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APPROVED
AUG 13 1976

88/13/76

THE WHITE HOUSE
WASHINGTON
August 10, 1976

ACTION

Last Day: August 16

posted
8/13/76
archives
8/13/76

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *Jim*

SUBJECT:

S. 1526 - Boundary Waters
Canoe Area, Minnesota

Attached for your consideration is S. 1526, sponsored by Senator Humphrey.

The enrolled bill would increase the existing appropriation authorization for land acquisition in the Boundary Waters Canoe Area, Minnesota from \$4,500,000 to \$9,000,000. The enrolled bill is substantively identical to legislation submitted by the Department of Agriculture.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 1526 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

AUG 6 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 1526 - Boundary Waters
Canoe Area, Minnesota
Sponsor - Sen. Humphrey (D) Minnesota

Last Day for Action

August 16, 1976 - Monday

Purpose

Increases the existing appropriation authorization for land acquisition in the Boundary Waters Canoe Area from \$4,500,000 to \$9,000,000.

Agency Recommendations

Office of Management and Budget Approval

Department of Agriculture Approval

Discussion

The Boundary Waters Canoe Area is a component of the National Wilderness Preservation System located within the Superior National Forest in northeastern Minnesota. The area comprises over one million acres of forest land which contains numerous lakes and rivers that offer a wide range of opportunities for canoe travel and wilderness experiences.

Under existing law, the Secretary of Agriculture has acquired some 60,000 acres of private land within the Boundary Waters Canoe Area to protect it from undesirable use and development. Although some 21,500 acres remain to be acquired if the area is to be fully protected, Agriculture has nearly reached the \$4,500,000 appropriation authorization ceiling that applies to such land




acquisition, and in fact, payment has not been made for lands taken through condemnation because of insufficient funds.

Accordingly, Agriculture submitted legislation to the 94th Congress to provide an additional \$4,500,000 appropriation authorization for completing necessary land acquisition within the Boundary Waters Canoe Area. The Agriculture proposal also provided for payment of the outstanding condemnation award.

Consistent with Agriculture's proposal, S. 1526 would increase the existing appropriation authorization for land acquisition within the Boundary Waters Canoe Area from \$4,500,000 to \$9,000,000. The enrolled bill would authorize use of monies from the Land and Water Conservation Fund and it would also provide for payment of condemnation awards. Finally, it would require the Secretary to make annual reports to Congress (1977-1980) concerning the land acquisition program, with the final report indicating whether or not additional funds are needed.

In its enrolled bill letter, Agriculture notes that S. 1526 is substantively identical to its proposal and states that:

"S. 1526 would make it possible for this Department to continue ... to provide for the acquisition of lands vulnerable to forms of use and development that could impair the unique qualities and natural features of the wilderness canoe country. The bill would also enable the Department to pay all of the money awarded by a Federal court to the owner of certain property acquired under the Act through condemnation proceedings."


James M. Frey
Assistant Director for
Legislative Reference

Enclosure

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 8

Time: 800pm

FOR ACTION:

Paul Leach
Max Friedersdorf
Ken Lazarus

cc (for information):

Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date:

August 9

Time:

600pm

SUBJECT:

S. 1526-Boundary Waters Canoe Area, Minn.

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

K. R. COLE, JR.
For the President



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

August 5, 1975

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

Dear Mr. Lynn:

In reply to the request of your office, the following report is submitted on the enrolled enactment S. 1526, "To make additional funds available for purposes of certain public lands in northern Minnesota, and for other purposes."

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

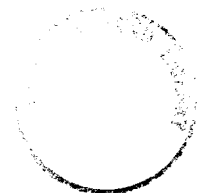
S. 1526 would amend section 6 of the Act of June 22, 1948, to authorize an additional \$4.5 million in appropriations for the acquisition of lands in the Boundary Waters Canoe Area, a component of the National Wilderness Preservation System located within the Superior National Forest in north-eastern Minnesota.

S. 1526 would make it possible for this Department to continue to carry out the purpose of the 1948 Act, which is to provide for the acquisition of lands vulnerable to forms of use and development that could impair the unique qualities and natural features of the wilderness canoe country. The bill would also enable the Department to pay all of the money awarded by a Federal court to the owner of certain property acquired under the Act through condemnation proceedings.

S. 1526 would authorize the same amount in appropriations and would accomplish the same purposes as a draft bill which this Department transmitted to the President of the Senate and the Speaker of the House of Representatives on August 11, 1975. We consider the wording differences between S. 1526 and the draft bill to be only technical and clarifying in nature. We, therefore, recommend that the President approve the enactment.

Sincerely,

John A. Knebel
John A. Knebel
Under Secretary



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 9

Time: 900am

FOR ACTION: Paul Leach
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: August 9

Time: 600pm

SUBJECT:

S. 1526-Boundary Waters Canoe Area, Minn.

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

No objection -- Ken Lazarus 8/9/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

James M. Cannon
For the President

THE WHITE HOUSE

WASHINGTON

August 9, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.F.*
SUBJECT: S.1526 - Boundary Waters Canoe Area, Minn.

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

Attachments



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

AUG 6 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 1526 - Boundary Waters
Canoe Area, Minnesota
Sponsor - Sen. Humphrey (D) Minnesota

Last Day for Action

August 16, 1976 - Monday

Purpose

Increases the existing appropriation authorization for land acquisition in the Boundary Waters Canoe Area from \$4,500,000 to \$9,000,000.

Agency Recommendations

Office of Management and Budget Approval

Department of Agriculture Approval

Discussion

The Boundary Waters Canoe Area is a component of the National Wilderness Preservation System located within the Superior National Forest in northeastern Minnesota. The area comprises over one million acres of forest land which contains numerous lakes and rivers that offer a wide range of opportunities for canoe travel and wilderness experiences.

Under existing law, the Secretary of Agriculture has acquired some 60,000 acres of private land within the Boundary Waters Canoe Area to protect it from undesirable use and development. Although some 21,500 acres remain to be acquired if the area is to be fully protected, Agriculture has nearly reached the \$4,500,000 appropriation authorization ceiling that applies to such land

(Signed) James M. Frey

Assistant Director for
Legislative Reference

FUNDS FOR ACQUISITION OF LANDS IN THE BOUNDARY
WATERS CANOE AREA

MARCH 4, 1976.—Ordered to be printed

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

REPORT

[To accompany S. 1526]

The Committee on Agriculture and Forestry, to which was referred the bill (S. 1526) to make additional funds available for purposes of certain public lands in northern Minnesota, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

SHORT EXPLANATION

S. 1526, as amended by the Committee, would authorize additional appropriations—not to exceed \$4.5 million—for the acquisition of lands in the Boundary Waters Canoe Area, a wilderness area within the Superior National Forest in northeastern Minnesota.

COMMITTEE AMENDMENT

The Committee strikes all after the enacting clause and inserts in lieu thereof the following:

That section 6 of the Act of June 22, 1948 (62 Stat. 568, as amended; 16 U.S.C. 577h), is amended to read as follows:

SEC. 6. (a) There are authorized to be appropriated from the land and water conservation fund established under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897, as amended; 16 U.S.C. 460 1-5), such sums, not to exceed \$4,500,000, as are necessary to carry out the provisions of this Act, including sums for the payment of court judgments in condemnation actions brought under authority of this Act without regard to the date such condemnation actions were initially instituted.

(b) Not later than March 1 of each year for the first four years after 1976, the Secretary of Agriculture shall submit to Congress a report concerning the acquisition of lands or interests in lands under this Act. The final report of the Secretary shall specify whether additional appropriations are necessary to carry out the purposes of this Act.

The Committee amendment limits to \$4.5 million the additional funds which may be appropriated for the acquisition of lands in the

Boundary Waters Canoe Area (in lieu of \$9.0 million in the bill as introduced). The amendment also adds a new provision requiring four annual reports from the Secretary of Agriculture concerning the acquisition of lands in the wilderness area. The final report is to state whether any additional authorization of appropriations is required.

BACKGROUND AND PURPOSE

I.

The Boundary Waters Canoe Area, the largest unit of the National Wilderness Preservation System, is located in Cook, Lake, and St. Louis Counties in northern Minnesota. The area occupies approximately 1,030,000 acres of land in the northern one-third of the Superior National Forest.

The Boundary Waters Canoe Area is a region of exceptional natural beauty, containing many lakes and streams that are linked together or in such close proximity as to provide excellent opportunities for canoe travel and wilderness experience. In recognition of the uniqueness of the Canoe Area and certain adjacent land, the Act of July 10, 1930, provided that the shorelines of waterways used primarily by canoeists would be maintained to preserve their natural character, and that there should be no further change in the natural or existing water level of any lake or stream.

In the late 1940's, it became apparent that private lands, resorts, and cabins within a portion of the area should be acquired to safeguard the exceptional public values. To accomplish this purpose, the Act of June 22, 1948, authorized and directed the Secretary of Agriculture to acquire lands and appurtenances thereto within approximately two-thirds of the Canoe Area. The 1948 Act limited the amount that could be appropriated for such acquisition to \$500,000. The 1948 Act was subsequently amended to authorize acquisition within the balance of the Canoe Area and to increase the limitation on appropriations to \$4.5 million.

II.

The Forest Service has acquired approximately 60,000 acres of land (both improved and unimproved) in the Boundary Waters Canoe Area from funding authorized by the 1948 Act. However, the total \$4.5 million authorized by the 1948 Act has been appropriated and expended. Therefore, the limitation prevents any further acquisition. According to the Department of Agriculture, there is a need to acquire approximately 21,500 acres of additional land which are vulnerable to forms of use and development that could impair the unique qualities and natural features of the Canoe Area.

Since the passage of the 1948 Act and the amendments thereto, the land and water conservation fund established by the Land and Water Conservation Fund Act of 1965 has become the principal source of funds for acquiring lands for outdoor recreation purposes and wilderness. S. 1526 would authorize the appropriation of funds from the land and water conservation fund to enable the Forest Service to acquire the lands necessary to fulfill the objective of the 1948 Act and maintain an area for wilderness canoe travel.

III.

In addition, S. 1526 would amend the 1948 Act to authorize the payment of court judgments in condemnation actions brought under authority of the Act without regard to the date such condemnation actions were initially instituted. This authority is needed to enable the Department to pay all the money awarded by a Federal court to the owner of certain property acquired under the Act through condemnation proceedings. The award occurred at the time when expenditures under the Act were close to the limit of appropriations. The award exceeded the amount reserved for payment and all funds remaining within the authorization limit. A copy of the opinion of the Deputy Comptroller General explaining why the land and water conservation fund may not be used under existing law to pay such awards is printed as Appendix "A" to this report.

DEPARTMENTAL VIEWS

In a letter to the Chairman dated January 23, 1976, the Department of Agriculture recommends that S. 1526 be enacted, if amended to limit the additional authorization of funds to \$4.5 million. The Committee amendment incorporates the Department's suggested amendment (as well as a provision requiring annual reports). The letter from the Department reads as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., January 23, 1976.

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

DEAR MR. CHAIRMAN: As you requested, here is the report of the Department of Agriculture on S. 1526, a bill "To make additional funds available for purposes of certain public lands in northern Minnesota, and for other purposes."

The Department of Agriculture recommends that S. 1526 be enacted if amended as suggested herein.

S. 1526 would amend section 6 of the Act of June 22, 1948, to authorize additional appropriations for the acquisition of lands in the Boundary Waters Canoe Area, a component of the National Wilderness Preservation System located within the Superior National Forest in northeastern Minnesota.

The Boundary Waters Canoe Area is a region of exceptional natural beauty, containing many lakes and streams that are linked together or in such close proximity as to provide excellent opportunities for canoe travel. In recognition of the uniqueness of the Canoe Area and certain adjacent lands, the Act of July 10, 1930 (46 Stat. 1020), provided that the shorelines of waterways used primarily by canoeists would be maintained to preserve their natural character and that there should be no further change in the natural or existing water level of any lake or stream. In the late 1940's, it became apparent that private lands, resorts, and cabins within a portion of the Canoe Area should be acquired to safeguard the exceptional public values. To this end,

the Act of June 22, 1948, authorized and directed the Secretary of Agriculture to acquire lands and appurtenances thereto within approximately two-thirds of the Canoe Area. The 1948 Act limited the amount that could be appropriated for such acquisition to \$500,000. The 1948 Act was subsequently amended to authorize acquisition within the balance of the Canoe Area and to increase limitations on appropriations to the present level of \$4.5 million.

At the present time, \$4.5 million has been appropriated and expended for the acquisition of lands within the Boundary Waters Canoe Area. Therefore, the limitation prevents any further acquisition. S. 1526 would amend the 1948 Act to authorize the use of \$9 million from the Land and Water Conservation Fund for acquisition and thus raise the total limitation to \$13.5 million.

Since passage of the 1948 Act and the amendments thereto, the Land and Water Conservation Fund has emerged as the principal source of funds for acquiring lands for outdoor recreation purposes and wilderness. In lieu of seeking an additional appropriations authorization relating to the 1948 Act, we would prefer to fund the further needs of the Canoe Area within the total amounts appropriated to the Department from the Fund. This would allow a greater degree of flexibility to meet funding needs should a critical tract of land within the Canoe Area suddenly become available for purchase.

S. 1526 would also amend the 1948 Act to authorize the payment of court judgments in condemnation actions brought under authority of the Act without regard to the date such condemnation actions were initially instituted. This authority is needed to enable the Department to pay all of the money awarded by a Federal court to the owner of certain property acquired under the Act through condemnation proceedings. The award occurred at the time when expenditures under the Act were close to the limit of appropriations. The award exceeded the amount reserved for payment and all funds remaining within the authorization limit.

S. 1526 is very similar to a draft bill that was transmitted to the President of the Senate on August 11, 1975, by this Department; except that our draft bill would only authorize an additional \$4.5 million for land acquisition in comparison to the \$9 million authorized by S. 1526. We estimate that \$4.5 million will be sufficient to cover the acquisition of lands vulnerable to forms of use and development that could impair the unique qualities and natural features of the wilderness canoe country. With the additional authorization, we would seek to acquire 7,534 acres remaining in private ownership and 14,085 acres of former privately owned lands that have been forfeited to county governments for nonpayment of taxes. We therefore recommend that the figure of \$9,000,000 as it appears in line 2, page 2 of the bill be changed to \$4,500,000.

We note that here was one technical error in the printing of S. 1526. On page 1, line 3, the year of the date of the Act should be 1948 instead of 1958.

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

Sincerely,

JOHN A. KNEBEL,
Under Secretary.

S.R. 681

COST ESTIMATE

In accordance with section 252 of the Legislative Reorganization Act of 1970, the Committee estimates that the costs which would be incurred by the Federal Government in carrying out the bill would total \$4.5 million. The expenditure of any funds is, of course, subject to the appropriations process.

The Committee did not receive a cost estimate from any Federal agency. However, the Department of Agriculture, in its report on S. 1526, estimated that \$4.5 million—the amount authorized to be appropriated by the Committee amendment—would be sufficient to cover the necessary acquisition of lands in the Boundary Waters Canoe Area.

CHANGES IN EXISTING LAW

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

ACT OF JUNE 22, 1948

(62 Stat. 568, as amended)

AN ACT To safeguard and consolidate certain areas of exceptional public value within the Superior National Forest, State of Minnesota, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to protect and administer more effectively the publicly owned lands within certain parts of the area described in section 1 of the Act approved July 10, 1930 (46 Stat. 1020), and to accomplish certain public purposes explicit and implicit in sections 2 and 3 of said Act, the Secretary of Agriculture is authorized and directed to acquire any lands or interest in lands, and appurtenances thereto, situated within the area described in section 2 of this Act, where in his opinion development or exploitation, or the potentialities for development or exploitation, impair or threaten to impair the unique qualities and natural features of the remaining wilderness canoe country.

* * * * *
SEC. 6. [That there are hereby authorized to be appropriated annually such sums as are necessary to carry out the provisions of this Act: *Provided, however,* That the total appropriations under the authority of this Act shall not exceed \$4,500,000 for the purchase and condemnation of land.] (a) *There are authorized to be appropriated from the land and water conservation fund established under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897, as amended; 16 U.S.C. 460 l-5), such sums, not to exceed \$4,500,000, as are necessary to carry out the provisions of this Act, including sums for the payment of court judgments in condemnation actions brought under authority of this Act without regard to the date such condemnation actions were initially instituted.*

(b) Not later than March 1 of each year for the first four years after 1976, the Secretary of Agriculture shall submit to Congress a report concerning the acquisition of lands or interests in lands under this Act. The final report of the Secretary shall specify whether additional appropriations are necessary to carry out the purposes of this Act.

APPENDIX "A"

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C. March 25, 1975.

File: B-182247.

Matter of: Monies for land condemnation, Jacob and James Pete.

Digest: (1) Congress having authorized appropriations not to exceed \$4.5 million for acquisition of land by purchase or condemnation in Boundary Waters Canoe Area, 16 U.S.C. § 557h, and having appropriated that amount, only such funds may be used for particular land acquisition.

(2) Specific dollar limitation in 16 U.S.C. § 577h for specific land acquisition must take precedence over more general language and authority conferred by Land and Water Conservation Fund Act of 1965 which authorizes appropriations for acquisitions of "inholdings within existing boundaries of wilderness, wild and canoe areas."

(3) Since amount of judgment in condemnation action has exhausted special appropriation for acquisition of land leaving amount still owing to former owners and since neither permanent indefinite appropriation for judgments, 31 U.S.C. § 724a (1970), nor any other monies are available to pay judgment, obligation in excess of available appropriations has been created in violation of Antideficiency Act, 31 U.S.C. § 665 (1970) and deficiency appropriation to pay claim should be requested.

We have received a request for decision from an authorized certifying officer of the Forest Service, Department of Agriculture, as to whether a voucher to pay a judgment obtained by Jacob and James Pete for land condemned by the United States for the Boundary Waters Canoe Area (BWCA) may be certified for payment.

Pub. L. No. 80-733, June 22, 1948, 62 Stat. 570, as amended, 16 U.S.C. § 577h (1970), authorized appropriations not to exceed \$4.5 million for acquisition of land by purchase or condemnation in the BWCA. The certifying officer states that the full \$4.5 million was appropriated by Congress for this purpose and that, as of July 11, 1974, this special appropriation for the BWCA has, except for \$253.13, been exhausted, leaving \$16,717.33 still owing the Petes on a \$38,000 judgment rendered them by the U.S. District Court in Duluth, Minnesota.

The certifying officer suggests that funds appropriated pursuant to the Land and Water Conservation Fund Act of 1965 (L&WCFA), Pub. L. No. 88-578, September 3, 1964, 78 Stat. 897, as amended, 16 U.S.C. § 460 *l-4 et seq.*, (1970), are probably also available to purchase land in the BWCA. He states that these funds are available for acquisitions of "inholdings within existing boundaries of wilderness, wild and canoe areas." Before certifying payment however he wishes a decision on the matter from this Office.

(7)

By letter dated October 4, 1974, B-182247, we requested the view of the Secretary of Agriculture in this matter. On January 24, 1975, the Assistant Secretary for Administration responded to our inquiry by simply stating:

Funds appropriated under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897 as amended; 16 USC 4601) are available for this type of purchase and funds were available at time of condemnation and could have been used.

No reasoning was supplied to give support to this statement.

Based on the facts presented by the certifying officer, it is our view that inasmuch as the Congress established a specific dollar limitation on the amount which could be appropriated for the purchase and condemnation of land in the BWCA, and since for that purpose it appropriated exactly that amount (\$4.5 million), no funds other than those appropriated pursuant to the authority of 16 U.S.C. § 577h may be used to purchase or condemn land in the BWCA. See, for example, 36 Comp. Gen. 526 (1957), 38 Comp. Gen. 588 (1959), and 38 Comp. Gen. 758 (1959). Specifically, it is our position that the authorization limitation contained in 16 U.S.C. § 577h and the specific appropriations made pursuant thereto must take precedence over the more general funding authority conferred by the L&WCFA for land acquisitions, and hence, no more than \$4.5 million may be obligated or expended to purchase or condemn land for the BWCA. Moreover, as we held in our decision of August 21, 1964, B-154988, copy enclosed, the permanent indefinite appropriation for judgments, 31 U.S.C. § 724a (1970), is not available to pay condemnation judgments in situations such as this.

The creation of an obligation in excess of the amount available under an appropriation—a situation that pertains here—is a violation of the Antideficiency Act, 31 U.S.C. § 665 (1970).

Hence, based on the record before us, we are advising the Secretary of Agriculture by separate letter that a deficiency appropriation should be obtained to meet the outstanding balance on the court judgment.

ROBERT F. KELLER,
*Deputy Comptroller General
of the United States.*

Enclosure.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., August 21, 1964.

The Honorable, the SECRETARY OF THE INTERIOR.

DEAR MR. SECRETARY: By letter of July 30, 1964, your Assistant Secretary of the Interior, D. Otis Beasley, forwarded to us for payment a copy of a deficiency judgment rendered by the United States District Court for the Eastern District of North Carolina, Elizabeth City Division, on July 18, 1964, in the case of *United States of America v. Certain Lands, etc.*

The judgment is in the amount of \$21,200 which sum was awarded the owners of certain land acquired through condemnation by the United States for the establishment of Cape Hatteras National Sea-

shore Recreational Area, as authorized by the act of August 17, 1937, 50 Stat. 669, as amended, 16 U.S.C. 459, *et seq.* Section 1 of that act, 16 U.S.C. 459 provides in part that the United States shall not purchase by appropriation of public moneys any lands within the park area but rather that such lands shall be secured by the United States only by public or private donation. Section 2 of the act permitted the Secretary of the Interior to acquire land under any donated funds by purchase, if the price was deemed to be reasonable, otherwise by condemnation under the provisions of the act of August 1, 1888, 25 Stat. 357, 40 U.S.C. 257. Subsequently, by act of August 6, 1956, 70 Stat. 1066, 16 U.S.C. 459a-6 through 459a-8, the Congress provided that all donated funds would thereafter be matched by any funds appropriated to the Department of the Interior for the acquisition of lands within areas of the National Park System, subject, however, to an amount not to exceed \$250,000.

The record shows that the private land here involved was acquired upon the filing of a declaration of taking on October 21, 1955, and that the sum of \$3,800 derived from donations, was deposited into the Registry of the court as estimated just compensation for the taking. The Assistant Secretary of the Interior states that the National Park Service lacks funds to pay the deficiency of \$21,200 inasmuch as the Service did not receive an appropriation for fiscal year 1965 for general land acquisition purposes and the carryover funds from fiscal year 1964 are all specifically identified for other authorized program items. Consequently, the matter has been forwarded here with the request that payment be made from the permanent indefinite appropriation established by section 1302 of the Supplemental Appropriation Act, 1957, approved July 27, 1956, 70 Stat. 694, as amended, 31 U.S.C. 724a.

Section 1302 of the Supplemental Appropriation Act, 1957, as amended, appropriates such funds as are needed to pay judgments awarded against the United States for which payment is not otherwise provided. In view of such specific language the payment of judgments otherwise provided for are not payable from the indefinite appropriation established by 31 U.S.C. 724a. Thus, for example, judgments relating to United States Government Life Insurance are payable in accordance with the provisions of 38 U.S.C. 755 and those relating to National Service Life Insurance are payable in accordance with 38 U.S.C. 719(a), 720 and 784.

In the instant case, the National Park Service is authorized by law to acquire land in the Cape Hatteras National Seashore Recreational Area either by purchase or by condemnation and appropriated funds, not to exceed \$250,000 were made expressly available for such purpose. In this connection we understand that final judgments in similar cases yet pending may involve a total deficiency in the amount of approximately 2 million dollars.

While the appropriation for general land acquisition purposes is not expressly available for the payment of judgments, it is, as stated above, specifically available for acquisition of land by purchase or by condemnation and since condemnation necessarily contemplates litigation it seems obvious that the appropriation for land acquisition is properly chargeable with the payment of judgments resulting from

such limitation. Thus, judgments such as the one now in question normally would be paid therefrom. The fact that payment of this or similar judgments cannot now be made from such funds because they are exhausted does not, in our opinion, meet the requirement of 31 U.S.C. 724a that the payment of judgments from the permanent indefinite appropriation be not otherwise provided for.

You are advised therefore, that the permanent indefinite appropriation provided by 31 U.S.C. 724a is not available for payment of the judgment here in question.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General
of the United States.

○

ADDITIONAL FUNDS FOR LAND ACQUISITION IN THE BOUNDARY WATERS CANOE AREA, SUPERIOR NA- TIONAL FOREST, STATE OF MINNESOTA

APRIL 23, 1976.—Ordered to be printed
Filed under authority of the order of the Senate on April 14, 1976

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

REPORT

[To accompany S. 1526]

The Committee on Interior and Insular Affairs, to which was referred the bill, S. 1526 to make additional funds available for purposes of certain public lands in northern Minnesota, and for other purposes, having considered the same, reports favorably thereon with an amendment to the text and recommends that the bill, as amended, do pass.

The Committee on Agriculture and Forestry in Report No. 94-681, dated March 4, 1976, recommended amending S. 1526 by striking all after the enacting clause and inserting a new text. The Committee on Interior and Insular Affairs recommends the following additional amendment to the text of Report No. 94-104:

On page 2, strike lines 10 through 24 and insert in lieu thereof the following:

SEC. 6. (a) There are authorized to be appropriated annually such sums as are necessary to implement this Act: Provided, That the total appropriations under the authority of this Act shall not exceed \$9,000,000 for the purchase and condemnation of lands, water, or interests therein, and that funds made available through the provisions of the Land and Water Conservation Fund Act (78 Stat. 897), as amended, may also be used for such acquisitions: Provided further, That such appropriations may be used for the payment of court judgments in condemnation actions brought under authority of this Act without regard to the date such actions were initially instituted.

(b) Not later than March 1 of each year 1977 through 1980, the Secretary of Agriculture shall submit to the Congress a report concerning the acquisition of lands or interests in lands under this Act. The final report of the Secretary shall specify whether additional authorizations or appropriations are necessary to carry out the purposes of this Act.

PURPOSE

S. 1526 would authorize additional appropriations—not to exceed \$4.5 million—for the acquisition of lands in the Boundary Waters Canoe Area, a component of the National Wilderness Preservation System within the Superior National Forest in northeastern Minnesota.

BACKGROUND

INTRODUCTION AND REFERRAL

S. 1526 was introduced on April 24, 1975, by Senator Humphrey, for himself and Mr. Mondale. The bill was referred to the Committee on Agriculture and Forestry and, when reported, to the Committee on Interior and Insular Affairs. The bill, with an amendment in the nature of a substitute to the text, was reported by the Committee on Agriculture and Forestry on March 4, 1976. The Committee on Interior and Insular Affairs ordered reported the bill, with an additional amendment to the text, on March 23, 1976.

NEED

Although the 1,030,000 acre Boundary Waters Canoe Area in northern Minnesota is the largest unit of the National Wilderness Preservation System, the Congress provided for its protection long before the passage of the Wilderness Act (78 Stat. 890) in 1968. The Act of July 10, 1930 (46 Stat. 1020) provided that the shorelines of waterways used primarily by canoeists would be maintained to preserve their natural character, and that there should be no further change in the natural or existing water level of any lake or stream (46 Stat. 1020, 1021).

In the late 1940's, it became apparent that in order to meet the requirements of the 1930 Act private lands, resorts, and cabins within a portion of the area had to be acquired. Accordingly, the Act of June 22, 1948 (62 Stat. 568, as amended; 16 U.S.C. 577c), directed the Secretary of Agriculture to acquire lands and appurtenances thereto within approximately two-thirds of the Canoe Area. The \$500,000 authorization ceiling for land acquisition in the 1948 Act (62 Stat. 568, 570) was raised to \$4.5 million by 1956 and 1961 amendments (10 Stat. 328 and 75 Stat. 772; 16 U.S.C. 577c, 577h).

The Forest Service has acquired approximately 60,000 acres of land in the Boundary Waters Canoe Area from funding authorized by the 1948 Act, as amended. According to the Department of Agriculture, there is a need to acquire approximately 21,500 acres of additional land vulnerable to forms of use and development which could impair the unique qualities and natural features of the Canoe Area. However, the \$4.5 million authorized by the 1948 Act, as amended, have been

appropriated and expended. The Department estimates the additional cost for the needed acquisitions to be \$4.5 million.

SUMMARY OF S. 1526, AS REPORTED BY THE COMMITTEE ON AGRICULTURE AND FORESTRY

S. 1526, as reported by the Agriculture Committee, would authorize the appropriation of that additional sum of \$4.5 million from the Land and Water Conservation Fund. The bill would also authorize the payment of court judgments in condemnation actions brought under authority of the 1948 Act without regard to the date such condemnation actions were initially instituted. These authorities are needed to enable the Department to pay all the money awarded by a Federal court to the owner of certain property acquired under the Act through condemnation proceedings. The award occurred at the time when expenditures under the 1948 Act, as amended, were close to the limit of appropriations and exceeded the amount reserved for payment and all funds remaining within the authorization limit. Furthermore, according to an opinion of the Deputy Comptroller General (printed as an Appendix to this report), monies in the Land and Water Conservation Fund could not be used to make up the difference. The opinion stated that, without specific authorization to use such monies, the specific dollar limitation in the 1948 Act, as amended, "for specific land acquisition must take precedent over more general language and authority conferred by Land and Water Conservation Fund Act of 1965 which authorizes appropriations for acquisitions of 'inholdings within existing boundaries of wilderness, wild and canoe areas'."

The bill, as reported by the Agriculture Committee, also requires four annual reports from the Secretary of Agriculture outlining progress in the acquisition program.

SUMMARY OF THE AMENDMENT OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The amendment of the Committee on Interior and Insular Affairs would preserve the \$4.5 million authorization, the authorization to pay past court judgments, and the requirement of four annual reports. The Committee amendment altered the provisions of the bill, as ordered reported by the Agriculture Committee, in two respects:

(1) The amendment removes an ambiguity arising from the reported bill. Deleted from that bill was the original \$4.5 million authorization, and this inadvertently raised the question of whether the new \$4.5 million authorization was truly an authorization of *additional funds*. The Interior Committee amendment simply added the new \$4.5 million authorization to the existing \$4.5 million authorization to provide a ceiling of \$9 million on authorizations for land acquisitions.

(2) The Interior Committee amendment conforms S. 1526 with Committee policy concerning the Land and Water Conservation Fund. The bill, as reported by the Agriculture Committee, authorized appropriation of the new funds for land acquisition only out of the Land and Water Conservation Fund, whereas Interior Committee policy has been to provide a general authorization, not tied solely

to the Fund, for Federal agency land acquisitions. Accordingly, the Interior Committee amendment provides a general authorization for appropriation of land acquisition funds and simply adds a proviso stating that "funds made available through the provisions of the Land and Water Conservation Fund Act (78 Stat. 897), as amended, *may also be used* for such acquisitions" (emphasis added).

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, in open business session on March 23, 1976, by unanimous vote of a quorum present, recommended that the Senate pass S. 1526, if amended as described herein.

COST

In accordance with section 252 of the Legislative Reorganization Act of 1970, the Committee estimates that the costs which would be incurred by the Federal Government in carrying out the bill would total \$4.5 million. The expenditure of any funds is, of course, subject to the appropriations process.

The Committee did not receive a cost estimate from any Federal agency. However, the Department of Agriculture, in its report on S. 1526, estimated that \$4.5 million—the amount authorized to be appropriated by the Committee amendment—would be sufficient to cover the necessary acquisition of lands in the Boundary Waters Canoe Area.

EXECUTIVE COMMUNICATIONS

The legislative report of the Department of Agriculture stating Executive agency recommendations relating to S. 1526 is set forth below:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., January 23, 1976.

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

DEAR MR. CHAIRMAN: As you requested, here is the report of the Department of Agriculture on S. 1526, a bill "To make additional funds available for purposes of certain public lands in northern Minnesota, and for other purposes."

The Department of Agriculture recommends that S. 1526 be enacted if amended as suggested herein.

S. 1526 would amend section 6 of the Act of June 22, 1948, to authorize additional appropriations for the acquisition of lands in the Boundary Waters Canoe Area, a component of the National Wilderness Preservation System located within the Superior National Forest in northeastern Minnesota.

The Boundary Waters Canoe Area is a region of exceptional natural beauty, containing many lakes and streams that are linked together or in such close proximity as to provide excellent opportunities for canoe travel. In recognition of the uniqueness of the Canoe Area and certain adjacent lands, the Act of July 10, 1930 (46 Stat. 1020), pro-

vided that the shorelines of waterways used primarily by canoeists would be maintained to preserve their natural character and that there should be no further change in the natural or existing water level of any lake or stream. In the late 1940's, it became apparent that private lands, resorts, and cabins within a portion of the Canoe Area should be acquired to safeguard the exceptional public values. To this end, the Act of June 22, 1948, authorized and directed the Secretary of Agriculture to acquire lands and appurtenances thereto within approximately two-thirds of the Canoe Area. The 1948 Act limited the amount that could be appropriated for such acquisition to \$500,000. The 1948 Act was subsequently amended to authorize acquisition within the balance of the Canoe Area and to increase limitations on appropriations to the present level of \$4.5 million.

At the present time, \$4.5 million has been appropriated and expended for the acquisition of lands within the Boundary Waters Canoe Area. Therefore, the limitation prevents any further acquisition. S. 1526 would amend the 1948 Act to authorize the use of \$9 million from the Land and Water Conservation Fund for acquisition and thus raise the total limitation to \$13.5 million.

Since passage of the 1948 Act and the amendments thereto, the Land and Water Conservation Fund has emerged as the principal source of funds for acquiring lands for outdoor recreation purposes and wilderness. In lieu of seeking an additional appropriations authorization relating to the 1948 Act, we would prefer to fund the further needs of the Canoe Area within the total amounts appropriated to the Department from the Fund. This would allow a greater degree of flexibility to meet funding needs should a critical tract of land within the Canoe Area suddenly become available for purchase.

S. 1526 would also amend the 1948 Act to authorize the payment of court judgments in condemnation actions brought under authority of the Act without regard to the date such condemnation actions were initially instituted. This authority is needed to enable the Department to pay all of the money awarded by a Federal court to the owner of certain property acquired under the Act through condemnation proceedings. The award occurred at the time when expenditures under the Act were close to the limit of appropriations. The award exceeded the amount reserved for payment and all funds remaining within the authorization limit.

S. 1526 is very similar to a draft bill that was transmitted to the President of the Senate on August 11, 1975, by this Department; except that our draft bill would only authorize an additional \$4.5 million for land acquisition in comparison to the \$9 million authorized by S. 1526. We estimate that \$4.5 million will be sufficient to cover the acquisition of lands vulnerable to forms of use and development that could impair the unique qualities and natural features of the wilderness canoe country. With the additional authorization, we would seek to acquire 7,534 acres remaining in private ownership and 14,085 acres of former privately owned lands that have been forfeited to county governments for nonpayment of taxes. We therefore recommend that the figure of \$9,000,000 as it appears in line 2, page 2 of the bill be changed to \$4,500,000.

We note that here was one technical error in the printing of S. 1526. On page 1, line 3, the year of the date of the Act should be 1948 instead of 1958.

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

Sincerely,

JOHN A. KNEBEL,
Under Secretary.

CHANGES IN EXISTING LAW

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

ACT OF JUNE 22, 1948

(62 Stat. 568, as amended)

AN ACT To safeguard and consolidate certain areas of exceptional public value within the Superior National Forest, State of Minnesota, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to protect and administer more effectively the publicly owned lands within certain parts of the area described in section 1 of the Act approved July 10, 1930 (46 Stat. 1020), and to accomplish certain public purposes explicit and implicit in sections 2 and 3 of said Act, the Secretary of Agriculture is authorized and directed to acquire any lands or interest in lands, and appurtenances thereto, situated within the area described in section 2 of this Act, where in his opinion development or exploitation, or the potentialities for development or exploitation, impair or threaten to impair the unique qualities and natural features of the remaining wilderness canoe country.

* * * * *

[SEC. 6. That there are hereby authorized to be appropriated annually such sums as are necessary to carry out the provisions of this Act: *Provided, however,* That the total appropriations under the authority of this Act shall not exceed \$4,500,000 for the purchase and condemnation of land.] *SEC. 6. (a) There are authorized to be appropriated annually such sums as are necessary to implement this Act: Provided, That the total appropriations under the authority of this Act shall not exceed \$9,000,000 for the purchase and condemnation of lands, water, or interests therein, and that funds made available through the provisions of the Land and Water Conservation Fund Act (78 Stat. 897), as amended, may also be used for such acquisitions: Provided further, That such appropriations may be used for the payment of court judgments in condemnation actions brought under authority of this Act without regard to the date such actions were initially instituted.*

(b) Not later than March 1 of each year 1977 through 1980, the Secretary of Agriculture shall submit to the Congress a report concerning the acquisition of lands or interests in lands under this Act. The final report of the Secretary shall specify whether additional authorizations or appropriations are necessary to carry out the purposes of this Act.

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APPENDIX

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., March 25, 1975.

File: B-182247.

Matter of: Monies for land condemnation, Jacob and James Pete.
Digest: (1) Congress having authorized appropriations not to exceed \$4.5 million for acquisition of land by purchase or condemnation in Boundary Waters Canoe Area, 16 U.S.C. §557h, and having appropriated that amount, only such funds may be used for particular land acquisition.

(2) Specific dollar limitation in 16 U.S.C. § 577h for specific land acquisition must take precedence over more general language and authority conferred by Land and Water Conservation Fund Act of 1965 which authorizes appropriations for acquisitions of "inholdings within existing boundaries of wilderness, wild and canoe areas."

(3) Since amount of judgment in condemnation action has exhausted special appropriation for acquisition of land leaving amount still owing to former owners and since neither permanent indefinite appropriation for judgments, 31 U.S.C. § 724a (1970), nor any other monies are available to pay judgment, obligation in excess of available appropriations has been created in violation of Antideficiency Act, 31 U.S.C. § 665 (1970) and deficiency appropriation to pay claim should be requested.

We have received a request for decision from an authorized certifying officer of the Forest Service, Department of Agriculture, as to whether a voucher to pay a judgment obtained by Jacob and James Pete for land condemned by the United States for the Boundary Waters Canoe Area (BWCA) may be certified for payment.

Pub. L. No. 80-733, June 22, 1948, 62 Stat. 570, as amended, 16 U.S.C. § 577h (1970), authorized appropriations not to exceed \$4.5 million for acquisition of land by purchase or condemnation in the BWCA. The certifying officer states that the full \$4.5 million was appropriated by Congress for this purpose and that, as of July 11, 1974, this special appropriation for the BWCA has, except for \$253.13, been exhausted, leaving \$16,717.33 still owing the Petes on a \$38,000 judgment rendered them by the U.S. District Court in Duluth, Minnesota.

The certifying officer suggests that funds appropriated pursuant to the Land and Water Conservation Fund Act of 1965 (L&WCFA), Pub. L. No. 88-578, September 3, 1964, 78 Stat. 897, as amended, 16 U.S.C. § 460 l-4 et seq., (1970), are probably also available to purchase land in the BWCA. He states that these funds are available for acquisitions of "inholdings within existing boundaries of wilderness, wild

(7)

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and canoe areas." Before certifying payment however he wishes a decision on the matter from this Office.

By letter dated October 4, 1974, B-182247, we requested the view of the Secretary of Agriculture in this matter. On January 24, 1975, the Assistant Secretary for Administration responded to our inquiry by simply stating:

Funds appropriated under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897 as amended; 16 USC 4601) are available for this type of purchase and funds were available at time of condemnation and could have been used.

No reasoning was supplied to give support to this statement.

Based on the facts presented by the certifying officer, it is our view that inasmuch as the Congress established a specific dollar limitation on the amount which could be appropriated for the purchase and condemnation of land in the BWCA, and since for that purpose it appropriated exactly that amount (\$4.5 million), no funds other than those appropriated pursuant to the authority of 16 U.S.C. § 577h may be used to purchase or condemn land in the BWCA. See, for example, 36 Comp. Gen. 526 (1957), 38 Comp. Gen. 588 (1959), and 38 Comp. Gen. 758 (1959). Specifically, it is our position that the authorization limitation contained in 16 U.S.C. § 577h and the specific appropriations made pursuant thereto must take precedence over the more general funding authority conferred by the L&WCFA for land acquisitions, and hence, no more than \$4.5 million may be obligated or expended to purchase or condemn land for the BWCA. Moreover, as we held in our decision of August 21, 1964, B-154988, copy enclosed, the permanent indefinite appropriation judgments, 31 U.S.C. § 724a (1970), is not available to pay condemnation judgments in situations such as this.

The creation of an obligation in excess of the amount available under an appropriation—a situation that pertains here—is a violation of the Antideficiency Act, 31 U.S.C. § 665 (1970).

Hence, based on the record before us, we are advising the Secretary of Agriculture by separate letter that a deficiency appropriation should be obtained to meet the outstanding balance on the court judgment.

ROBERT F. KELLER,
Deputy Comptroller General
of the United States.

Enclosure.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., August 21, 1964.

The Honorable, the SECRETARY OF THE INTERIOR.

DEAR MR. SECRETARY: By letter of July 30, 1964, your Assistant Secretary of the Interior, D. Otis Beasley, forwarded to us for payment a copy of a deficiency judgment rendered by the United States District Court for the Eastern District of North Carolina, Elizabeth City Division, on July 18, 1964, in the case of *United States of America v. Certain Lands, etc.*

The judgment is in the amount of \$21,200 which sum was awarded the owners of certain land acquired through condemnation by the United States for the establishment of Cape Hatteras National Sea-

shore Recreational Area, as authorized by the act of August 17, 1937, 50 Stat. 669, as amended, 16 U.S.C. 459, *et seq.* Section 1 of that act, 16 U.S.C. 459 provides in part that the United States shall not purchase by appropriation of public moneys any lands within the park area but rather that such lands shall be secured by the United States only by public or private donation. Section 2 of the act permitted the Secretary of the Interior to acquire land under any donated funds by purchase, if the price was deemed to be reasonable, otherwise by condemnation under the provisions of the act of August 1, 1888, 25 Stat. 357, 40 U.S.C. 257. Subsequently, by act of August 6, 1956, 70 Stat. 1066, 16 U.S.C. 459a-6 through 459a-8, the Congress provided that all donated funds would thereafter be matched by any funds appropriated to the Department of the Interior for the acquisition of lands within areas of the National Park Systems, subject, however, to an amount not to exceed \$250,000.

The record shows that the private land here involved was acquired upon the filing of a declaration of taking on October 21, 1955, and that the sum of \$3,800 derived from donations, was deposited into the Registry of the court as estimated just compensation for the taking. The Assistant Secretary of the Interior states that the National Park Service lacks funds to pay the deficiency of \$21,200 inasmuch as the Service did not receive an appropriation for fiscal year 1965 for general land acquisition purposes and the carryover funds from fiscal year 1964 are all specifically identified for other authorized program items. Consequently, the matter has been forwarded here with the request that payment be made from the permanent indefinite appropriation established by section 1302 of the Supplemental Appropriation Act, 1957, approved July 27, 1956, 70 Stat. 694, as amended, 31 U.S.C. 724a.

Section 1302 of the Supplemental Appropriation Act, 1957, as amended, appropriates such funds as are needed to pay judgments awarded against the United States for which payment is not otherwise provided. In view of such specific language the payment of judgments otherwise provided for are not payable from the indefinite appropriation established by 31 U.S.C. 724a. Thus, for example, judgments relating to United States Government Life Insurance are payable in accordance with the provisions of 38 U.S.C. 755 and those relating to National Service Life Insurance are payable in accordance with 38 U.S.C. 719(a), 720 and 784.

In the instant case, the National Park Service is authorized by law to acquire land in the Cape Hatteras National Seashore Recreational Area either by purchase or by condemnation and appropriated funds not to exceed \$250,000 were made expressly available for such purpose. In this connection we understand that final judgments in similar cases yet pending may involve a total deficiency in the amount of approximately 2 million dollars.

While the appropriation for general land acquisition purposes is not expressly available for the payment of judgments, it is, as stated above, specifically available for acquisition of land by purchase or by condemnation and since condemnation necessarily contemplates litigation it seems obvious that the appropriation for land acquisition is properly chargeable with the payment of judgments resulting from such limitation. Thus, judgments such as the one now in question

normally would be paid therefrom. The fact that payment of this or similar judgments cannot now be made from such funds because they are exhausted does not, in our opinion, meet the requirement of 31 U.S.C. 724a that the payment of judgments from the permanent indefinite appropriation be not otherwise provided for.

You are advised therefore, that the permanent indefinite appropriation provided by the 31 U.S.C. 724a is not available for payment of the judgment here in question.

Sincerely yours,

JOSEPH CAMPBELL,
*Comptroller General
of the United States.*

○

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 make additional funds available for purposes of certain public lands in northern Minnesota, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act of June 22, 1948 (62 Stat. 568, as amended; 16 U.S.C. 577h), is amended to read as follows:

“Sec. 6. (a) There are authorized to be appropriated annually such sums as are necessary to implement this Act: *Provided*, That the total appropriations under the authority of this Act shall not exceed \$9,000,000 for the purchase and condemnation of lands, water, or interests therein, and that funds made available through the provisions of the Land and Water Conservation Fund Act (78 Stat. 897), as amended, may also be used for such acquisitions: *Provided further*, That such appropriations may be used for the payment of court judgments in condemnation actions brought under authority of this Act without regard to the date such actions were initially instituted.

“(b) Not later than March 1 of each year 1977 through 1980, the Secretary of Agriculture shall submit to the Congress a report concerning the acquisition of lands or interests in lands under this Act. The final report of the Secretary shall specify whether additional authorizations or appropriations are necessary to carry out the purposes of this Act.”.

Speaker of the House of Representatives.

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