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**House Report to Accompany
Soil Conservation and Domestic
Allotment Act
H.R. Rep. No. 74-528 (1935)**

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TO PROVIDE FOR PROTECTION OF LAND RESOURCES
AGAINST SOIL EROSION, AND FOR OTHER PURPOSES

MARCH 29, 1935.—Committed to the Committee of the Whole House on the
state of the Union and ordered to be printed

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

REPORT

[To accompany H. R. 7054]

The Committee on Agriculture, to whom was referred the bill (H. R. 7054) to provide for the protection of land resources against soil erosion, and for other purposes, having considered the same, and hearings having been held by the Committee on Public Lands and the Committee on Agriculture, report thereon with a recommendation that it do pass with the following amendments:

Page 3, line 12, strike out the word "and" and the diagonal bar "/".

Page 3, line 13, strike out the diagonal bar "/" and the word "or".

Page 5, line 2, strike out the word "which".

Page 5, line 3, after the word "and" and preceding the word "shall" insert the words "the Secretary of Agriculture".

EXPLANATION OF THE BILL

The preamble, section 1, sets forth the objectives of the bill, outlines the basis for a Federal policy of erosion control, and provides that the Secretary of Agriculture shall direct and coordinate all Federal activities with relation to soil erosion. Unless soil erosion can be controlled on farm, grazing, and forest lands, the prosperity of the United States cannot be permanently maintained. Control of erosion is essential to prevent the wastage of soil, conserve water, control floods, prevent the silting of reservoirs, maintain the navigability of rivers and harbors, protect public lands, and to keep from Federal relief rolls the populations of regions threatened with abandonment. These aspects of the problem justify Federal responsibility for the carrying out a national erosion control program.

Subsection (1) of section I authorizes such surveys, investigations, and research as may be necessary for the purposes of the act, publication of the results thereof, the dissemination of information concern-

ing proper methods of erosion control, and conduct of demonstration erosion-control projects. Surveys, investigations, and research are essential in order that the fundamental information may be gathered upon which effective erosion-control measures must necessarily be based. Authority is needed to publish the results and disseminate information as to methods of erosion control in order that all operators of land may be informed as to the best methods of protection from erosion. Authority to conduct demonstrational projects is required, so that the demonstrational program which has been inaugurated by the Soil Erosion Service may be expanded to cover all representative soil and climatic regions. These demonstration projects are considered essential and integral parts of the proposed program.

Subsection (2) of section I authorizes various types of preventive measures which are necessary to control erosion. The language of this subsection is necessarily sufficiently broad to permit an effective, balanced, and adaptable use of all known practical methods of erosion control and of any new measures which may be developed in the future.

Subsection (3) of section I authorizes agreements with, and financial or other aid to, any agency or any person, insofar as may be required for the purpose of controlling erosion. The agreements or aid would be subject to such conditions as may be deemed necessary and as are authorized by the act.

The aid authorized in this subsection will be necessary because, in general, the owner of private lands cannot bear the entire cost of controlling the erosion thereon. He has neither the technical knowledge nor the financial resources. Over tremendous areas, land destruction has proceeded to the point where it would be impossible to persuade or force the owners to assume the entire burden of control, nor would it be just to do so. Fundamentally, they have not been responsible for the erosion which has occurred. In the disposal of the public domain, settlers were encouraged to acquire the public lands and to cultivate them. With the transfer of ownership went no restrictions, instructions, or advice as to methods under which the land should be used in order to protect it from erosion.

Acting in good faith, the settlers used their land in the light of the best information available. Since it was not the initial fault of the settler that his land became subject to erosion, it would not be right to require him to bear the entire burden of repairing damage done or of preventing future damage. Furthermore, the interest of the Nation in controlling erosion far exceeds that of the private landowner. An individual may destroy his land, move away, obtain a position somewhere else, accumulate capital, and purchase new land. For the Nation, land destroyed is land gone forever. This drain on the national resource is not immediately fatal, but, if the destruction continues unchecked, the time will come when remaining land resources will be insufficient to support our population on an adequate standard of living. The cost to the Nation of such changes would be incalculable. Moreover, erosion directly threatens vast Federal investments in dams and channels and annually requires the expenditure of large sums for dredging operations. The only practical method of eliminating these hazards and costs is to control the erosion on private lands, and it would not be equitable to require the owner of these lands to make expenditures for the protection of Federal investments.

Because of the large variety of situations to be met and social mechanisms through which the work may need to be carried out, this section gives the Secretary of Agriculture discretion as to methods of procedure sufficiently broad to make possible the effective handling of all types of problems. No definite percentage of cost to be borne by the various parties of interest is fixed in the proposed act because of great variations in Federal and non-Federal interest and benefit in different areas. In one area the Federal interest might be 90 percent and the local interest 10 percent; in another area the reverse might be the case. In a similar manner, in one area it might be wise to work through a conservancy district; in another a State; and in a third through an erosion cooperative association.

Subsection 4 of section 1 authorizes acquisition of lands, or rights, or interests therein, by purchase, gift, condemnation, or otherwise whenever necessary for the purposes of the act. This authority is considered essential so that the proposed program may be carried out effectively and expeditiously, since it will be necessary from time to time to acquire lands, usually small tracts, for experimental purposes, field headquarters, and engineering structures such as dams. It may also prove necessary from time to time to acquire rights or easements controlling the use to which land may be put. For example, a critical area feeding enormous amounts of silt to a Federal reservoir or contributing drifted sand to neighboring valuable agricultural lands might need to be retired from cultivation and planted to grass or trees. In such a case, the desirable procedure might involve leaving the land in private ownership accompanied by a grant to the Government of an easement prohibiting the use of the land for other than specified purposes. Easements might be granted in return for cash payments or for assistance in controlling erosion. The committee has been informed that no extensive program of land acquisition is contemplated under this act.

Subsection (a) of section 2 authorizes surveys, investigations, research, and preventive measures on land owned or controlled by the United States or any of its agencies.

Subsection (b) of section 2 authorizes the same type of work on any lands not owned or controlled by the United States or any of its agencies, upon obtaining proper consent or any necessary rights or interests in such lands.

Section 3 authorizes certain conditions to the extending of benefits under the act to lands not owned or controlled by the United States or any of its agencies.

Subsection 1 of section 3 authorizes, as one of the conditions under section 3, the requirement of the enactment and enforcement of local laws imposing suitable restrictions upon the use of land being protected from erosion at Federal expense. This authority is necessary because under certain circumstances, as, for example, where work is being done on a cost-sharing basis in cooperation with a conservancy district, Federal aid should not be extended except under suitable guaranty that the land benefited will be properly used, and that the erosion-control measures which might be installed will be maintained, otherwise Federal funds might be wasted and the work not be permanent.

Subsection 2 of section 3 authorizes, as one of the conditions under section 3, the requirement of agreements or covenants controlling the permanent use of land protected from erosion at Federal expense.

These agreements or covenants would be entered into voluntarily by the owner of the land and would serve as a guaranty of protection for the investment which the United States might make in erosion-control work.

Subsection 3 of section 3 authorizes as one of the conditions under section 3, the requirement of contributions in money, services, materials, or otherwise. This provision is necessary in order that the Federal Government may not need to bear the entire cost of erosion work on lands not owned or controlled by the United States.

Subsection 1 of section 4 authorizes cooperation with other Government agencies.

Subsection 2 of section 4 places officers and employees who will administer the act under Civil Service, except that employees of the Soil Erosion Service need not go under Civil Service for a period of 4 months from the date of the act. This section also provides for the joint employment and compensation of experts and technicians connected with research and educational institutions on a basis to be determined by the Civil Service Commission. With respect to Civil Service requirements, it would be difficult to justify the placing of employees who will administer this act in a category different from that of other regular Government employees. Joint employment and compensation of experts and technicians is desirable in connection with the operation of experiment stations and the making of surveys and studies. Such joint employment is prohibited unless authorized by Congress. The authorization will result in considerable savings to the Government in the form of costs shared by nongovernmental institutions, and would make available to the Soil Erosion Service men of great ability, wide knowledge, and experience in the field of erosion control.

Subsection 3 of section 4 authorizes necessary expenditures for personal services, rent, books, printing and binding, and the purchase and operation of passenger vehicles. It also authorizes the performance of such acts and the establishment of such regulations as may be found necessary to carry out the provisions of the act, and prescribes a fine not to exceed \$100 for the violation of any such regulations.

Section 5 directs the establishment of an agency to exercise the powers conferred by the act and authorizes the utilization of the Soil Erosion Service and the personnel thereof, together with all unexpended funds heretofore allotted to that organization. These funds are made available until June 30, 1937, and the Secretary of Agriculture is directed to assume all obligations incurred by the Soil Erosion Service prior to transfer to the Department of Agriculture.

Funds provided in House Joint Resolution 117 are made available for expenditure under the act, and the Secretary of Agriculture is authorized to transfer to the agency created under the act such functions, funds, personnel, and property of other agencies in the Department of Agriculture as may be necessary to provide a unified and coordinated program. The committee amendments to this subsection clarify the language but do not change the effect or meaning of the act.

Section 6 authorizes the appropriation of such sums as Congress may from time to time deem necessary for the purposes of this act. No appropriations under the authorization are contemplated at this session of Congress.