

## A G E N D A

October 1, 1975

15



The following items were approved during the previous markup session pending a vote to report by a full quorum:

- S. 1922, to amend the Act of July 7, 1970, (84 Stat. 409) to authorize appropriations to the Secretary of the Interior without reference to the agencies involved.
- S. 726, to direct the Secretary of the Interior to convey, for fair market value, certain lands to Valley County, Idaho.
- S. 805, to amend section 5 (c) of the National Trails System Act.
- S. 1390, to authorize a study for the purpose of determining the feasibility and desirability of designating the Pacific Northwest Trail as a national scenic trail.

FROM THE SUBCOMMITTEE ON THE ENVIRONMENT AND LAND RESOURCES

1. S. 507  
(Haskell,  
Jackson,  
Metcalf
- To provide for the management, protection, and development of the national resource lands, and for other purposes.

Purpose

The purpose of S. 507, the National Resource Lands Management Act is to provide the first comprehensive statement of congressional goals, objectives, and authority for the use and management of 451 million acres of federally-owned lands administered by the Secretary of the Interior through the Bureau of Land Management.

Background

The national resource lands are the largest system of Federal lands--comprising 20 percent of American's land base and 60 percent of all federally-owned property. Over the years, the Congress has established comprehensive statutory bases of goals, objectives, and management authority for the other, smaller Federal land systems through the organic acts for the national forest, national park, and national wildlife refuge systems. No similar legislative foundation exists for the national resource lands.

While the Nation has come to regard the national resource lands as a permanent national asset which, for the most part, should be retained and managed on a multiple use-sustained yield basis, the only management tools available for this purpose remain some 3,000 public land laws which have accumulated over the last 170 years. Most of these statutes were written at a time when Federal ownership of the national resource lands was expected to be shortlived and, consequently, the Federal Government was regarded as only a temporary custodian of those lands. Consequently, these laws are often conflicting, and, to a serious extent, incomplete and inadequate. S. 507 would consolidate these laws, remove conflicts, and provide missing authority.

## Summary of Provisions

The introductory sections require that the national resource lands be managed in accordance with the principles of multiple use and sustained yield and define these principles. In addition, they establish the policy that, except where disposal is consistent with the purposes and conditions of the Act, the national resource lands will be retained in Federal ownership. Among other policies elucidated in these sections are a fair return to the United States for the use of the national resource lands; full public participation, including hearings and the use of advisory boards, in decision-making concerning those lands; and coordination of the decisionmaking with State and local land use planning.

Title I provides the general management authority. It directs the Secretary of the Interior to prepare and maintain an inventory of the national resource lands, review those lands for potential wilderness areas, develop land use plans, and manage the lands in accordance with the plans.

Title II provides the basic authority and guidelines for both conveying and acquiring national resource lands or interest in lands.

Title III provides a number of specific management and enforcement authorities. In part, this title reenacts the Public Land Administration Act, omitting provisions which are obsolete.

Title IV provides uniform and comprehensive authority to the Secretary to grant rights-of-way on the national resource lands for such purposes as roads, trails, canals, and powerlines. It is patterned after the Act of November 16, 1973 (the so-called "Alaska Pipeline Act"); but it does not provide new authority to grant rights-of-way for oil and gas pipelines as this authority is contained in that Act.

Title V contains a list of laws to be repealed or amended. It explicitly preserves rights existing under these laws at the time of enactment of S.507. In addition, it contains a series of savings clauses to insure that water rights and water resources projects, interstate compacts, State criminal statutes and police power, and State wildlife and fish responsibilities are not affected by the bill.

## Legislative History

S.507 is virtually identical to S.424, which was ordered reported unanimously from this Committee and passed the Senate by a 71 to 1 vote last Congress. No House action was taken last year on S.424.

The Administration supports the intent of the measure but recommends the enactment of the Administration version--S.1292--in lieu of S.507. While both bills are similar in many respects there are some differences.

AMENDMENTS

Pursuant to instructions of the committee at the last markup, Majority and Minority staff will meet to prepare a list of agreed upon amendments and issues to be resolved by full committee.

FROM THE FULL COMMITTEE

2. H.J.Res. 549  
(Mr. Philip  
Burton,  
et al)

To approve the "Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America", and for other purposes.

Purpose

The purpose of H.J.Res. 549 is A) to approve a Covenant which will create a Commonwealth of the Northern Mariana Islands extending citizenship to the residents of those islands and organizing the governmental structure for the Marianas; B) to remove the present appropriations ceiling for payment of judgments rendered pursuant to Title 2 of the Micronesian Claims Act, and C) to provide the president with authority to extend federal programs to Puerto Rico, Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Marianas and the Trust Territory of the Pacific Islands, which he deems appropriate and which are applicable to the States of the Union and the District of Columbia.

Background

As early as 1950 the Northern Marianas have petitioned for a permanent status with the United States. The nature of the request has varied between Commonwealth, organized unincorporated status, and reunification with Guam. Formal Congressional and Executive actions to determine a future status for the Trust Territory began in 1965.

As the United States proceeded to negotiate a single status for all Micronesia, the Marianas began to request separate negotiations. In 1971, the District Legislature passed a resolution advising the Security Council and the Trusteeship Council of the United Nations that the Mariana Islands District would secede from the Trust Territory by force of arms if necessary. The United States agreed to separate status negotiations in 1972 and the District Legislature created a Marianas Political Status Commission.

General agreement was reached in June, 1973, and by February, 1975, after five negotiating sessions--including formal briefings of the Senate and House Interior Committees--precise language was agreed upon.

The proposed Covenant was submitted to a plebiscite on June 17, 1975. With 95% voter turnout, the Covenant was approved by 78.8%.

### Legislative History

In 1966, the Congress of Micronesia requested the creation of a Presidential Commission to consider political alternatives. As a response to that request, several resolutions were introduced on both the Senate and House side to establish Commissions. As a result of discussions between the Congress and Administration, S.J. Res. 106 was introduced in 1967 by Senators Jackson, Mansfield, Kuchel, Burdick, Hatfield, and Inouye to set up a joint Congressional-Executive Commission. This proposal was opposed by the House Interior Committee. Hearings were held and both Interior Committees travelled to the Trust Territory to discuss status with the Future Political Status Commission of the Congress of Micronesia. Formal briefings were conducted in November, 1971, between the Hana and Korrer rounds of the Micronesian negotiations. Additional briefings were conducted prior to agreement on specific items in the proposed Covenant during the period 1971 to 1974. The Committee reviewed the terms of the proposed Covenant on September 12, 1974, and suggested several alterations. The final round of negotiations were held in February, 1975, incorporating changes suggested by Committee. The agreement was signed and submitted to plebiscite in July. Upon approval of the Covenant by the people of the Marianas, the Covenant was transmitted to the Congress on July 1, 1975. Hearings were conducted by the House of Representatives on July 14. The measure was ordered favorably reported by a vote of 30 to 0 by the House Committee. Passed the House under suspension of the rules on July 21, 1975.

Hearings were conducted before the full Committee on July 24, 1975.

A Memo has been distributed to members of the Committee.

### AMENDMENTS

It would be impractical to amend the terms of the covenant in view of the completed negotiation history and the plebiscite procedure. If disapproved, the covenant would have to be renegotiated.

H.J. Res. 549 includes two provisions (Sections 2 and 3) not included in the draft legislation transmitted to the Congress by the President. Section 2 . . . to remove the present appropriations ceiling for payment of judgments rendered pursuant to Title 2 of the Micronesian Claims Act. Section 3 . . . to provide the president with authority to extend federal programs to Puerto Rico, Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Marianas and the Trust Territory of the Pacific Islands, which he deems appropriate and which are applicable to the States of the Union and the District of Columbia.

3. H.R. 7688

To amend section 2 of the Act of June 30, 1954, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

Purpose

The purpose of H.R. 7688, is to authorize appropriations for fiscal years 1976 and 1977, for the fiscal year transition period of July 1, 1976, to September 30, 1976.

H.R. 7688 provides an authorization of \$80,000,000 for FY '76, \$15,100,000 for the transition period, and \$80,000,000 for FY '77. In addition, the legislation re-authorizes such amounts as were authorized in S. 326 (supplemental authorization for FY '75), but which were not appropriated, \$8,000,000 for a community college, and not to exceed \$10,000,000 to offset any reduction in available grant-in-aid programs.

Background

On March 10 and 12, 1975, the Committee conducted an oversight hearing into the capital improvement--public works program of the Trust Territory administration. During that hearing, the Department indicated that their short-term plans for curbing administrative costs and completing a basic infrastructure would involve the following appropriation levels:

(millions)		
<u>Administration</u>	<u>Capital Improvements</u>	<u>Total</u>
55	25	80
54	25	79
52	35	87
50	25	75
45	15	60

Legislative History

This legislation was reported to the House on June 13, 1975, without amendment and passed the House on June 16, 1975. Committee held a hearing on July 23, 1975.

The Department supports \$80 million for FY '76, \$15.1 million for transition, but only \$79 million for FY '77, and opposes funds for a community college.

Amendments

Senator Hatfield is expected to offer an amendment to provide \$1.8 million for a human development project in the Marshall Islands.

FROM THE PARKS AND RECREATION SUBCOMMITTEE

4. S. 1516 To increase the amount authorized to be appropriated for the development of the Arkansas Post National Memorial, and for other purposes.  
(Bumpers, McClellan)

Purpose

The purpose of S. 1516 is to raise the appropriation authorization ceiling from the present \$ 50,000 to \$2,725,000.

Background

Arkansas Post National Memorial was created by the Act of July 6, 1960, (P.L. 86-575; 74 Stat. 333). The original authorization was set at \$125,000. Public Law 86-575 (July 27, 1966) raised that ceiling to \$550,000.

Legislative History

To date the Congress has appropriated \$ 55,000 for development of Arkansas Post National Memorial. A master plan study was made in 1971. A public hearing on the proposed plan was held and the master plan was accepted by the public and approved by the National Park Service. The proposed development schedule calls for an additional \$2,200,000.

The Department opposes this legislation.

Amendments

The staff is not aware of any formally proposed amendments and has no recommendations for technical or perfecting amendments.

FROM THE FULL COMMITTEE

5. Nominations. Nomination of Thomas S. Kleppe to be Secretary of the Interior. Hearings held September 23 and 25, 1975. Nomination of William G. Rosenberg to be Assistant Administrator of Federal Energy Administration. Hearing held on September 8, 1975.

6. S. 740 To promote the general welfare by establishing a National Energy Mobilization Board and for other purposes.  
(Jackson et al)

Staff meetings are continuing. Action will be resumed when staff concludes.