamp. Our projections, furthermore, show that sales would be back to current levels within a few years. Under this discretion, duck stamp receipts could provide between \$236 and \$454 million over the 10 to 15 year period. Our aim is to make the acquisition program as nearly self-sustaining as possible. Waterfowl hunters have rightfully prided themselves on being chiefly responsible for the conservation of waterfowl. This recommendation would continue that approach. In addition, it provides the Secretary with sufficient flexibility to meet migratory bird land acquisition program objectives in the future.

Third, because we do recognize that the benefits of wetlands accrue to segments of society other than waterfowl hunters, and because duck stamp receipts alone may provide insufficient to meet program objectives, we propose that H.R. 5608 be amended to provide authorization for general appropriations. The request for general appropriations would depend upon the amount of duck stamp receipts, the progress of the acquisition program and consideration for the changing fiscal climate.

We believe these changes, coupled with Land and Water Conservation Fund Act money and funds derived from rights-of-way and other refuge revenue generating uses, donations and specially authorized acquisitions will allow us to carry out an effective land acquisition program over the next 10 to 15 years and preserve habitats most critical to the resource and areas most threatened with loss or adverse alterations.

The consequences of a substantial curtailment in funds would be irreversible in prime waterfowl production and wintering wetland habitat. For example, the prairie pothole States (North and South Dakota, western Minnesota and northeastern Montana), the prime breeding areas for waterfowl in the lower 48 States, continue to be drained at some 35,000 acres annually, a rate which the Service's acquisition program has slowed by as much as 15,000 to 20,000 acres per year. However, in addition, the quality of upland nesting cover associated with the remaining wetland complexes is deteriorating rapidly.

Major coastal wintering areas, particularly near metropolitan centers and petroleum development sites, are becoming increasingly degraded. The 7 million acres of remaining bottomland hardwood wintering habitat in the Mississippi River Delta and other floodplains of the southeast from Kentucky to the Gulf Coast are being drained and cleared at some 250,000 acres annually. Between 1950 and 1969 over 4 million acres were cleared, a 35 percent reduction in 20 years. At this rate the values of these lands to waterfowl could be lost by the turn of the century. If this is allowed to happen, the Service will lose a major, frequently the only, capability available to protect migratory birds. Loss of this capability could prevent the Service from fulfilling its national and international responsibilities under various legislative and treaty mandates.

If enacted in this form, H.R. 5608 could provide between \$236 and \$454 million from "duck stamp" receipts over 10 and 15 year periods, respectively. This will enable us to meet the objective of acquiring habitat sufficient to protect maximum levels of waterfowl. This goal is to maintain the capability to sustain maximum waterfowl populations that have occurred over the past 15 years. At current land prices, these "duck stamp" receipts would enable us to purchase an additional 1.9 million acres of wetlands. The request for general appropriations would depend upon the amount of duck stamp receipts, the progress of the acquisition program and consideration for the changing fiscal climate. However, we do propose a general appropriation limitation of \$295 million, which is the estimate of the cost of purchasing the highest priority 1.8 million acres at 1975 prices. Since this limitation is based on 1975 prices, we may have to come back to the Congress to request additional funds beyond this \$295 million to purchase this priority acreage.

If the Wetlands Loan Act is not amended, pay back to the Treasury will begin in FY 1977 using 75 percent of the money accruing annually to the Migratory Bird Conservation Fund from duck stamp receipts. If the duck stamp remains at its present price limit of \$5, the accelerated land acquisition program will be limited to less than \$3 million annually. With this amount of money, it is estimated that habitat for only 2.1 million waterfowl could be protected by the year 1986 rather than habitat for approximately 9.7 million which we believe would be protected under the proposed program level.

We recommend that H.R. 5608 be amended in the following manner:

1. The title of the bill should be deleted and in lieu thereof a new title should be inserted, to read:

"To extend the period in which appropriations are authorized to be appropriated for the acquisition of wetlands, and to establish the maximum amount of such authorization, and for other purposes."

2. Section 1 and section 2 of H.R. 5608 should be deleted in their entirety and a new section 1 should be inserted to read:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled 'An Act to promote the conservation of migratory waterfowl by the acquisition of wetlands and other essential waterfowl habitat, and for other purposes, approved October 4, 1961 (Public Law 87-383, 16 U.S.C. 715k-3), is amended by striking the first three

sentences of section 3 before the proviso and inserting in lieu thereof the following 'Funds appropriated pursuant to section 1 and 2 of this Act shall be treated as an appropriation to the migratory bird conservation fund. Beginning with fiscal year 1977 there is authorized to be appropriated such additional funds as may be necessary to carry out the purposes of this Act: *Provided*, That funds appropriated pursuant to this section shall not exceed \$295 million during the period of fiscal years 1977 through 1991.'

3. Section 3 of H.R. 5608 should be amended by deleting the remainder of the section after the word "amended" on line 17 and inserting in lieu thereof the following "by (1) striking 'hunting' before 'stamp' and inserting in lieu thereof 'conservation' and by (2) striking 'who has attained the age of sixteen years' which precedes the word 'person'".

4. Section 4 of H.R. 5608 should be amended by the addition of the following sentence after the last sentence of that section "For each such stamp sold under the provisions of this section there shall be collected by the Postal Service or the Department of the Interior, as appropriate, a sum as determined by the Secretary of the Interior, in his discretion, considering the costs of land acquisition and other program costs."

5. Sections 3, 4, 5, 6 and 7 of H.R. 5608 should be renumbered respectively to be sections 2, 3, 4, 5 and 6.

The new section 1 of H.R. 5608 would amend the Wetlands Loan Act to eliminate repayment of the loan and authorize appropriation not to exceed \$295 million over a fifteen-year period to carry out our accelerated wetland acquisition program.

The amendment to section 3 of H.R. 5608 would change the name of the stamp to the "Migratory Bird Conservation Stamp" and will require any person, regardless of age, who hunts migratory waterfowl to possess a "duck stamp". This amendment is suggested in order to comply with the Court stipulation agreed to by the Department to request Congress to consider a possible amendment to the Migratory Bird Hunting Stamp Act to require all hunters, not just those 16 years and older to possess a valid duck stamp (*The Fund for Animals, Inc., et al. v. Morton, et al.*, C.A. 74-1581 (U.S. District Court, District of New Jersey, October 10, 1974)). This amendment could also result in some additional duck stamp revenues. Approximately 10 to 15 percent of the migratory bird hunting public is under 16 years of age.

The amendment to change the name of the stamp to "Migratory Bird Conservation Stamp" is proposed in order to more nearly reflect the purpose of the program and encourage citizens outside the hunting community to support wetlands acquisition for conservation of migratory waterfowl.

The amendment to section 4 of H.R. 5608 will provide a realistic basis for establishing and adjusting the price of the stamp based on current land values. Since 1934 waterfowl hunters have taxed themselves to provide for the acquisition of waterfowl habitat. The price of the stamp was raised in 1972 from \$3 to \$5 in order to offset increases in land prices which had occurred since the previous increase in the price of the stamp in 1959. This amendment will allow the Secretary of the Interior to set the price of the stamp, taking into consideration costs of land acquisition and other program costs.

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,

NATHANIEL REED,
Assistant Secretary of the Interior.



Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

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

An Act

To extend until the close of 1983 the period in which appropriations are authorized to be appropriated for the acquisition of wetlands, to increase the maximum amount of such authorization, 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 "Wetlands Loan Extension Act of 1976".

SEC. 2. (a) The first section of the Act entitled "An Act to promote the conservation of migratory waterfowl by the acquisition of wetlands and other essential waterfowl habitat, and for other purposes", approved October 4, 1961 (16 U.S.C. 715k-3) is amended by striking out "fifteen-year period beginning with fiscal year 1962, not to exceed \$105,000,000." and inserting in lieu thereof the following: "period beginning on July 1, 1961, and ending at the close of September 30, 1983, not to exceed \$200,000,000."

(b) Section 3 of such Act of October 4, 1961 (16 U.S.C. 715k-5) is amended—

(1) by striking out "with fiscal year 1977," and inserting in lieu thereof "on October 1, 1983,";

(2) by striking out "prior to the end of the aforesaid fifteen-year period," and inserting in lieu thereof "before October 1, 1983,"; and

(3) by striking out "year: *Provided further*, That no" and inserting in lieu thereof "year. No".

SEC. 3. (a) The first section of the Act entitled "An Act to supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas, for the protection of certain migratory birds, for the enforcement of the Migratory Bird Treaty Act and regulations thereunder, and for other purposes", approved March 16, 1934 (16 U.S.C. 718a; commonly known as the "Migratory Bird Hunting Stamp Act") is amended by inserting after "hunting" in the first sentence the words "and conservation".

(b) The first sentence of section 2 of such Act of March 16, 1934 (16 U.S.C. 718b) is amended to read as follows: "The stamps required by section 1 of this Act shall be issued and sold by the Postal Service and may be sold by the Department of the Interior, pursuant to regulations prescribed jointly by the Postal Service and the Secretary of the Interior, at (1) each post office of the first- and second-class, and (2) any establishment, facility, or location as the Postal Service and the Secretary of the Interior shall direct or authorize. The funds received from the sale of such stamps by the Department of the Interior shall be deposited in the migratory bird conservation fund in accordance with the provisions of section 4 of this Act."

(c) The fifth sentence of section 2 of such Act of March 16, 1934 (16 U.S.C. 718b), is amended to read as follows: "The Postal Service, pursuant to regulations prescribed by it, shall provide for the redemption, on or before the 30th day of September of each fiscal year, of blocks composed of two or more attached unused stamps issued for such year (A) that were sold on consignment to any person, including,

but not limited to, retail dealers for resale to their customers, and (B) that have not been resold by any such person.”

(d) The first sentence of section 4 of such Act of March 16, 1934 (16 U.S.C. 718d), is amended by inserting immediately after “Postal Service” the following: “or the Department of the Interior, whichever is appropriate.”

SEC. 4. Section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a) is amended by adding at the end thereof the following new sentence: “For purposes of this Act, the purchase or rental of any area of land, water, or land and water includes the purchase or rental of any interest in any such area of land, water, or land and water.”

SEC. 5. Paragraph (3) of section 4(b) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(b)(3)) is amended to read as follows:

“(3) to acquire lands or interests therein by exchange (A) for acquired lands or public lands, or for interests in acquired or public lands, under his jurisdiction which he finds to be suitable for disposition, or (B) for the right to remove, in accordance with such terms and conditions as he may prescribe, products from the acquired or public lands within the System. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.”

Speaker of the House of Representatives.

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

February 17, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I have today approved H.R. 5608, a bill which provides for the continued authorization of funds with which to purchase wetlands for the protection of migratory waterfowl. However, I am disappointed that the Congress did not accept certain Administration recommendations regarding this legislation.

To accomplish the objectives of this program, and to do so in the most sound financial manner, this Administration had proposed to Congress two changes. First, I proposed that the Secretary of the Interior be authorized to increase the price of the the Migratory Waterfowl Hunting Stamp, the so-called "duck stamp," considering both the increasing cost of buying wetlands and other costs incurred in conserving waterfowl. Since 1972, the price of a "duck stamp" has been \$5.00, the maximum allowed by law. Most duck hunters should be willing to pay up to \$10.00 for a stamp to help pay the cost of conserving this resource. A \$10.00 "duck stamp" would double the revenues used to purchase wetlands, making approximately \$24 million available annually.

Second, I proposed that the 17% of all migratory waterfowl hunters who do not currently need to buy stamps be required to have them. I refer to hunters under the age of 16, who are already required by 36 States to purchase hunting licenses.

Enactment of both proposals would not only have generated more revenues, enabling us to buy wetlands sooner, but would have made the acquisition program more nearly self-financing.

I therefore urge the Congress to reconsider these proposals and enact them into law.

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