HEARINGS
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
NINETY-FOURTH CONGRESS
FIRST SESSION

SUBCOMMITTEE ON THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES
SIDNEY R. YATES, Illinois, Chairman
GUNN MCKAY, Utah
CLARENCE D. LONG, Maryland
FRANK E. EVANS, Colorado
JOHN P. MURTHA, Pennsylvania
ROBERT B. DUNCAN, Oregon

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PART 7
TESTIMONY OF MEMBERS OF CONGRESS AND OTHER INTERESTED INDIVIDUALS AND ORGANIZATIONS

Printed for the use of the Committee on Appropriations
Dr. Evans. In the interest of your instructions I am going to read one paragraph from our statement that says what we are asking for.

The Water Resources Research Act of 1964 was amended in 1971 to authorize annual allotments of $250,000 to each of the 50-State water resources research institutes and programs for technology transfer to assure the effective utilization of research findings. Inflationary pressures have reduced the purchasing power of the research dollar to about half of what it was in 1964 when the original act was passed. Thus, the administration's fiscal year 1976 request for $110,000 for each institute represents only about $50,000 to $55,000 in 1964 purchasing power. This is totally inadequate for the task at hand. If the research capability is to be returned to the level anticipated by the original act—to say nothing of the pressing new research needs—the appropriation for fiscal year 1976 must be raised from the administration's $110,000 to at least $200,000 for each of the State institutes and a proportional increase for the new institutes serving the District of Columbia, Guam, and the Virgin Islands. We also urge increases in the matching grant program from $3 million to $4 million with a comparable increase in title II research program funds for additional water resources research. These are modest requests and they represent a minimum in Federal appropriations for this important program.

Mr. Yates. Thank you very much. I appreciate the brevity which has not diminished the force of your statement. I personally think that this is one of our biggest problems that we face, almost as great as the present energy problem. I think what you suggest is very important.

Dr. Evans. Mr. Chairman, in response to this, I do want to call attention to the fact that 15 years ago someone like yourself realized there was an impending crisis in water resources and a select committee of the Senate spent 2 years in intensive study. The Water Research Act of 1964 was the result, and I think for that reason we do not have the kind of crisis we see in the energy resources situation today.

Mr. Yates. Thank you very much.

Dr. Evans. Thank you, Mr. Chairman.

Smithsonian Institution

WITNESS

ROBERT H. SIMONS, FREE-LANCE WRITER, WASHINGTON, D.C.

Mr. Yates. Mr. Robert H. Simmons, freelance writer, Washington, D.C. Mr. Simmons, your statement may be made a part of the record. We will be glad to have you explain the high points of it.

[Mr. Simmons' statement follows:]

Questions of Authorizing Legislation for Certain Subdivisions of Smithsonian Institution Budget, Fiscal Year 1976

Smithsonian Institution has asked for $94,300,000 in new budget authority for fiscal year 1976. Questions continue to arise as to the legislative authority for certain large amounts of this total. Tens of millions of taxpayers' dollars seem to be requested for purposes and bureaus that have no previous legislative authority. Since there are no other congressional hearings conducted re Smithsonian
activities other than these appropriations hearings, and since the House Legislative Committee for Smithsonian apparently intends to conduct no hearings in the near future, it is incumbent upon this subcommittee to check out these facts relevant to these enormous Federal appropriations.

The U.S. Constitution states: (Article I, section 9) "No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

Certain bureaus within the Smithsonian community do have proper legislative authority. These include: National Portrait Gallery, National Collection of Fine Arts, National Gallery of Art, National Air and Space Museum.

I am unable to find legislative authority for the following bureaus: Office of Assistant Secretary for Science, Office of Assistant Secretary for History and Art, Office of Assistant Secretary for Public Service, Office of International and Environmental Programs, Archives of American Art, Cooper-Hewitt Museum, Division of Performing Arts, Chesapeake Bay Center, Center for the Study of Man.

The requested appropriations for these bureaus total tens of millions of dollars. Smithsonian official information to this subcommittee states that the Smithsonian is not an "independent Federal agency" but is a "private trust instrumentality."

The fact that some bureaus possess legislative authority (see 20 U.S.C. 41, et seq.) and some do not clearly indicates the serious nature of this problem.

In a democracy with a government by the consent of the people, funded by taxes from the people, the Congress has a duty to assure that all expenditures from the Treasury are consistent with the laws of the Nation. Special privileges and special circumventions of the law are not acceptable in the United States of America.

Mr. Simmons. I am Robert Simmons, a free-lance writer of Washington, D.C., and my testimony is about particularly authorizing legislation for appropriations for the Smithsonian Institution.

This is, as you know, a unique situation, and it is one that has been compounded over the past few years by increasing expenditures for the Treasury.

About 1964, the appropriations amounted to some $13 million, and this year the new budget authority is $94,300,000. It goes from $13 million to $94 million in some 10 years. The question that I have here really relates back to fundamental law of the Constitution which states, "No money shall be drawn from the treasury but in consequence of the appropriations made by law." The history of this was, when the Smithsonian was started in 1846, it was not intended to have appropriated funds, and a Board of Regents was established to administer the affairs of the Smithsonian and appointed as their executive officer a Secretary. In those following years, the Smithsonian, which became a science research bureau, was funded from the interest of its own endowment, but in 1876 they built the National Museum, which still stands, and called it the ANI Building to form a repository for pieces of works of art and other technical equipment that came over from the centennial exhibit in Philadelphia. This was unfair to charge the Smithsonian with taking care of that. There were laws passed that permitted the appropriation of this thing.

Following this initiation of appropriated funds for it, other bureaus have been created by law, and this is what raises the question. Some of these bureaus of the Smithsonian, and there are some 21 divisions as they divide them today, include the National Portrait Gallery, National Gallery of Fine Arts, National Gallery of Art, National Air and Space Museum, all of which have authorizing legislation duly
passed and incorporated in the United States Code. But at the same time—this has happened only in the past few years—new bureaus have been established which cost really millions and millions of dollars of Federal appropriations, and there isn’t legislative authority for these that I can find, and I have looked hard.

These include the Office of the Public Service, Office of International Environmental Programs, Archives of American Art, Cooper-Hewitt Museum, Division of Performing Arts, and Center for the Study of Man. These lists are not inclusive. There are others in both categories.

Mr. Yates. We will check the authorization. I think the basic act provided for the gathering and dissemination of knowledge. It is quite a broad authority, and I don’t know that it has to be more specific than that, but the point you raise is one that I think deserves some consideration.

Mr. Simmons. The problem is that authorization really did not in the 1846 law appropriate funds, and that makes it a new ball game.

As a new member of the Board of Rents, you appreciate it puts you in a funny position of creating the budget for the institution and going around and recommending the things you want or not. It is a funny situation that should be clarified by the legislative committee, and they have had one hearing in over 100 years.

Mr. Yates. Thank you for your statement.

Mr. Simmons. Thank you.

Various Interior Budget Items

WITNESS

DANIEL A. POOLE, PRESIDENT, WILDLIFE MANAGEMENT INSTITUTE

Mr. Yates. Mr. Daniel A. Poole, president, Wildlife Management Institute. Good morning.

Mr. Poole. Good morning, Mr. Yates.

Mr. Yates. Your statement will be made a part of the record at this point.

[Mr. Poole’s statement follows.]