lifted for the establishment of grazing districts and for similar purposes.

Early in 1935, opinions were obtained from the Socilitor of the Interior Department to the effect that the acreage limitation was not applicable to the areas withdrawn by the Executive order: that these lands were no longer unreserved, within the meaning of the act. Such an interpretation, if sustained, would have made a virtual nullity of the acreage limitation. However, the Attorney General, in October of 1935, ruled that such an interpretation would lead to an unreasonable result. The Attorney General pointed out that the Congress clearly intended the acreage limitation to apply to the public lands which were "vacant, unappropriated, and unreserved" at the time the Taylor Grazing Act was passed and did not exempt the lands withdrawn or reserved subsequent to that date.

At about that same time the Grazing Service attempted to obtain approval of the Department of a proposed "public grazing withdrawal" of some 15,000,000 acres, which would have extended the acreage in grazing districts to about 10,000,000 acres in excess of the 80,000,000 acre limitation which was then still in effect. The proposed withdrawal did not rely upon the terms of the Taylor Grazing Act, but instead was premised upon what the Department called the "broad powers of the President to make withdrawals." However, the commissioner of the General Land Office declared himself opposed to "any action such as is here contemplated that will directly or indirectly bring under Federal grazing control more than 80,000,000 acres of public land," and the proposed withdrawal was not promulgated.

When amendments to the Taylor Grazing Act were before it, the spokesman for the Department informed a committee of the Congress that, apart from that act, the President had the authority "to control grazing on the public domain as a conservation objective, and that he could withdraw the public domain for that purpose and impose rules and regulations." It does not appear that the Department has yet had recourse to such authority, if it does in fact exist, which to my mind is highly questionable.

During the succeeding years the Grazing Service and the Department have devised other interpretations of the act and of the alleged intent of the Congress, which interpretations have been intended to exempt from the acreage limitation many millions of acres of public lands located within the grazing districts and administered by the Grazing Service. Apparently, the full range of the classes of such lands, which the Department considers to be not chargeable against the acreage limitation, has not yet been fully defined. The list, however, does include lands withdrawn or reserved under the following designations: Powersite reserves, public-water reserves, proposed monuments and parks, reclamation, rights-of-way, stock driveways, and withdrawals "for classification and in aid of legislation." Also, "thousands of unpatented mining claims" are included in the exemptions. The category, "for classification and in aid of legislation" is particularly significant, and would open up almost limitless possibilities, if the Interior Department should prevail in its interpretations.

Evidently the Department now claims exemption from the acreage limitation for all these classes of lands, whether withdrawn or reserved prior, or subsequent, to the passage of the Taylor Grazing Act. Such interpretations, if sustained, would remove any effect or meaning from the acreage limitation placed on grazing districts by the Congress. It is difficult to reconcile these Department rulings with the decision of the Attorney General, or with a sound common-sense interpretation of the intent of Congress, especially in the light of the report on the Taylor grazing bill by the Senate Committee on Public Lands and Surveys.

During the course of the hearings on the amendments to the Taylor Grazing Act, the spokesman for the Department of the Interior assured the committees of the Congress that it was, and in the future would be, the policy of the Department to "place only such public lands in districts as the stockmen in the communities desire." This policy was repeatedly and consistently affirmed throughout the series of meetings of livestock men in the Western States when the bulk of the grazing districts were in the process of being established, and for several years thereafter. The policy was well understood in the public land States. As late as March 19, 1942, the Director of Grazing, in a letter replying to a petition of livestock men protesting the proposed extension of a grazing district, confirmed the policy in these words: "It has always been the policy of the Department not to create grazing districts or to make additions to grazing districts from areas where the majority of the people are opposed to such action. There has been no change in this policy."

But more recently, a change in the policy has appeared, and the Department now asserts that it has what it calls a "mandate from Congress," under the terms of the Taylor Grazing Act, to place the public domain under grazing administration, regardless of the wishes of the livestock users of the land. This change of policy, at least on the part of a number of officials, is well exemplified in the records of the attempts of the Grazing Service to extend the grazing districts in Nevada. These attempts have extended over several years, and have been resisted by the livestock users of the areas affected, in the central and southern parts of the State. The efforts have recently been redoubled, and have culminated, to date, in a hearing conducted by the Grazing Service at Alamo, Nev., on June 30, 1944. At this hearing 42 livestock men voted in opposition to the proposed extension of the grazing district area, and only 9 voted for it. But the records of the Grazing Service disclose a predetermined intention to proceed with the extension, regardless of the expressions evoked at the hearing. This whole matter is to be the subject of a hearing at an early date before the subcommittee of which the senior Senator from Nevada has the honor to be chairman.

I call these matters to the attention of the Senate because I know many Members of this body are interested in the subject. I hope that Senators will read and study the report which I have just submitted so that they may be fully informed. We have not heard the last of this matter by any means.

Mr. President, I have sent forward to the desk the partial report of the subcommittee of the Committee on Public Lands and Surveys, and by reason of the widespread interest in the report, and the subject matter contained in it, I ask unanimous consent that it be printed, with illustrations.

The VICE PRESIDENT. Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on December 18, 1944, that committee presented to the President of the United States the following enrolled bills:

S. 1602. An act authorizing and directing the Secretary of the Interior to issue to Winnie Left Her Behind a patent in fee to certain land;

S. 1746. An act authorizing and directing the Secretary of the Interior to issue to Peter A. Condelario a patent in fee to certain land;

S. 1925. An act to authorize and direct the Secretary of the Interior to issue to Charles F. White a patent in fee to certain land;

S. 2026. An act authorizing the issuance of a patent in fee to Richard Pickett;

S. 2071. An act to eliminate as uncollectible certain credits of the United States; and

S. 2208. An act providing for the transfer of certain property from the Home Owners' Loan Corporation to the United States for national-park purposes.

FIRST REPORT BY TENNESSEE VALLEY AUTHORITY FOR PERIOD ENDED OCTOBER 31, 1944

Mr. McKELLAR. Mr. President, under Public, No. 358, of the Seventy-eighth Congress, the Tennessee Valley Authority is required to make a report every 3 months to the two Appropriations Committees of the Congress. I ask unanimous consent to have the first report printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

TENNESSEE VALLEY AUTHORITY,
Knoxville, Tenn., November 25, 1944.

The Honorable CARTER GLASS,
Chairman, Appropriations Committee,
The United States Senate,
Washington, D. C.

MY DEAR SENATOR GLASS: Enclosed is a report of receipts and expenditures of the Tennessee Valley Authority for the 4 months ended October 31, 1944. This statement is required to be filed with the two Appropriations Committees of the Congress by the Independent Offices Appropriation Act for the fiscal year 1945 (Public Law 358, 78th Cong.).

Very truly yours,

TENNESSEE VALLEY AUTHORITY,
GORDON R. CLAPP,
General Manager.