

at the gate as well as at the boat. The staff at Mount Vernon is able to provide better service for the handicapped persons during the nonpeak tourist seasons.

National Archives: Seventh Street and Pennsylvania Avenue NW., Worth 3-1110. Open 9 a.m. to 10 p.m. weekdays; 1 p.m. to 10 p.m. Sundays and holidays. Wheelchairs are not provided for the handicapped. However, a ramp is available at the Seventh Street entrance, and may be used if arrangements are made in advance. Special tours may also be arranged by calling in advance.

National Gallery of Art—Mellon Gallery: Sixth Street and Constitution Avenue NW., Republic 7-4215. Open daily 10 a.m. to 5 p.m.; Sundays, 2 p.m. to 10 p.m. There is a concert every Sunday evening at 8 p.m. in the east garden court starting in September and ending in June. Wheelchairs are provided for handicapped persons. There are no stairs at the entrance on Constitution Avenue. Special tours may be arranged in advance only when a group consists of more than 15 persons.

National Shrine of the Immaculate Conception: Fourth Street and Michigan Avenue NE., Lawrence 6-8300. Open daily 7 a.m. to 8 p.m. Sunday masses are held at 7, 8, 9, 10, 11, and 12 noon. Free guided tours are available every half hour. One wheelchair is provided for handicapped persons. The entrance to the building has no stairs. Elevators may be used in the building. Special tours may be arranged by calling in advance.

National Wax Museum: 500 26th Street NW., at E Street, National 8-2996. Open daily and Sunday, 9 a.m. to 9 p.m. The museum features monuments and personalities in American history. Admission: adults, 75 cents; children 6 through 12, 50 cents; children under 6, free. Wheelchairs are provided for the handicapped. There are no stairs at the entrance of the building. During the nonpeak tourist season special tours may be arranged by calling in advance.

Naval Observatory: 34th Street and Massachusetts Avenue NW., Decatur 2-9013. Open Monday through Friday

for conducted tours at 2 p.m. only. For groups of 10 or more special advance arrangements should be made. No special facilities are provided for the handicapped. There are stairs at the entrance of the main building. Much walking, including several inclines, is required between the three buildings visited on the guided tour.

Smithsonian Institution Group: National 8-1810. Arts and Industries Building, Ninth Street and Jefferson Drive SW. Museum of Natural History, 10th Street and Constitution Avenue NW. Smithsonian Building, 10th Street and Jefferson Drive SW. Freer Gallery of Art, 12th Street and Independence Avenue SW. All of the above buildings are open daily and Sunday, 9 a.m. to 4:30 p.m. Wheelchairs are provided at the entrance of each building for handicapped persons. The entrances of many of the buildings have no stairs; however, not all of the buildings have elevators. In the past, special tours for the blind have been arranged and special exhibits prepared. Special arrangements may be made by calling extension 542 or 543.

Supreme Court: First, and Maryland Avenue NE., Executive 3-1640. Open Monday through Friday, 9 a.m. to 4:30 p.m.; Saturday, 9 a.m. to 12 noon. Conducted tours are available every 15 minutes except when the Court is in session. No special facilities are provided for handicapped persons. However, if advance reservations are made with the Marshal's Office—extension 281 or 282—the South Drive on Second Street can be used for easy access to the elevator. Special tours may also be arranged by calling the Marshal's Office in advance.

Washington Cathedral: Wisconsin Avenue and Woodley Road NW., Woodley 6-3500. Services are held Sunday, 7:30 a.m., 9 a.m., 11 a.m., and 4 p.m. Conducted tours are available daily, 9 a.m. to 4:30 p.m., and on Sunday, after 11 a.m. The cathedral and the Bishop's Garden are open from 9 a.m. to 5 p.m. daily and Sunday. The Memorial and Tomb of Woodrow Wilson, the only

President buried in Washington, D.C., are located in the cathedral. Wheelchairs are provided for the handicapped. Handicapped persons should enter the cathedral at the west entrance because it has no stairs. Special tours may be arranged by calling in advance.

Washington Monument: On the Mall at 15th Street, Republic 7-1820, extension 2840. Open daily, March 20 through Labor Day, 8 a.m. to 11 p.m. Open daily, Labor Day to March 20, 9 a.m. to 5 p.m. The elevator fee is 10 cents for visitors 19 years and older. No wheelchairs are provided for the handicapped. However, special privileges are given the handicapped in use of the elevator. It is possible for persons in wheelchairs to ride the elevator to the observation point at the top of the Monument.

White House: 1600 Pennsylvania Avenue NW., National 8-1414. Open Tuesday through Friday, 10 a.m. to 12 noon; Saturday, 10 a.m. to 2 p.m. One wheelchair is provided for the handicapped. The elevator may be used. Special arrangements should be made in advance through one's Senator or Congressman.

Zoological Park: 3000 Connecticut Avenue NW., Columbia 5-0743. The buildings are open during November through April, 8 a.m. to 4:30 p.m.; May through October, 8 a.m. to 5 p.m. The grounds are open throughout the year from daylight to dark. A limited number of wheelchairs are provided for the handicapped. Many ramps have been constructed in order that handicapped persons may avoid stairs. It is possible to secure directions from the Park Police for seeing maximum part of the park with the minimum effort. Special arrangements for the tour should be made by calling in advance. The park has restaurant facilities, and special arrangements for handicapped persons or groups of handicapped may be made by contacting Mr. Leech at Columbia 5-9434 or Columbia 5-3231.

Sightseeing at the Zoological Park is easier for handicapped persons during the summer months as the animals are kept out of doors and it is not necessary to enter the buildings.

SENATE

TUESDAY, APRIL 9, 1963

The Senate met at 10 o'clock a.m., and was called to order by the President pro tempore.

Rev. Robert Blakely McNeill, minister, Bream Memorial Presbyterian Church, Charleston, W. Va., offered the following prayer:

Lord God of all nations, whose lordship of the conscience is the basis of our freedom, whose grace confers dignity upon each person, and whose love is the ground of all human affection, look with favor upon those who dare grip the somber issues of our time.

In the intensity of daily conflict, if there is difference of opinion, let there be unity of spirit; if there is diversity of approach, let there be concurrence in

purpose, strength in conviction, tolerance of opposition, malice toward none, and charity toward all.

We pray not for world dominion, but for world peace; not for power to destroy, but for a genius to reconcile; not for the right to judge others, but for the right to be judged aright by Thee.

Make of this Nation a sanctuary of good will, a priest of charity, and a prophet of a hopeful future.

We have not forgotten, O God, that this Government is but an assemblage of men, subject to every whim and weakness of human aspiration. Hear the prayers of each of them as they plead for wisdom, stamina, and integrity sufficient for the requirements of this day. Let Thy wisdom become their statecraft, and Thy sovereignty their urgency. We pray this in Thy holy name and spirit. Amen.

THE WILDERNESS ACT

The PRESIDENT pro tempore. Under the unanimous-consent agreement of yesterday, the Chair lays before the Senate S. 4, the so-called Wilderness Act, with respect to which there is a limitation on debate of 1 hour on each amendment and 1 hour on the bill.

The bill is open to amendment.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Montana will state it.

Mr. MANSFIELD. Under the limitation, who is to be in charge of the time?

The PRESIDENT pro tempore. The proponent of any amendment will be in control of the time available to those who favor the amendment. The Senator from Idaho [Mr. Church] will be in control of the time available to those in opposition to an amendment. The two

leaders are to be in control of the time available on the bill.

Mr. MANSFIELD. Yes. It is my understanding that the time available on the bill will be under the control of the Senator from Idaho [Mr. CHURCH] and the Senator from Colorado [Mr. ALLOTT]. Yesterday, I was informed by the distinguished senior Senator from Colorado [Mr. ALLOTT] of a death in his family. Therefore, I ask that the time under his charge be allotted by the junior Senator from Colorado [Mr. DOMINICK], and that the RECORD so show.

The PRESIDENT pro tempore. Very well.

Mr. MANSFIELD. I understand that the junior Senator from Colorado is seeking recognition.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. First, Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. MANSFIELD. I wish to make it plain that the understanding is that the time required for the quorum call is not to be charged to the time available to either side, and also that at the end of the quorum call the Senator from Colorado [Mr. DOMINICK] will have the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The absence of a quorum has been suggested; and the clerk will call the roll. The Chief Clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I move that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. DOMINICK. Mr. President, I call up amendment No. 38, and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Colorado [Mr. ALLOTT] will be stated.

The LEGISLATIVE CLERK. On page 17, line 1, it is proposed to strike out all through "(B)" on line 14, and in lieu thereof to insert the following language:

(2) Within national forests and public domain areas included in the wilderness system: (A) Notwithstanding any other provisions of this Act, until midnight, December 31, 1977, laws of the United States pertaining to mineral leasing and mining shall, to the same extent as applicable prior to the effective date of this Act, extend to all lands affected by this Act; subject, however, to such reasonable regulations as may be prescribed by the Secretary having jurisdiction over the area consistent with the use of the land for mineral development and exploration, drilling. Subject to valid rights then existing, effective January 1, 1978, the minerals in lands designated by this Act as wilderness areas are withdrawn from all forms of appropriation under the mining laws and from leasing under the mining laws and from leasing under the Mineral Leasing Act and all amendments thereto: *Provided*, That after December 31, 1977, the appropriate Secretary may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting (including but not limited to the exploration

and production of oil and gas); (B) the appropriate Secretary may within a specific area and in accordance with such regulations as he may deem desirable authorize the establishment and maintenance of reservoirs, water-conservation works, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and (C).

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I have called up amendment No. 38 to the so-called wilderness bill as the first amendment, because I think it will have a major bearing on the course of the proposed legislation through this body and through the other body, in the event the bill should pass.

This particular amendment of my colleague [Mr. ALLOTT] would provide that the ordinary Mineral Leasing Acts and mineral laws remain in effect in the areas within the wilderness system until December 31, 1977.

Under the wilderness bill as it has been reported by the committee, there is a provision only that under special circumstances the President can authorize prospecting for minerals only, including oil and gas; but this prospecting will not do any particular good so far as the actual discovery of mineral bodies which may well be vital to the security of this country is concerned. I say that it is not going to do any good advisedly.

In the first place, in the wilderness areas one is not permitted to bring in mechanized equipment, nor is there permission for any access roads. Consequently, a prospector within the wilderness system would be restricted by the sheer physical difficulties involved in going out and tramping through the wilderness area, carrying a pack on his back, or leading a burro, with a small miner's pick.

I think all Senators present are as well aware as am I that the modern methods and technology as to the discovering of ore bodies no longer rely on the classical system of the burro, the canary in the cage, and the little miner's pick that miners used to bring with them.

I am not talking about uranium. One might be able to find some more uranium, but under the present circumstances I gather, from what the Government says, that we have uranium "running out of our ears," so we do not have to worry too much about that.

I think it is worthwhile to conceive of the uranium problem we had some 13 years ago in order to put the amendment into context. At that particular time the Nation suddenly felt an urgent and vital need for the production of uranium ores for the national defense of this country. We were relying on supplies from the Belgian Congo and from Canada, and no one really knew whether there were any reserves of uranium in this country.

Most of the uranium reserves which were found in the process of the exploration which came subsequent to the incentives which were provided by Congress came within the States and the areas which will have a great portion of their territory blocked off from this kind of activity under the wilderness system, if it is approved.

Specifically getting down to the details of what I am talking about, in the hearings Mr. John Wolfe, who is president of the Colorado Mining Association, appeared before our committee and gave what I thought was one of the most illuminating speeches I have heard in a long time on the question of where mineral reserves and mineral resources might well be found. He pointed out that in Colorado alone about 95 percent of the mineral reserves which may be needed in the future can probably be discovered within approximately 1 percent of the actual territory of the State of Colorado.

I quote some portions of his testimony. On page 148 of the hearings he said:

By the techniques which have been developed in the past 5 years, we can break the mountainous regions of the West into areas where the probability of success in mineral exploration is relatively homogeneous. When an explorations manager on a budget sees a probability index of 1 on the eastern half of Colorado and 1,000 on the western half, it is obvious where he will concentrate his effort. Within the western area you find a subarea with a probability index of 10,000.

I quote again:

In the past, 95 percent of the production of the State of Colorado has come within that belt—

Which he showed on a map to the committee—

and by these calculations it is indicated that 95 percent of the future production of these commodities will come from that area also.

The point I am making is that if we allow a reasonable period of time within which the ordinary mineral activities under our general mining laws and our mineral leasing laws can continue within the wilderness system, it will be possible during that period of time to discover these minerals in the area, and to stake out and to do the development and mining work. We can actually find these minerals within the period of time to be provided in this particular amendment.

After December 31, 1977, under this proposed amendment, the appropriations under the Mineral Leasing Act and under the mining laws will be knocked out. We will no longer have to worry about what the conservationists say about the despoiling of the wilderness areas by virtue of mining activities in those areas, unless the President decides that, under exceptional circumstances, we need such activities in the national security even more than we need the wilderness area.

The process of such exploration during that period of time will give the executive department and the Congress the opportunity of ascertaining which portions of this area may well be subject to removal from the wilderness system

without harming the rest of the wilderness system, so that we will have a wilderness area and still have ascertained the necessity of having minerals subject to production within our own country.

Mr. President, what kind of materials are we talking about? Frankly, I do not know. In 1940 nobody was particularly looking for uranium. In 1945 nobody was particularly looking for the rare earths found in some quantities in the Western United States. In 1925 people were still looking for gold. Frankly, they are not still looking for gold anymore, because it cannot be produced at a profit.

We have a situation where almost any kind of mineral can become vital to the successful development of our national defense, our economy, and our industrial affairs and commercial enterprises.

It seems to me it is imperative that we keep open those areas which in many cases are the most highly mineralized areas in the United States for further exploration and development of the resources which might be found within the scope of the wilderness system as it is set up by the pending bill.

As I said before, we are not trying to ruin the bill, as has been asserted by some of the advocates of the wilderness system. We are not trying to do anything more than preserve the right, under existing laws, to be able to continue the exploration of those areas to determine whether or not the mineralized areas may safely be removed from the wilderness system because they are more valuable to the country by using them for mineral purposes.

Some other points were contained in Mr. Wolfe's testimony. At page 151 of the hearings, in answer to a question from my colleague from Colorado [Mr. ALLOTT] as to whether the existing provisions in the bill permit fruitful prospecting for minerals, Mr. Wolfe's answer was:

In my opinion it would be almost impossible to persuade management—

By this term he is talking about management of a mining company—

to budget money for studies in these areas, that we would feel that it was so—that the chances of being able to proceed and develop would be so remote that we would be extremely hesitant to spend the company's money in any area of that nature.

The senior Senator from Colorado [Mr. ALLOTT] went on to bring this point out. He asked the following question:

Under the general provisions of the bill and under our present knowledge of your particular field—

Referring to Mr. Wolfe's field—

would it be possible to do any prospecting without such a permit from the President?

Mr. Wolfe answered:

There would be some phases of work that could be done. There are some regional bits of information that can be obtained. But it would be certainly much more difficult to go in with a mule and pick and shovel than if we could take in the modern tools which we have available to us.

The point I am making to the defenders of this bill is that we do not have to

worry about mining, because there are provisions in the bill which provide the President will permit it to be done only if he feels it is important. But those provisions do not mean a thing, because the areas are locked up, there is no access to the areas, and the only way one could get into it would be with a mule and a pick and shovel.

Therefore, the Senator from Colorado [Mr. ALLOTT] has proposed this amendment, which is not all out, which is not designed to wreck the bill, which does not go as far as the Interior Committee in the other body went during the last session of Congress. It simply provides we will have until midnight, December 31, 1977, to operate in those areas under the mineral leasing and mining laws, subject to such reasonable regulations as may be prescribed by the Secretary having jurisdiction over the area, consistent with the use of the land for mineral development and exploration and drilling.

The amendment then goes on to provide, as I pointed out a little earlier, that after that particular time, the right of all forms of appropriations under the mining laws will expire subject only to existing rights that are then in effect.

It occurs to me—and I think this is a point which perhaps has not been brought to the attention of the Senator from Idaho [Mr. SCHUCH] before this time—that this very exploration may provide the basis for the various departments in the executive department to determine whether or not a wilderness area at a particular point should be increased or decreased in size. Without this information available to them, which could be discovered under this amendment, they would in many cases be operating in the dark, in this particular field at least.

I do not know how many States would be involved particularly in the mining amendment we have before us. I know Colorado would be. I am reasonably sure the State of the Senator from Idaho would be. I am almost positive Nevada would be. I see present the Senator from Nevada [Mr. BIBLE]. I am reasonably sure—in fact, I am sure—the great State of Alaska would be involved.

It seems to me, where we are dealing with the mineralized portion of the United States and are simply cutting off any right for the further determination of where these resources are, that we are going beyond the reasonable scope of Congress to determine what is in the national interest. We are simply saying it is more important to have wilderness areas than to have the opportunity of determining where the mineral resources are.

Mr. BIBLE. Mr. President, will the Senator from Colorado yield me about 5 minutes, if he has completed his opening statement? I do not know what the time situation is.

Mr. DOMINICK. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. DOMINICK. I yield 5 minutes to the Senator from Nevada.

Mr. BIBLE. I thank the Senator from Colorado.

Mr. President, I rise to support the amendment offered by the junior Senator from Colorado [Mr. DOMINICK] on behalf of the senior Senator from Colorado [Mr. ALLOTT]. It seems to me this is a worthwhile amendment.

In my judgment, it does not do a disservice to the wilderness concept. As the Senator from Colorado knows, during the deliberations on the bill in committee, I offered an amendment which was a more severe amendment than the one presented by the junior Senator from Colorado on behalf of the senior Senator from Colorado.

The amendment I offered had no cut-off date of some 15 years after the passage of the bill, in whatever form it may be enacted.

I firmly believed then, and I firmly believe now, there is nothing irreconcilable in having mining within a wilderness area.

I pointed out during the committee deliberations then, and I repeat now, that the Committee on Interior and Insular Affairs in the past has done exactly that—permitted mining in national park areas, areas which are set aside for conservation and recreation uses.

For example, in the creation of Mount McKinley National Park, a park which contains 1,939,493 acres, mining is permitted.

In Death Valley National Monument, which is a great area in southern California of some 1,907,760 acres, mining is permitted.

The Organ Pipe Cactus National Monument is an area of lesser size, but still of considerable acreage. It consists of 330,874 acres. Mining is permitted in that area. In the Glacier Bay National Monument, consisting of 2,274,595 acres, Congress provided for mining rights in one section. Congress wrote such a clause into those acts. These are areas in which mining and other uses occur without any apparent difficulty.

In the last session of Congress, as the distinguished chairman of the Committee on Interior and Insular Affairs knows, we made considerable progress in the field of lakeshore and seashore legislation. We are presently considering those before the Public Lands Subcommittee of that committee. We did permit other use in the Cape Cod National Seashore. We certainly permitted other use in the Padre Island National Seashore, because we permitted oil exploration to exist side by side with the recreational benefits.

Then, too, on the west coast, in the Point Reyes National Seashore, we permit adverse use; not mining use, but continuation of grazing and dairying in that area.

In the last session of Congress, the Committee on Interior and Insular Affairs reported favorably two bills, one, the Great Basin National Park, in my own State of Nevada, consisting of an area of 123,000 acres. Mining there is specifically permitted. The other is the Canyonlands National Park bill, a bill that carves out 257,000 acres for a great

national park. There, too, we permitted mining in one section.

My position, I would say to my distinguished friend from Colorado, is that in this amendment we are not creating an irreconcilable use. The two can exist side by side. We have spoken on this a number of times, and we should speak on it again. I shall certainly support the amendment of the Senator from Colorado.

Mr. DOMINICK. I thank the Senator very much. There are one or two points I should like to make while I am on my feet speaking on this amendment. I shall again quote from page 150 from the testimony of John A. Wolfe.

He was asked whether, because S. 174 had failed to become law in the last session, there had been increased exploration of these areas which might eventually be within the wilderness system, or whether it had cut back on such exploration. I quote Mr. Wolfe:

Several large mineral-producing companies in the West have continued exploration in the proposed wilderness areas which are still open to entry. I have asked representatives of the exploration organizations of these companies if they have located within these areas what they consider to be significant deposits warranting detailed exploration. None of these companies would spend exploration funds on a deposit which it felt did not have a chance of producing gross values in excess of a hundred million dollars. I set the cutoff date on this study at September 1961 to evaluate the potential difference between the mineral wealth of the Nation today and what it would have been had S. 174 of the 87th Congress become a law on the date it was passed by the Senate. I found that at least one significant deposit has been discovered every 3 months. I asked each of these men with whom I discussed this matter if the fact that the last bill did not become a law had given impetus to their exploration activities within the proposed wilderness areas. Each answered that, on the contrary, the fact that similar legislation was hanging over these areas inhibited exploration expenditures in these regions. This is very much the case with the activities of my group. We are reluctant to budget money which stands in serious danger of being lost.

He testified a few weeks ago. It seems to me that this testimony pinpoints the very question I have been discussing. In the short period of time, exploration of these areas, which would be locked up from any development and exploration, had shown significant deposits, at least one every 3 months.

Apparently, in referring back to this fact, he is talking in terms of significant deposits, with a deposit producing at least a hundred million dollars.

Therefore, it seems to me that we are dealing with an enormous facet of the economic wealth of this country, and we should not ignore this and throw it to one side. That is why our amendment deals with this area, and I hope it will be adopted.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. ANDERSON. I hope the Senator from Colorado will not leave in the record the statement that these three de-

posits which they found every 3 months had the possibility of producing a hundred million dollars. His statement was that the companies would not spend exploration funds on a deposit which did not have that capacity. No significant deposit of that kind has been found in Colorado so far as I have heard.

Mr. DOMINICK. I do not know of any such deposit from my own personal knowledge. However, he said that they would not spend these funds unless it had that capacity or they thought that it had a chance of producing a hundred million dollar deposit. Then he goes on to say:

I found that at least one significant deposit has been discovered every 3 months.

This presumably refers back to at least a very valuable deposit. I have been in the mining game myself, and I know that fervor and optimism are a part of every miner's makeup. If a miner did not have those characteristics, we would not have any mining going on. I would not say that this was the actual amount they had discovered.

Mr. ANDERSON. Did Mr. Wolfe indicate that these were deposits within a wilderness area?

Mr. DOMINICK. Yes. He said these are explorations that were made within wilderness areas.

Mr. ANDERSON. We raised the same question on that point. I did not have a chance to question Mr. Wolfe. However, we raised the question as to whether or not the maps which had been prepared and that were brought in to indicate areas affected by S. 4 were accurate. Dr. Boyd introduced them in evidence. It was conceded many areas outside the forests, long withdrawn, were indicated. Their status as to mining would not be changed. The discoveries could not be on these areas for they have long been closed. The Department of Agriculture has very strict regulations on prospecting in wilderness areas in the forests. They are not aware of any extensive prospecting or location of minerals in these areas.

Mr. DOMINICK. I call the Senator's attention to the first two sentences on page 150 of the hearings.

Mr. ANDERSON. He does say, "proposed wilderness areas." The Senator remembers that when we asked Dr. Boyd about the proposed wilderness areas, it developed that they were areas long closed to mining.

Mr. DOMINICK. Yes. I remember that statement. However, I still believe that the adoption of the pending amendment will take care of the point I have raised. I hope the Senator from New Mexico will support it, because I believe its adoption might be extremely important not only for our State and other States, but to his own State.

It seems to me that what we are doing here is merely getting permission to proceed with development within a limited period of time, so we can lay the basis to determine which mineral areas should be retained in the wilderness systems and which should be excluded from the wilderness system at a later date.

Mr. COTTON. Mr. President, may I be yielded 2 minutes on the bill?

Mr. ANDERSON. On the pending amendment?

Mr. COTTON. No, not on the amendment.

Mr. CHURCH. Mr. President, I shall be glad to yield 2 minutes to the Senator from New Hampshire on the bill.

Mr. COTTON. Mr. President, I am perfectly willing that this colloquy appear following the debate on the pending amendment, if that is desired.

I desire to ask the Senators in charge of the bill two questions for my own information. First, I note on pages 2 and 3 of the bill a definition of "wilderness." I shall not take the time out of the 2 minutes to read the entire definition; but it indicates that it is to be wilderness untrammelled. I take it that that means that there are to be no roads or highways through the area or no roads into it.

If the bill passes, and there are forest areas in the wilderness without entrance roads, does the bill preclude the building of roads for the purpose of harvesting timber in a reasonable way, consistent with sound conservation practices? Does the bill isolate the forests and prevent the building of roads under the authority of those in control, or does it not?

Mr. CHURCH. The wilderness system as defined in the bill is confined to certain specific areas which have already been specified as wilderness or primitive areas. Those areas are located in the national parks and in the national forests, where they have been designated as primitive areas and where no roads have been permitted for many years. So, apart from the areas which have already been set aside and so designated, and in which no roads have been permitted in the past, the bill has no application. However, in ordinary national park and forest lands, roads could be constructed where roads are not presently located.

Mr. COTTON. But not in lands affected by the pending bill?

Mr. CHURCH. Areas affected by the pending bill—in the national forests, for example—are the primitive areas which have been set aside as wilderness and in which roads are not now permitted under the existing regulations of the Forest Service.

Mr. COTTON. It is my recollection from past years, particularly when I served in the other body, that there has been, at certain periods, a long standing difference of opinion between the Park Service and the Forest Service as to whether the proper use is to let the forests remain virgin land, to let the forests rot and fertilize the ground, or whether the forests should be periodically harvested. Would the bill compel the former course in areas where forests exist?

Mr. CHURCH. Yes; I should say, however, that whatever differences of opinion may have existed in the past, the Forest Service now, as it has done for some years, strongly endorses the proposed legislation.

Mr. COTTON. I have one other question, which relates to the title of section 4, on page 14: "Acquisition of certain privately owned lands within the wilderness system." Section 4 begins:

The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire as part of the wilderness system any privately owned land within any portion of such system under his jurisdiction—

Does the word "within" mean that the land which may be acquired under the act must be completely surrounded, or does it mean that it may be surrounded on three sides or be contiguous to?

Mr. CHURCH. I thank the Senator from New Hampshire for bringing it up, so that the record may be made perfectly clear. The understanding of the Committee on Interior and Insular Affairs on this point is that this language refers exclusively to any holding entirely surrounded by wilderness or primitive areas.

Mr. COTTON. That statement may be considered as a part of the legislative history of the bill?

Mr. CHURCH. Yes, it may. I am happy that the Senator from New Hampshire has raised the question, so that there will be no ambiguity or confusion about the understanding of the language.

Mr. COTTON. As the bill is now written, there is no right of condemnation?

Mr. CHURCH. The Senator is correct.

Mr. COTTON. Nor can any customary right or privilege, if there has been such, be taken away?

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired.

Mr. CHURCH. Mr. President, I yield a half minute to the Senator from New Hampshire, and a minute and a half to myself to respond to him.

Mr. COTTON. If there are existing rights-of-way or roads, or even ways that by prescription would be considered rights-of-way, are they preserved, too?

Mr. CHURCH. The Senator is correct. This is an amendment that I myself propose to the bill, because there are in my State inholdings—ranches—which were homesteaded many years ago and which lie entirely within primitive areas. We wanted to be perfectly sure that the owners of those ranches were guaranteed the customary usage of their property for ingress and egress according to the customary ways. So the bill provides, quoting now from section 4, page 14:

Provided, however, That nothing in this Act shall be construed to confer a right of condemnation with respect to privately owned land within the boundaries of a wilderness area, or to impair any customary right or privilege heretofore enjoyed by the owners of such land, respecting access to it or to its ordinary use and maintenance.

Mr. COTTON. I take it that the language means a road or trail customarily used even if no legal right-of-way has been acquired because the land was owned by a corporation or for other reasons? Under the language in this

bill such customary use would be presumed to have created a right-of-way?

Mr. CHURCH. The language speaks for itself. Whatever has been the customary method of ingress and egress would continue to be preserved.

Mr. COTTON. I thank the Senator from Idaho.

Mr. DOMINICK. Mr. President, the questions asked by the Senator from New Hampshire relate specifically not only to the points to which he was referring, but to the very amendment I have offered. Section 6(b), on page 16, clearly shows that there cannot be any access rights within any of the lands which are brought within the wilderness system, so far as road construction or the development of new roads is concerned. The only persons who would be entitled to retain any roads or access would be those who have inholdings. Consequently, any pertinent mining activity would be almost wholly barred by the present provisions of the bill, as would, of course, the harvesting of any timber that might be in any of the wilderness area. So that problem exists.

It seems to me that the amendment which I have offered, so far as mining is concerned, would specifically cure that problem and would allow 15 years in which to determine which of the areas should be taken out of the wilderness system and which should be permitted to remain within it.

Mr. CHURCH. Mr. President, I yield myself as much time as may be required, within the limitation.

At the outset, I must say it is very difficult for me to speak against the amendment. I am mindful of the importance of the mining industry. It is one of the chief industries of my State. I have always tried to uphold what I regard to be the legitimate interests of the mining industry. I have been the sponsor of many bills designed to be helpful to mining.

However, I am opposed to the pending amendment because I feel that to adopt it would be an act of contradiction. If wilderness areas are to be established and preserved, if we regard such preservation as being in the interest of our own and future generations, then the bill must be strong enough to protect the integrity of the wilderness it embraces. I submit that if this amendment were to be enacted into law, there would be no way, for the next 15 years, to guarantee the inviolability of the areas established—whereas the guarantee of their integrity is the very purpose of the bill.

Inasmuch as the Committee on Interior and Insular Affairs is largely composed of Members coming from the Western States, who understand the importance of mining, and strongly support mining activities, we have tried to be extremely reasonable in making every possible allowance for mining, which would not basically contradict the purpose of the bill or render it impossible to preserve these wilderness areas, once established by this legislation.

Let me refer to the provisions of the bill which make allowances for mining.

First of all, there is the provision in section 6(b), which is to be found on page 16 of the bill. It makes clear that existing mines and valid, existing mining claims within the areas affected by the bill are to be preserved inviolate. The junior Senator from Colorado [Mr. DOMINICK] says another 15 years are needed for unrestricted exploration of these areas. Mr. President, I submit that there has been unrestricted exploration of these areas for more than a century; yet today only 6 mines are operating within the whole area which would be affected by this legislation. These mines will be unaffected and will continue their operations. All valid existing mining claims within the wilderness system are also protected by this legislation.

Furthermore, the bill provides that for the next 10 years, surveys are to be conducted by the Forest Service, within the primitive areas in the national forests, for the purpose of redefining the boundaries. The purpose of the surveys is to exclude from these areas portions which seem to have greater commercial value, or portions which seem to be more suitable for multiple use than for preservation as wilderness.

So I submit that, for the next 10 years, there will be ample opportunity for those tracts within the primitive areas of the national forests to be excluded whenever the surveys show there is commercially valuable mineral bearing rock which makes these tracts more valuable for commercial development than for preservation as wilderness.

Therefore, the difference, in this respect, may be only the difference between 10 and 15 years.

Mr. President, for one of these primitive areas in Idaho—the Selway-Bitterroot area—such a survey has been completed; and, in the process, over 450,000 acres were excluded, after they were found to have higher commercial value than wilderness value. So here, again, is a demonstration of how the bill can operate, during the next 10 years, to exclude from the primitive areas to be included in the wilderness system the mineral-bearing lands which have higher value for mining purposes.

But this is not all; the bill contains other protective provisions of even greater importance. Section 6(c)(8), on page 19 of the bill, provides that once the wilderness system has been established, limited prospecting can continue within the system as a matter of right, without need for permission from anyone. The only limitation on the prospecting is that it shall take such form as will not be incompatible with the surrounding wilderness environment. So all types of prospecting will not be denied within the wilderness system, once it has been established by the bill.

Finally, if I may call attention to section 6(c), on page 17 of the bill, in subsection (2) provision is made to allow for unrestricted prospecting and unrestricted mining within the wilderness system wherever the President finds that it is in the higher national interest to permit such prospecting or mining to occur.

I read from subsection (2) of section 6(c) of the bill:

(2) Within national forest and public domain areas included in the wilderness system, (A) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting (including but not limited to exploration for oil and gas), mining (including but not limited to the production of oil and gas)—

Then I read from line 11:

upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial—

So, Mr. President, we have made very liberal allowances for all the reasonable requirements of the mining industry. We even have provided that unlimited prospecting and unlimited mining may take place within given wilderness areas if the President finds that the national interest so requires.

But if we do not leave with the President the authority to make such a determination, and if, instead, we adopt this amendment, then, for the next 15 years, we shall have denied ourselves the tools with which to protect the integrity of the very wilderness areas which the bill is designed to establish. That would be a total contradiction of purpose.

For this reason, I feel that the amendment should be rejected.

Mr. President, let me make a final observation: The primitive areas which are really the subject of concern, insofar as this amendment goes, constitute between 7 and 8 percent of the national forest lands. When the reviews are completed, the primitive areas will comprise an even lesser part of the national forests. So the restrictions which do exist in the bill apply to only a very small part of the national forests, and apply not at all to the rest of the land, which remains open for unlimited prospecting and unlimited mining activity.

So I suggest that we keep our eyes upon the doughnut, not upon the hole. If we do, I believe we shall conclude that the provisions of the bill are as reasonable and as adequate as they can be made to protect the legitimate interests of the mining industry and still have a wilderness bill.

Therefore, Mr. President, I urge the Senate to reject this amendment.

Mr. DOMINICK. Mr. President, will the Senator from Idaho yield for several questions?

Mr. CHURCH. I am happy to yield.

Mr. DOMINICK. The Senator from Idaho stated, as I understand, that all of this is taken care of, because, after all, within the primitive areas the Secretary of Agriculture can make the reviews within the next 10 years, and therefore everyone will be happy. But it is a fact that the bill as it now stands does not permit the President to do that; only the Secretary of Agriculture would do it.

Mr. CHURCH. The resources of the Government—including the mining and geological agencies of the Government—will be available for the surveys. These lands are not new or unexplored. They are familiar lands. So I think the sur-

veys will be useful to determine the portions of these areas which are mineral bearing and have mining potential. In my State, not a single mine is located in any of the primitive areas involved in the bill, and none has been located in them for many, many years, although for a century these areas have been open to unrestricted prospecting. Therefore, I do not feel that any hurtful restriction is being imposed by the bill.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. CHURCH. I yield.

Mr. DOMINICK. It is my understanding that the only prospecting which is permitted is the prospecting permitted under subsection 8, page 19, of the bill. It must be done in a manner compatible with the preservation of a wilderness area. The only other way in which prospecting could be done would be with the specific permission of the President. Can the Senator from Idaho indicate to me why the President would authorize prospecting in any of the proposed areas on the ground that it would better serve the interests of the United States, when there is no opportunity to try to show the President, except by geological maps which may already be in existence, as to whether or not any minerals are present in the area?

Mr. CHURCH. I can think of instances that might cause the Chief Executive of our country to open up given areas for further exploration for mining purposes. It might be that a need for special minerals essential to the national defense would require it. That is the first and most obvious consideration that comes to mind. Depressed economic conditions in a given area might be another reason for authorizing unrestricted prospecting, where the general evidence indicates that valuable minerals may be present. The national defense requirement is the most obvious. But I am sure that other considerations could also form the basis for granting permission to prospect and to mine.

Mr. DOMINICK. We certainly could not say that the opportunity was free and open, could we?

Mr. CHURCH. I merely say that we cannot maintain a wilderness and leave it free and open for exploration, for prospecting, for mining, and for commercial activities. We shall either have a wilderness or we shall not. I believe it is in the national interest to establish and to maintain a wilderness system for reasons I have already explained. There are good and bad mining promotions. I am aware of some mining ventures in my State—and I am sure the same have occurred in the State of Colorado as well—that have had more to do with the mining of stockholders than the mining of minerals. I refer to speculations that are hardly worthy of the price of opening up a wilderness. Unless in the bill the President is given authority to prevent this from happening, we cannot effectively protect the wilderness that the proposed legislation is meant to preserve. The two things are inconsistent. They are contradictory. The amendment concedes as much by imposing a 15-year

cutoff upon itself. If the inherent contradiction were not present, why have a time limit? The very fact that a time limit is included is an admission that the two concepts are inherently contradictory. On that basis I oppose the amendment.

Mr. DOMINICK. Mr. President, will the Senator yield at that point?

Mr. CHURCH. I yield.

Mr. DOMINICK. Is it not also a fact that the authors of the bill recognize the need for prospecting; otherwise they would not be supporting the measure at all?

Mr. CHURCH. Mr. President, as I have said, I think we have made every reasonable allowance for the mining industry that can be made, consistent with the principle of the proposed legislation and the objective it seeks to accomplish.

I should like to yield now to the distinguished Senator from New Mexico.

Mr. ANDERSON. Mr. President, this is a subject that we have all considered a great deal. We have mining in my home State, I am glad to see the mines do well. But the amendment is not the route to take to see that they do so.

I admit that Mr. Wolfe was an interesting witness. The Senator from Colorado quoted a good deal of what he said. Immediately above the portion that he quoted, on page 150 of the hearings, is the following interesting observation:

My own group has discovered one such deposit. If all of our preliminary work is substantiated, and if this deposit can be mined to depletion, at today's prices it will contribute \$800 million. This would be the basis for \$6 to \$8 billion of construction.

That quotation leads me to believe that Mr. Wolfe was talking about an operation involving taking out materials for cinder block. I should hate to believe that the only place one could obtain materials for cinder block is in a wilderness area. There must be other places in which material for cinder block is available.

While Mr. Wolfe said much about how many significant discoveries have been made in the last few months, I point out that when one calls the Forest Service, a representative of that agency advises that they do not believe there have been any significant developments, except one development on the south end of Three Sisters, in respect to an area where gravel is being removed in order to make cinder block.

We have gravel all over the country. We do not have to go into a wilderness area to obtain it.

I call the attention of Senators to the fact that not too long ago we had a scandal because of what happened in the Al Sarena case. Some people had gone out and filed a mining claim on a virgin timber area in the State of Oregon. They never mined anything except the timber. They took out millions of dollars of timber on the basis of mining claims. I would hate to see wilderness areas destroyed that way.

The subject to me is not a new one. In the 81st Congress I introduced the bill S. 353 to protect the scenic values

tributary to Aspen Basin Road and contiguous scenic areas inside the Santa Fe National Forest. We had to do that because the people were going into the forest, filing a mining claim on some gravel, removing one truckload of gravel, and then putting up a hotdog stand. Where we had the finest scenic values, we then had hotdog stands.

I introduced in the Congress a bill which became Public Law 81-94.

We have had this problem constantly everywhere we have attempted to protect land. It is easy to go into such areas, take out a small amount of material, and say, "This is the essential purpose of the activity."

Dr. Boyd, while testifying on behalf of the American Mining Congress, introduced into the record a brief he presented to the House 2 years before.

In that brief he had a table entitled "Discoveries S. 174 Would Have Prevented." When we pinned Dr. Boyd down, not a single one of those discoveries would have been prevented by the bill S. 174. Not a single one. He merely said, "Yes, they would have been prevented if the principles of S. 174 had been applied all across the United States."

Surely, if we proposed to stop mining everywhere, you could make a showing of mines that cannot be developed.

I asked the Department of Agriculture, which has charge of wilderness areas, if they knew of any of the significant discoveries in the State of Colorado that Mr. Wolfe had talked about. They said they had no knowledge of mineral discoveries in the national forests of any such magnitude as he was talking about in the last two years.

The Kennecott Copper Corp. was interested in a little place called Glacier Peak. It was about a 4- or 5-year-old claim. It had nothing to do with S. 174. It will be very interesting to follow along these developments and find out what great discoveries Mr. Wolfe was talking about as being made in the wilderness areas. I think he was talking about the national forests, not the wilderness areas.

When we pinned Dr. Boyd down, we found that he referred to 66 million acres being sterilized from mining by S. 4. There were not that many acres involved. He could not tell which acres being included were closed to mining long ago and which acres were not. We know which acres being put in the wilderness system have long been restricted. That includes acres in the wild, wilderness and canoe areas. The primitive areas will be reviewed.

Mr. President, I hope that the amendment will be rejected. I regard it as an extremely destructive amendment to the bill. I hope it will not be a part of the proposed legislation.

Mr. DOMINICK. Mr. President, I yield back the remainder of my time. I am ready to vote.

Mr. CHURCH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment

No. 38 of the Senator from Colorado [Mr. ALLOTT]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ANDERSON (when his name was called). On this vote I have a pair with the distinguished senior Senator from Colorado [Mr. ALLOTT]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. METCALF (after having voted in the negative). On this vote I have a pair with the Senator from Nevada [Mr. CANNON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the Senator from Texas [Mr. TOWER]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from North Carolina [Mr. JORDAN], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Rhode Island [Mr. PELL], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

On this vote, the Senator from North Carolina [Mr. JORDAN] is paired with the Senator from Utah [Mr. BENNETT]. If present and voting, the Senator from North Carolina would vote "nay," and the Senator from Utah would vote "yea."

On this vote, the Senator from Alabama [Mr. SPARKMAN] is paired with the Senator from Wyoming [Mr. SIMPSON]. If present and voting, the Senator from Alabama would vote "nay," and the Senator from Wyoming would vote "yea."

On this vote, the Senator from Rhode Island [Mr. PELL] is paired with the Senator from Oklahoma [Mr. EDMONDSON]. If present and voting, the Senator from Rhode Island would vote "nay," and the Senator from Oklahoma would vote "yea."

I further announce that, if present and voting, the Senator from Ohio [Mr. LAUSCHE], and the Senator from Missouri [Mr. LONG] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] is absent because of the death of his mother.

The Senator from Utah [Mr. BENNETT] and the Senator from Wyoming [Mr. SIMPSON] are absent on official business.

The Senator from Kentucky [Mr. COOPER], the Senator from Nebraska [Mr. CURTIS], the Senator from New York [Mr. JAVITS], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from New Jersey [Mr. CASE] is detained on official business.

The respective pairs of the Senator from Colorado [Mr. ALLOTT] and that of

the Senator from Texas [Mr. TOWER] have been previously announced.

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from North Carolina [Mr. JORDAN]. If present and voting, the Senator from Utah would vote "yea," and the Senator from North Carolina would vote "nay."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from New Jersey [Mr. CASE]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from New Jersey would vote "nay."

Or, this vote, the Senator from Wyoming [Mr. SIMPSON] is paired with the Senator from Alabama [Mr. SPARKMAN]. If present and voting, the Senator from Wyoming would vote "yea," and the Senator from Alabama would vote "nay."

If present and voting the Senator from New York [Mr. JAVITS] would vote "nay."

The result was announced—yeas 26, nays 56, as follows:

[No. 41 Leg.]

YEAS—26

Bartlett	Fong	Mechem
Beall	Goldwater	Morton
Bible	Gruening	Mundt
Carlson	Hayden	Pearson
Cotton	Hickenlooper	Prouty
Dirksen	Hruska	Scott
Dodd	Jordan, Idaho	Thurmond
Dominick	Long, La.	Young, N. Dak.
Ellender	Magnuson	

NAYS—56

Alken	Humphrey	Nelson
Bayh	Inouye	Neuberger
Boggs	Jackson	Pastore
Brewster	Johnston	Proxmire
Burdick	Keating	Randolph
Byrd, Va.	Kefauver	Ribicoff
Byrd, W. Va.	Kennedy	Robertson
Church	Kuchel	Russell
Clark	McCarthy	Saltonstall
Douglas	McClellan	Smathers
Eastland	McGee	Smith
Engle	McGovern	Stennis
Ervin	McIntyre	Symington
Fulbright	McNamara	Talmadge
Gore	Miller	Williams, Del.
Hart	Monroney	Williams, N.J.
Hartke	Morse	Yarborough
Hill	Moss	Young, Ohio
Holland	Muskie	

NOT VOTING—18

Allott	Curtis	Mansfield
Anderson	Edmondson	Metcalf
Bennett	Javits	Pell
Cannon	Jordan, N.C.	Simpson
Case	Lausche	Sparkman
Cooper	Long, Mo.	Tower

So amendment No. 38 was rejected.

Mr. METCALF. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CHURCH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMINICK. Mr. President, I call up the amendment identified as No. 34.

The PRESIDING OFFICER. The amendment will be stated.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the amendment may be considered as read, and that it be printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 3, line 23, strike out all through line 3 on page 6 and insert in lieu thereof the following:

"(b)(1) The wilderness system shall include all areas within the national forests classified on the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as wilderness, wild, or canoe: *Provided*, That the areas within the national forests classified as primitive may be included in the wilderness system as hereinafter provided. Following enactment of this Act, the Secretary of Agriculture shall, within ten years, review in accordance with paragraph C, section 251.20, of the Code of Federal Regulations, title 36, effective January 1, 1959, the suitability of each primitive area in the national forests for preservation as wilderness and shall report his findings to the President. While being reviewed and until action is taken as provided by this subsection, primitive areas shall be administered so as to preserve their present status and condition. Before the convening of Congress each year, the President shall advise the United States Senate and House of Representatives of his recommendations with respect to the inclusion within the wilderness system, or exclusion therefrom, of each area on which review has been completed in the preceding year, together with maps and definition of boundaries: *Provided*, That the President may, as a part of his recommendations, alter the boundaries existing on the date of this Act for any primitive area to be included in the wilderness system, recommending the exclusion and return to national forest land status of any portions not predominantly of wilderness value, or recommending the addition of any contiguous area of national forest lands predominantly of wilderness value: *Provided further*, That following such exclusions and additions any primitive area recommended to be included in the wilderness system shall not exceed the area classified as primitive on the date of this Act. The recommendation of the President with respect to the inclusion in the wilderness system, or the exclusion therefrom of a primitive area, or portions thereof, shall become effective subject to the provisions of subsection (f) of this section: *Provided*, That if Congress rejects a recommendation of the President and no revised recommendation is made to Congress with respect to that primitive area within two years, the land shall cease to be a primitive area and shall be administered as other national forest lands: *And provided further*, That primitive areas with respect to which recommendations are submitted to Congress on the eighth, ninth, and tenth years of the review period herein provided shall retain their status as primitive areas until the expiration, in respect to each area, of a full session of Congress, two years for resubmission of revised recommendations to Congress by the President, and, if so resubmitted, until the expiration of a full session of Congress thereafter. Recommendations on all primitive areas not previously submitted to the Congress shall be made during the tenth year of the review period. Any primitive area, or portion thereof, on which a recommendation for inclusion in the wilderness system has not become effective within fourteen years following the enactment of this Act shall cease to be a primitive area and shall be administered as other national forest land."

Mr. DOMINICK. Mr. President, I call up this amendment because I believe it is of extreme importance to the pending bill. There are enough Senators on

CIX—374

the floor so that I can explain it rather rapidly.

Mr. COTTON. Mr. President, may we have order so we can hear what the Senator is saying?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOMINICK. Mr. President, the amendment, prepared by my colleague [Mr. ALLOTT] does only one thing. What it does is to change the method by which primitive areas would be included within the wilderness system. As the bill is now written, all areas which are classified as wilderness, wild, canoe, and primitive, are automatically included within the wilderness system. Then the Executive is given 10 years for evaluation and recommendation to determine whether these areas should come out of the wilderness system.

The amendment of my colleague from Colorado shifts this around. What it does is to provide that the primitive areas will remain within their present classification and will be evaluated over a period of 10 years, and that then a recommendation will be made for inclusion of the proper areas within the wilderness system.

This is a holding in status quo of the primitive areas at the present time until evaluation can be made as to the most useful purpose for these particular areas. Once that recommendation has been made, the Secretary would come to Congress and say, "This is the way we think these primitive areas ought to be included or not included within the wilderness system."

His recommendation would be final unless vetoed by Congress.

This is not my colleague's affirmative action amendment. This deals specifically with the primitive areas alone, and it says, in effect, "We will evaluate them before we put them into the wilderness system."

Is there any purpose in this? What is the need of doing it this way?

I assure the Senate that I sat for weeks in the committee hearings during 1961 and 1962, in the other body, while the bill was being discussed in depth. The principal objection of most of the witnesses who came before the committee was with respect to the question of whether or not the primitive areas should be blanketed in immediately or whether they should be evaluated and brought in later. Almost every witness, except members of the Sierra Club, and a few other strong conservation groups, felt that the evaluation should come first and then the primitive areas should be brought in.

This was effected by an amendment in committee in the House in the 87th Congress. It came under sharp attack by some of the conservation groups. It was an amendment which was proposed by more witnesses as being valuable to the passage of the bill than any other amendment that was offered by any group.

This has an impact, I can assure Senators, on the question whether or not a wilderness system will be created by legislation and will be adopted by the

other body. If we can get this amendment adopted and a subsequent one which I will offer at a later time, we will have a chance of getting through Congress legislation creating a wilderness system.

I should like to make some points which I believe are very important. The first is with respect to the question of whether the Department of the Interior, as such, would have any objection to this kind of action. During the process of the hearings before the Senate subcommittee I asked the Secretary of the Interior whether he recalled saying he had no objection to this type of amendment. This is fairly important, and I would like to have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOMINICK. The Secretary of the Interior indicated that he had never made such a statement. I refer Senators to the hearings before the Subcommittee on Public Lands of the Committee on Interior Affairs in the House of Representatives in the 87th Congress, at page 1170. This is the statement.

The first question is by me to the Secretary of the Interior:

I gather, Mr. Secretary, you would rather put everything—this means all the areas—and then eliminate, rather than start with what we think ought to be in and adding to it as the classification goes on.

Secretary UDALL. No. I thought I made it clear in my colloquy with Congressman RIVERS that I favored the other approach, except for the Forest Service wilderness area. I think this is a very clear-cut case. But I think we ought to start with a guideline and instruction from Congress that we have 10 years to make this review and to recommend what should go in, rather than saying put it in and then let us review to see whether it should come out. I think that is the wrong way to go about it.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. METCALF. Is that the Secretary of the Interior testifying?

Mr. DOMINICK. This is the Secretary of the Interior, Mr. Udall, testifying.

Mr. METCALF. He was testifying about forest areas?

Mr. DOMINICK. He was testifying about the primitive areas.

Mr. METCALF. He has no jurisdiction over primitive areas; it is the Secretary of Agriculture who has that jurisdiction.

Mr. DOMINICK. I understand. However, the Secretary of the Interior, who has a close connection with the whole wilderness system, and who works very well in most instances with the Secretary of Agriculture, in this particular phase of their operations, specifically said in the hearings, held May 7, 8, 9, 10, and 11, 1962—I do not know which particular day this was touched on—that he favored the approach which was recommended in this particular amendment.

The other day, when he was before the committee, he said, in answer to my question about this testimony, that he

did not so testify. Apparently his recollection was in error.

I bring this up because I believe it shows that after analysis of all the testimony which had been given before the other body and in its subcommittee during last year, on consideration of the bill, the Department of the Interior at that time thought the approach which is recommended by this amendment was a better approach than the one that is now in the bill.

I next refer to the recommendations in the report on "Outdoor Recreation for America."

On page 113 of this report, there appears:

Recommendation 1 to 10: Primitive areas (class V) should be carefully selected and should be managed for the sole and unequivocal purpose for maintaining their primitive characteristics.

Just prior to that, the report states:

Areas in this class—

Talking about primitive areas—

are inspirational, esthetic, scientific, and cultural assets of the highest values. They, and they alone, satisfy the longing to leave behind for a time all contact with civilization.

I add, so do wilderness areas.

Fortunately, they are a resource of which the country still has an abundant supply and which it can afford to preserve from other uses for the benefit of future generations. At the same time, it must be recognized that there are some areas which meet the physical requirements of this class but which for economic and social reasons are more valuable for some other purpose.

Mr. President, I have recited that language and placed it in the RECORD because it seems to me that rather than blanketing in a great area of primitive land, which amounts, according to committee print No. 26, as of August 31, 1962, to 7,852,958 acres—I observe what seems to be a difference in the amount of acreage between that shown in the RECORD and that in the committee print.

Mr. CHURCH. Mr. President, will the Senator yield, so that I may explain the discrepancy?

Mr. DOMINICK. I yield.

Mr. CHURCH. The difference results from the fact that three primitive areas have been designated as wilderness by the Secretary of Agriculture between the time the Senate last considered the bill and the present time. This has caused a reduction in the amount of acreage presently in the primitive areas within the national forests. I think the correct current figure is a little in excess of 6 million acres.

Mr. DOMINICK. I thank the Senator from Idaho for clearing up that point. This means that more acreage has gone into the wilderness area, does it not?

Mr. CHURCH. More acreage has gone into the wilderness area, and a large amount of land has also been restored to ordinary forest status for multiple use. The total extent of the wilderness system has been reduced somewhat by virtue of the surveys which have taken place in the past 2 years.

Mr. DOMINICK. Mr. President, the point I seek to make again is that if the Senate adopts the amendment, it will nevertheless be putting into the wilderness system immediately, and without any review or reevaluation, 8,220,403 acres of land which are now classified as wilderness, wild, or canoe. We will also be saying that primitive areas comprising 6,098,532 acres will stay in that classification while they are being reevaluated during a period of 10 years to determine whether they will be brought within the wilderness system or will be held in regions where the primitive areas are located.

The recommendations of Governors will be obtained, as will the recommendations of the Department of Agriculture. Those recommendations will be submitted to Congress. The recommendations provided in the bill as it is now written will go into effect unless either House of Congress vetoes the recommendations. It seems to me that that would be a logical and proper way to proceed. It is a way which I know would receive almost unanimous approval if the amendment were adopted. If we were to adopt this amendment and one more amendment, I believe there would not be a dissenting vote in this body against the bill.

With respect to the basic theory of whether we should blanket this huge area in immediately, and then try to take it out over a period of 10 years, Senators will recognize the pressure which we would be under to retain such land, because we have been in situations of this kind before. The pressures would be strong to keep the land in. Unless the other method is chosen, we shall simply be saying that we will take in all areas, having a total of more than 14 million acres, and locking them up so that only those people who have the physical capacity and the money either to explore it by foot or by organized pack trip can go in and have the use, availability, and enjoyment of this enormous area.

As I have said before, I believe this would be the logical procedure. The land is not classified at the moment as to its most valuable use. Under the amendment, it would be kept in the same condition in which it now is, and 10 years would be provided for a careful evaluation of each of the areas. Hearings would be held to determine their use in the areas involved, so that Congress could then determine what eventually would be done with the property.

Mr. President, I reserve the remainder of my time.

Mr. CHURCH. Mr. President, the distinguished Senator from Colorado has said that if the present amendment and the next amendment he proposes to offer were adopted, the Senate would approve this legislation by a unanimous vote. I do not agree. If this amendment and the next amendment are adopted, I shall vote against the bill, because I think the two amendments, taken together, would gut the bill utterly.

With respect to the pending amendment, I suggest that if it is adopted, we shall simply undo what we have just

done. We have just rejected an amendment which would have left the wilderness system open to unlimited prospecting and unlimited mining for the next 15 years. Why did we reject that amendment? Because we recognized that it is not possible to establish a wilderness system and then not preserve it from violation; the two concepts are in contradiction. We cannot have a wilderness and then open it up, for 15 years, to uncontrolled commercial activity.

The pending amendment is a backdoor approach to accomplish the identical purpose, not during 15 years, but during 10 years. The amendment provides that the primitive areas in the national forests, which the bill incorporates into the wilderness system, shall be subject to a review which will occur over the next 10 years, to redefine the boundaries, to include permanently within the wilderness such parts of those primitive areas as are predominantly wilderness in character, and to exclude from the system those parts which are predominantly of a multiple-use value—whether for mining, lumber, or other commercial use.

The bill provides that the review shall take place during a period of 10 years. Resulting Presidential recommendations will be made, subject to a veto on the part of either the Senate or the House.

Now, the current amendment would leave the primitive areas outside the system until the reviews have taken place. That means that during the period of 10 years, while the reviews were actually being conducted in the field, the gates would be open to uncontrolled prospecting and mining. So the wilderness character of these areas could not be preserved during this 10-year period.

Mr. President, if the bill is a good bill, as I believe it to be; if its enactment would serve the public interest, as I believe it would; if it makes every reasonable allowance for mining activity within the wilderness that is consistent with the principle and purpose of the bill, as I am sure it does; then it is obviously wrong to accept the amendment, and is utterly inconsistent with the action the Senate has just taken.

I therefore urge the Senate to reject the amendment.

Mr. President, if no other Senator wishes to be heard, I yield back the remainder of the time under my control.

Mr. DOMINICK. Mr. President, having reserved the remainder of my time, I wish to make a brief rebuttal.

It does not seem to me that the Senator from Idaho has properly analyzed the amendment. It specifically holds in their present status and condition all primitive areas, while the review is being made. Consequently, there would not be any more wide-open infiltration of the areas—although such infiltration has been intimated by the Senator from Idaho—than there would be now within the primitive areas. As he has said from time to time in the committee, at this time not much is permitted to go on in the primitive areas. So we would not be changing that status at all; but we would be providing adequate time in

which to determine whether these areas should or should not be locked up. The evaluation would be made after a hearing held in the area; and the local people, and also the Governor himself, could make statements at the hearing. Then the evaluation would be based on their recommendations; and it would be submitted to the President, and then it would be submitted by the President to Congress. Under the bill as it now stands, in order to overturn that recommendation, whatever it might be, Congress would have to veto the President's recommendation.

So, Mr. President, it seems to me that we have included every possible safeguard to prevent the spoiling of these areas. We simply ask for time in which to ascertain what is in these areas, before they are locked up and before the general public is prevented from having access to them and is prevented from making use of them.

The bill is for the purpose of outdoor recreation; and special funds would be provided for this purpose, because the need for outdoor recreation is so great. Yet we know that historically not more than 2 percent of the people ever go into wilderness areas; and some of these areas may be needed for special purposes. The need will be determined as a result of the surveys, and the determination will be subject to being dealt with by Congress. But it is important that this opportunity be preserved, so that these areas may be dealt with in this way.

Mr. President, I yield back the remainder of the time under my control.

On the question of the adoption of the amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. MCINTYRE in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote, I have a pair with the distinguished junior Senator from Texas [Mr. TOWER]. If the Senator from Texas were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. MONRONEY (when his name was called). On this vote I have a pair with the senior Senator from Colorado [Mr. ALLOTT]. If he were present and voting he would vote "yea." If I were at liberty to vote I would vote "nay." I therefore withhold my vote.

Mr. METCALF (after having voted in the negative). On this vote I have voted "nay." I have a pair with the Senator from Nevada [Mr. CANNON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withdraw my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Virginia

[Mr. ROBERTSON], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

On this vote, the Senator from Virginia [Mr. BYRD] is paired with the Senator from Wyoming [Mr. SIMPSON]. If present and voting, the Senator from Virginia would vote "nay" and the Senator from Wyoming would vote "yea."

On this vote, the Senator from Missouri [Mr. LONG] is paired with the Senator from Arizona [Mr. GOLDWATER]. If present and voting, the Senator from Missouri would vote "nay" and the Senator from Arizona would vote "yea."

On this vote, the Senator from Alabama [Mr. SPARKMAN] is paired with the Senator from Oklahoma [Mr. EDMONDSON]. If present and voting, the Senator from Alabama would vote "nay" and the Senator from Oklahoma would vote "yea."

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Utah [Mr. BENNETT]. If present and voting, the Senator from Virginia would vote "nay" and the Senator from Utah would vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] is absent because of the death of his mother.

The Senator from Utah [Mr. BENNETT] and the Senator from Wyoming [Mr. SIMPSON] are absent on official business.

I also announce that the Senator from Kentucky [Mr. COOPER], the Senator from Nebraska [Mr. CURTIS], the Senator from New York [Mr. JAVITS], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The respective pairs of the Senator from Colorado [Mr. ALLOTT] and the Senator from Texas [Mr. TOWER] have been previously announced.

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Virginia [Mr. ROBERTSON]. If present and voting, the Senator from Utah would vote "yea" and the Senator from Virginia would vote "nay."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from New York [Mr. JAVITS]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from New York would vote "nay."

On this vote, the Senator from Arizona [Mr. GOLDWATER] is paired with the Senator from Missouri [Mr. LONG]. If present and voting, the Senator from Arizona would vote "yea" and the Senator from Missouri would vote "nay."

On this vote, the Senator from Wyoming [Mr. SIMPSON] is paired with the Senator from Virginia [Mr. BYRD]. If present and voting, the Senator from Wyoming would vote "yea" and the Senator from Virginia would vote "nay."

The result was announced—yeas 21, nays 61, as follows:

[No. 42 Leg.]
YEAS—21

Bartlett	Dirksen	Hayden
Bible	Dodd	Hickenlooper
Carlson	Dominick	Holland
Cotton	Gruning	Hruska

Jordan, Idaho	Morton	Saltonstall
Long, La.	Mundt	Thurmond
Mechem	Pearson	Young, N. Dak.

NAYS—61

Aiken	Hill	Nelson
Anderson	Humphrey	Neuberger
Bayh	Inouye	Pastore
Beall	Jackson	Fell
Boggs	Johnston	Prouty
Brewster	Jordan, N.C.	Proxmire
Burdick	Keating	Randolph
Byrd, W. Va.	Kefauver	Ribicoff
Case	Kennedy	Russell
Church	Kuchel	Scott
Clark	Magnuson	Smathers
Douglas	McCarthy	Smith
Eastland	McClellan	Stennis
Ellender	McGee	Symington
Engle	McGovern	Talmadge
Ervin	McIntyre	Williams, N.J.
Fong	McNamara	Williams, Del.
Fulbright	Miller	Yarborough
Gore	Morse	Young, Ohio
Hart	Moss	
Hartke	Muskie	

NOT VOTING—18

Allott	Edmondson	Metcalf
Bennett	Goldwater	Monroney
Byrd, Va.	Javits	Robertson
Cannon	Lausche	Simpson
Cooper	Long, Mo.	Sparkman
Curtis	Mansfield	Tower

So amendment No. 34 was rejected.

Mr. METCALF. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CHURCH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOMINICK. Mr. President, I call up amendment 37 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 17, line 20, it is proposed to strike the words "restrictions and".

Mr. METCALF. Mr. President, during the course of the committee action, when this amendment was offered, I resisted it because I did not know what effect the use of the words "restrictions and" would have on the Taylor Grazing Act, title 43, section 315, and the following. The headnotes in the Taylor Grazing Act provide authority for the Secretary of the Interior to impose restrictions, and down through the various sections of that act there are also provisions for restrictions.

Since that time I have had an opportunity to make some research into this question, and I find that the term "regulation" and the term "restriction" are frequently used as synonymous. For instance, "regulation," according to Webster's Dictionary, means:

A regulating principle or law; specifically a rule or restriction prescribed and enforced by constituted authority for the sake of order, uniformity, discipline, etc.; as the regulations of a school or society.

"Restriction" means:

That which restricts; a limitation; a qualification; a regulation which restricts or restrains; as, to make restrictions; new restrictions for hunters.

The use of the term "regulation" in a statute is very comprehensive. *City of*

Madison v. So. Wisconsin Ry. Co., 146 NW., 492,500; 156 Wisconsin 352.

In the case of *Stone v. Cray*, 89 N.H. 483, 200 A. 517, the court said: "Restrictions can be embraced in regulations." It was that court that talked about the legislative "language of redundancy and synonyms." And many cases hold that where we indulge in this legislative tautology and say "rules and regulations," "regulate and control," or "regulations and restrictions," the words are synonymous.

The point is made that use of the word "restriction" would permit arbitrary and discriminatory action on the part of the Secretary and of course that is to be avoided. Under the general and accepted meaning of the word "regulation" it gives the Secretary adequate authority to make the regulations that are necessary to carry out the intent of the act; namely, the preservation of the area.

In the course of a short research on this question I found a case in which authorization to regulate sale of liquor carried with it authority to restrict sales in certain areas. Authorization to regulate traffic permitted a restriction of truck and commercial traffic to certain streets, et cetera.

I have come to the conclusion that when one uses the words "restrictions" and "regulations" together they are synonymous, and the cases so hold; and that it is only a matter of redundancy to use an additional word. Therefore, there would be plenty of authority in the hands of the Secretary to impose, if necessary, grazing regulations if the amendment were agreed to.

Lastly, of course, under the provisions of the Constitution, the Congress has authority to take care of the property of the United States under such regulations as it may care to make.

The word "regulations" is good enough for me. I would suggest that the Senator in charge of the bill accept the amendment.

Mr. DOMINICK. I thank the Senator.

Mr. CHURCH. Mr. President, I concur in the remarks and the interpretation made by the Senator from Montana. I am willing to accept the amendment. I suggest a voice vote.

The PRESIDING OFFICER. Do the Senators yield back their remaining time?

Mr. CHURCH. I yield back the remainder of my time.

Mr. DOMINICK. Mr. President, I yield back my remaining time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to amendment No. 37.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOMINICK. Mr. President, I call up amendment No. 36 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 17, line 2, it is proposed to strike out the

word "President" and substitute in lieu thereof the words "appropriate Secretary."

Mr. DOMINICK. Mr. President, this is a simple amendment both in language and in meaning. If I may have the attention of Senators for a few moments, I think we can dispose of it also by a voice vote.

I strongly urge that the Senator in charge of the bill think carefully about the amendment.

The language as it now prevails in the bill would give to only the President the power to authorize prospecting or mining or the establishment and maintenance of reservoirs, water conservation lines, transmission lines, and other facilities needed in the public interest, and only when he determined that this would better serve the interests of the United States.

This is particularly important in the water development field. That is the point I am trying to make.

What the senior Senator from Colorado [Mr. ALLOTT] has offered, in conjunction with myself, is a provision which would simply substitute the words "appropriate Secretary" for the word "President."

I think we are all aware of the great burdens which fall on the President of the United States. On the other hand, the Secretary of the Interior or the Secretary of Agriculture, as the case may be, is specifically designated by Congress to deal with the problems we shall be facing in respect to this particular provision.

It seems to me only proper to permit those who are best qualified on this particular subject to make the decision.

I am relatively positive that no President, regardless of who he may be, would make such a decision without a recommendation of the appropriate Secretary. Therefore, why not take some of the burden off the President and put it on the Secretaries who know more about the subject?

I reserve the remainder of my time.

Mr. CHURCH. Mr. President, I yield to the distinguished Senator from New Mexico [Mr. ANDERSON] such time as he may require.

Mr. ANDERSON. Mr. President, this question was discussed in committee. The reason we left the language in as it is in the bill is that there are certain functions which do not relate to a Secretary, appropriate or otherwise. It is all very well to say, "Leave it to the Secretary, and not the President," but what are we to do when the Federal Power Commission is involved? The Federal Power Commission is involved in transmission lines.

While I agree with the Senator from Colorado that the President would take the advice of the appropriate Secretary when the Department of Agriculture and the Department of the Interior were involved, for example, other departments may be involved. I think it is wise to leave in the word "President" rather than say "appropriate Secretary."

I hope the amendment will be defeated, because while we know the Federal Power

Commission is one agency that may be involved, it is also true that other agencies may be involved. I would dislike to reach the point where there was no "appropriate Secretary," and no action could be taken.

The Senator from Colorado has correctly pointed out that the President would take the advice of the appropriate Secretary, but I believe the language should remain "the President." I hope the amendment will be defeated.

I suggest that the remainder of the time be yielded back and that there be a voice vote on the amendment.

Mr. CHURCH. Mr. President, I yield back the remainder of my time.

Mr. DOMINICK. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to amendment No. 36.

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

Mr. ANDERSON. Mr. President, I do not think there is any provision as to whether or not the time for the quorum call be taken out of the existing time allotted, but I ask unanimous consent that the time for taking the quorum call be not charged to either side.

Mr. DOMINICK. Mr. President, I withdraw my suggestion of the absence of a quorum temporarily, and yield to the Senator from Iowa [Mr. MILLER].

Mr. MILLER. Mr. President, I send to the desk an amendment and ask to have it stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Iowa will be stated.

The CHIEF CLERK. It is proposed to strike out lines 19 through 25 on page 16, and insert in lieu thereof the following:

(1) Within the wilderness system the use of aircraft or motorboats where these practices have already become established shall be permitted to continue subject to such regulations as the appropriate Secretary finds necessary. In addition, such measures may be taken as are necessary in the control of fire, insects, and diseases, subject to such regulations as the appropriate Secretary finds necessary.

Mr. MILLER. Mr. President, I believe this amendment merely ties down the language a little more neatly. It conforms with a previously adopted amendment changing the word "restrictions" to "regulations" and also the word "conditions" to "regulations," so the Secretary will actually be issuing regulations.

It also provides the mandatory word "shall" rather than the word "may," under the conditions set forth in the paragraph of the bill.

I have discussed the amendment with the Senator in charge of the bill. I understand there is no objection to it.

Mr. ANDERSON. Mr. President, will the Senator from Iowa give us a moment to take another look at it?

Mr. MILLER. Mr. President, there is no intention to inhibit the effectiveness

of the bill, but I believe, on the basis of my experience in working on this particular bill in the previous session, when I had the honor of being a member of the Committee on Interior and Insular Affairs, that it will meet the requirements and desires a little better than the present language.

Mr. CHURCH. Mr. President, we have reviewed the language of the amendment. We see no particular objection to it. The purpose of the original language was to preserve intact the practice, wherever airplanes or motorboats have been used to go into primitive areas, that is, wherever the practice has been established. The Senator from Iowa believes his language makes more definite the intent of the committee. We have no objection to accepting it. We find the language unobjectionable.

Mr. MILLER. Mr. President, I yield back the remainder of my time.

Mr. CHURCH. Mr. President, I yield back the remainder of my time. I suggest that a voice vote be taken on the amendment.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Iowa [Mr. MILLER].

The amendment was agreed to.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. What is the present status of the bill?

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum. Let me say, in conjunction with this request, that I understand the majority leader said that the time taken for a quorum call would not come out of the time of either side.

Mr. ANDERSON. Mr. President, I did not hear the announcement, but I would agree to such an arrangement.

I ask unanimous consent that that be done, if there is any question.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. ANDERSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. McIntyre in the chair). Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I call up amendment 32 and ask for the yeas and nays on it.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

(f) Any recommendation of the President made in accordance with the provisions of this section shall take effect upon the day following the adjournment sine die of the first complete session of the Congress following the date or dates on which such recommendation was received by the United

States Senate and the House of Representatives; but only if prior to such adjournment Congress approves a concurrent resolution declaring itself in favor of such recommendation: *Provided*, That, in the case of a recommendation covering two or more of the areas covered or parts thereof.

The PRESIDING OFFICER. Is the request for the yeas and nays sufficiently seconded?

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I approach the discussion of the pending amendment with some hesitation, only because I am afraid I cannot do as much justice to it as Senator ALLOTT could do if he were here. It is extremely unfortunate, in my opinion, that he is unable to be with us today. Obviously he is unable to because of a death in his family.

This is probably the most important amendment we will consider in connection with the pending bill. In fact, I am sure it is. This does not involve merely the bill; it involves also the concept of whether Congress will retain affirmative control over the public lands of the United States, or whether it will simply retain the veto power over the exercise of judgment by the Secretaries of the various departments that are involved.

It is worthwhile noting that with respect to almost all phases of activity connected with the Department of Agriculture or with the Department of the Interior, which are involved in this particular bill, before public lands can be classified for a particular purpose, or used in a different way, affirmative action must be taken by Congress.

I brought this up yesterday in the process of the discussion, and I pointed out that with respect to any reclamation project in the western area of the country, we must first authorize the project, after it has been investigated by the Department, and then we appropriate funds for it.

I pointed out that in the case of setting aside of public lands for national parks, Congress determines the degree of land and the amount of land that will be included within national parks, and does it upon the recommendation of the Secretary, and following hearings all the way through.

I pointed out, and I believe it should be repeated today, that in subsection (h) of the pending bill, on page 11, there is this provision:

ADDITION OR ELIMINATION NOT PROVIDED FOR IN THIS ACT

(h) The addition of any area to, or the elimination of any area from, the wilderness system which is not specifically provided for under the provisions of this Act shall be made only after specific affirmative authorization by law for such addition or elimination.

In the Park System, as in the wilderness bill itself, we have the provision that additions to it and eliminations from it shall be by affirmative authorization.

In connection with reclamation projects, affirmative action is required.

I might say that I do not know of an instance in which Congress does not retain affirmative control, except in two

cases; the first is in the Reorganization Act, which is merely a reorganization of the executive branch. It does not involve our basic land policy. The other is in the pending bill as it is now proposed.

The defense for the present situation, that the recommendation of the executive branch becomes final unless Congress vetoes it, is that this is the only way in which we can be sure of getting a vote on every recommendation that is made.

I would say that although this statement has been made, it is begging the basic issue. Obviously, we can get a vote on any subject if we fight for it long enough. We have done that in connection with civil rights legislation, which has been a subject of some concern to this body on many occasions. However, civil rights legislation has come up and has been passed.

We have done it in the House. There are a good many methods by which bills can be brought before the other body for some kind of action. It could be true here. To say that we could not get a vote on these matters, because so and so or such and such a thing would not do something or take certain action, is not dealing with the basic issue. It is finding an expedient and using it in the face of a principle which is the very subject of this amendment. That principle, I repeat, is the question of whether or not Congress will retain its affirmative control over the public lands and the public land policy. What would this involve? What would it mean? It does not mean as much as appears on the surface except with respect to the principle that is involved.

We shall be blanketing in automatically all wilderness, wild, and canoe area—8,220,403 acres. That acreage will be blanketed into the wilderness system regardless of what happens.

Under the bill, we shall be including initially 6,098,532 acres of area classified as primitive. This area will be subjected to review by the Secretary over a period of 10 years. He will submit his recommendations to Congress. Under the bill as it is now written, those recommendations will become final unless either House of Congress vetoes them. Under the provision as proposed in the amendment, if adopted, those recommendations would be made to the committees, and the committees would determine whether action should be taken upon them or whether it should not.

In addition, there is the National Park System, which must be reevaluated under the provisions of the bill. The National Park System comprises 22,560,000 acres, all of which would be subjected to review in connection with the wilderness system to determine which portions ought to go into wilderness and which would remain in national park status. Each of these areas would be automatically taken within the wilderness system or eliminated from it upon the recommendation of the Secretary, unless Congress vetoed the proposal.

It seems to me that Congress ought to retain its control over the National Park

System. We should say that we, as representatives of the people of the country, will determine for ourselves whether a certain portion of this system should be placed within the wilderness system.

The national wildlife refuges comprise 28,554,014 acres. These are public lands that belong to all the people. They should be reviewed by the representatives of the people to determine whether they should be included in the wilderness system, or whether they should be locked up and not used, or whether they should remain in the national wildlife refuges or national parks, where they will be open to the people who use those areas.

I repeat what I have said before: I should like nothing better than to be in a position to vote for a legislative wilderness system. However, I am not willing to do so on the basis of a compromise with the principle involved in the amendment. The principle involved in the amendment is whether Congress will retain control over the National Park System, the national wildlife refuges, the primitive areas, and the wilderness system itself, or whether it will simply dispose of such control and keep only a right of veto. Certainly a right of veto is useful. It is more than we now have; I am willing to admit that. But when we have a proposal under which Congress can regain the necessary power over the public lands of the country which was given to it originally, it seems to me we ought to take what we can put into the law for a fruitful purpose, so that we will have the opportunity to decide, after hearings, which portions of the public lands will be included within which portions of the particular systems concerned.

Mr. JORDAN of Idaho. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield to the distinguished Senator from Idaho.

Mr. JORDAN of Idaho. Mr. President, I wish to associate myself with the remarks of the distinguished junior Senator from Colorado. I doubt if there is a Senator who is more in favor of preserving a segment of our country in its natural state, for the enjoyment of present and future generations, than I. I can think of few things more wasteful and thoughtless than to destroy all the primeval areas in our Nation, so that future generations could never see for themselves what this continent was like centuries ago. But there are honest differences of opinion as to the best way to accomplish this purpose.

I wish to speak in support of the pending amendment to the wilderness bill, an amendment which I am privileged to cosponsor with the senior Senator from Colorado [Mr. ALLOTT] and other Senators. I think the amendment is a good one; in fact, I think it is vital to the success of any wilderness bill.

The theory and practice of American constitutional government has been that Congress shall pass measures and the Executive shall have the veto power, with Congress retaining the power to override such a veto by a two-thirds vote. Under

the pending bill, as reported by the committee, this process would be reversed, because the Executive would make the recommendations, leaving to Congress the power to veto.

The process established by the committee bill is not in accordance with the usual congressional procedures, but follows the outline set up by the Reorganization Act of 1947, which relates to changes in the executive branch of the Government, not to methods of handling public lands owned by the Federal Government.

Those who claim that the amendment would harm the overall wilderness bill are in a sense indicting our traditional legislative process. In the past, Congress has acted, without any undue hardship, on many pieces of legislation similar to those which would be involved in the approval of future wilderness areas.

The present congressional procedures relative to natural resources development are the time-honored processes. At present, all such actions are taken by affirmative action. Congress must affirmatively act to include within the wilderness system all lands not now designated for specific uses; Congress must take affirmative action to create national parks from forest lands; and Congress must take specific action to authorize reclamation projects which are in the public lands system. I cannot understand why there is any justification for making a congressional procedure for wilderness areas the sole exception to the regular process of dealing with public lands.

The procedure established by the committee bill is based on the outline of the Reorganization Act of 1947. This act grew out of the Hoover report and was passed to give the President more of an opportunity to reorganize the Government according to what he felt was necessary. That is not the same as dealing with public lands. Here we are dealing with the fundamental responsibility over the assets of the United States. These assets belong to all the people.

When Congress delegated this present power to the Secretary of Agriculture, I believe it was negligent of its duties. I hope that today we will take back that power.

If the attention of the whole Congress were focused on each individual area proposed for wilderness by holding congressional hearings, there would be much more assurance that this land would be properly classified for its highest use. I understand that the bill calls for congressional hearings, but only if resolutions have been submitted to disapprove the President's recommendations. If no such resolutions are submitted, no hearings will be held, and the President's recommendations will become law.

The dedication of any area to a single use, whatever the purpose, is premature until it is justified by thorough study. Congressional hearings would certainly afford an opportunity for more of such study. Who knows, at this time, what hidden mineral wealth, for instance, might be found under these lands? Fifty years ago, not only was the need for

uranium and its use unknown, but the actual metal itself existed in obscurity. Who is to say what unknown metal will be vital to the survival of this country in future years? How can such ores be found in wilderness areas if such areas cannot be prospected by modern methods?

S. 4 would permanently set aside for exclusive and extremely limited wilderness use some 3 million acres of public lands in Idaho. Much of this acreage has never been objectively evaluated for multiple-use potential. Its mineral potential is virtually unknown. Some of it has not even been surveyed.

I urge the the Senate to approve the amendment, because I believe it is vital to the bill. I believe we should have a wilderness system to preserve some primeval areas of our country. I believe that to do this we must pass a wilderness bill. But I am not willing to vote for a wilderness bill which does not protect the people of the country from the precipitate actions of the Secretary of Agriculture and the Secretary of the Interior. I want a wilderness bill which will restore to us the traditional congressional review and controls which were set aside by earlier congressional action.

I urge Senators to support the amendment offered by the senior Senator from Colorado [Mr. ALLOTT], by myself, and by other Senators.

Mr. DOMINICK. I thank the Senator from Idaho for what I believe is a pertinent and statesmanlike presentation concerning this problem. Does the Senator agree that in this amendment we are dealing with an extraordinarily important concept?

Mr. JORDAN of Idaho. Indeed, I do.

Mr. HRUSKA. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. Mr. President, I yield 5 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I rise in support of the Allott amendment proposed by the senior Senator from Colorado and cosponsored by 14 other Senators which would require the Congress to act affirmatively upon any recommendations made by the President relating to the inclusion of additional wilderness areas. This amendment merely provides that the Congress shall rightfully perform the duties with which it is charged under the Constitution.

Each of us must take his responsibilities most seriously in performance of his legislative duties. We have been sent here by the people of our individual States to carry on the public business.

I, for one, consider the provision of article IV, section 3, clause 2, of the Constitution overwhelming importance in the consideration of the legal question involved in the situation at hand. That provision grants to the Congress the right and the power to dispose of and make regulations with regard to the public lands belonging to the United States. It does not confer any powers upon the executive branch of the Government or officials representing departments and agencies of the executive.

It is our function to make the laws of this country. The Congress of the

United States should have affirmative control over the manner in which the public lands are administered and developed. The Congress should not delegate such authority to agencies of the Government which are not directly responsible to the will of the people as expressed by their elected representatives.

Under the provisions of the bill, as recommended by the committee, Congress would retain only a small measure of control. If the Congress did not approve of the President's recommendations, it could take action indicating its displeasure. This, of course, is a negative approach to the problem, and does not in any way keep the control of the public lands of the United States where it properly belongs—in the hands of the Congress.

In connection with the bill before us, no sound reason for the abdication of our legislative responsibilities in this area is presented. All too often, we have permitted the departments and the other executive agencies to make legislative regulations or to take other actions which constitute legal action having the full force and effect of legislative enactments by the Congress. We are constantly diminishing the effective control and force of the Congress in those areas. Once such powers have been given, it is rare that they are ever again recaptured by the Congress.

In a search for precedent, we can look to the case of *Newhall* against Sanger, decided by the Supreme Court of the United States in 1875. The Court held that "the Government holds public lands in trust for the people, to be disposed of so as to promote the settlement and ultimate prosperity of the States in which they are situated."

Thus, we see that Congress is the trustee, and that it is the obligation and the duty of Congress to determine the use of our public lands in such ways that the greatest benefits from those lands accrue to the maximum number of our citizens.

There is no sound, acceptable reason why we should enact legislation which will delegate our obligation to the executive agencies, under a provision which severely limits the amount of control which Congress can exercise. The committee bill would shift the responsibility to such an extent that we could not then properly retain our responsibilities and would function as trustees for the citizens in developing the public lands. I, for one, cannot agree to abdicate this congressional responsibility, which rests upon us under the Constitution.

The voice of the public can always be heard in Congress. I am not satisfied that the voice of the public will be adequately or satisfactorily heard by executive officials. I do not believe that we can say today what will be the most effective use of the public lands for any appreciable time in the future.

I do not believe that executive officials can better predict such future uses. They are in a less favorable position to protect the interests of our citizens in the use of the public lands. Elected offi-

cial are closer to the people, and are responsible, and responsive to them.

This Nation became great during the period of westward expansion. The West is still being opened. We may yet find much in the way of new products and new uses for our natural resources, including our timber, our mines, our water, and our power. Many great industries have been built upon the idea of the multiple-use concept of public land. These industries have contributed to a greater gross national product and to a higher standard of living for our country.

I favor the wilderness use of the public lands, but I think that it is only one type of use to which these lands may be put. This use should be balanced with other uses. We can foresee the day when we shall need to make use of untapped natural resources for our expanding population and for its civilian and industrial needs.

It is my opinion that Members of Congress must ever be alert to exercise properly their legislative responsibilities. Unless we are willing to face up to those responsibilities, Congress will come into a period of decline in its proper functions and into disrepute with the public.

In that connection, Mr. President, I may say that in books, in magazine articles, and by commentators generally, there is currently being expressed considerable criticism of the Congress for functioning under outmoded rules and procedures. Certainly those critics who are Members of the Congress should support this amendment, because it will enable the Congress to retain the powers delegated to it under the Constitution. Even if there are outmoded procedures in the Congress, the solution should not be the derogation or the limitation of those powers. In that event, the powers rightfully belonging to Congress would be exercised by others.

So, Mr. President, let us retain and exercise our powers, as envisioned in and granted under the Constitution. Let us not surrender them.

It is my sincere hope that the amendment offered by the Senator from Colorado will be adopted. The control which it seeks to achieve by affirmative action by Congress is necessary and essential to the proper carrying out of congressional responsibilities. The amendment seeks to prevent a clear and repugnant abdication of congressional responsibility.

I am grateful to the Senator from Colorado for allowing this much time to me.

Mr. President, I wish to pay tribute to the junior Senator from Colorado for his lucid and straightforward presentations during debate on this bill. The sad event of the death of Senator ALLOTT's mother made it impossible for him to be here for today's discussion of a measure in which he has an abiding interest and concern.

Senator DOMINICK has been a splendid advocate for his colleague. His sharp, analytical approach has been of great help to all of us here in the chamber. I heartily commend him for an outstand-

ing presentation and suggest that the Senate is indeed fortunate to have men of his ability among its membership.

Mr. DOMINICK. Mr. President, I sincerely thank the Senator from Nebraska for the very, very fine statement he has made. If I may say so, it bears out the recognition dinner which was given him a few days ago in Nebraska, which I had the honor to attend.

Mr. HRUSKA. Mr. President, I am grateful for the attendance there of the Senator from Colorado.

Mr. DOMINICK. Mr. President, I would say to the Senator from Nebraska that in the hearings before our committee there was specific testimony by Mr. Cline, who is a lawyer and is chairman of the Federal Legislative Committee of the Rocky Mountain Oil and Gas Association. On pages 48 and 49 of the hearing record we find that, after quoting clause 2 of section 3, of the Constitution—the part of the Constitution which grants to Congress the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, he said:

What attitude should Congress have in exercising this power? The Supreme Court as early as 1875 in the case of *Newhall v. Sanger* held:

"The Government holds public land, in trust for the people, to be disposed of so as to promote the settlement and ultimate prosperity of the States in which they are situated."

In my filed statement there are further cases cited. Thus, under the Constitution, Congress acts as trustee in determining the use of public lands for the greatest benefit of maximum number. This means that the best management of public lands should be determined affirmatively by Congress giving due regard to whatever use or combination of uses offers the greatest good to the greatest number.

Accordingly, we believe that Congress should retain its full authority in order to fulfill its responsibilities as trustee of the public domain. In doing so, it should require the various governmental agencies supporting particular uses to prove which use or uses which will result in the greatest benefit to the maximum number. Such use should not be determined in a proceeding before an executive agency in which the stated presumption is that exclusive wilderness use is the highest use. The justification for any proposed use should be shown to Congress for its decision.

Mr. President, it seems to me this is the basic principle with which we are faced in connection with the amendment. It is the basic principle which is before us in connection with so many other legislative propositions. In all the cases of which I have awareness—including, as I have said, our action on national parks; our additions to the wilderness system, as proposed in this bill; our action on reclamation projects; and our action in regard to almost any phase of the disposition of the public lands—that action has been through affirmative acts of Congress.

Therefore, I cannot see either the justification or the need for shifting these around, so that the Executive will initiate and the Congress will veto. Certainly that would be a far cry from the

system under which our Government was created.

Mr. President, I reserve the remainder of the time under my control.

Mr. CHURCH. Mr. President, I have listened with interest to the arguments that have been presented on behalf of this amendment. I must say that I fail to comprehend them; for either the committee thoroughly misunderstands the present status of the law, or, I respectfully suggest, those who support the amendment misunderstand it. The arguments have been varied, but they have all related to one theme. The junior Senator from Colorado has said that the principle behind his amendment is whether Congress should retain control over the public lands. Other arguments have been advanced to the effect that the bill would not protect the people against precipitate actions by the Secretary of Agriculture. The distinguished Senator from Nebraska has even ventured that the bill represents some kind of abdication of congressional responsibility.

Such arguments are utterly incomprehensible to me.

I remind Senators that the amendment deals with primitive areas in the national forests. That is the question at issue. The present law delegates to the Secretary of Agriculture all the authority to create these primitive areas, to determine their boundaries, to add new areas, and to expand existing areas. If there ever was any abdication of congressional responsibility, it occurred years ago when all that power was removed from the Congress and placed in the executive agencies downtown.

The people of Idaho need not be reminded of the facts, for in this year alone the Secretary of Agriculture has established a wilderness area in our State—the Selway-Bitterroot area—which contains more than 1 million acres of public land.

He proposes to establish another wilderness area in the Sawtooth Mountains that will comprise approximately 200,000 acres of land. Does it require any congressional surveillance for him to do that? Is there any requirement in the law that his recommendation must first come to Congress for any kind of review, let alone approval? It does not. He now has the authority to set aside these enormous areas, and to designate them as wilderness, merely by the stroke of his pen.

So, Mr. President, what sense does it make to indict the bill as some kind of abdication of congressional responsibility when years ago all the authority was transferred to the executive agencies?

If we are really interested in restoring congressional responsibility, if we are really interested in talking sense about this bill, I suggest that one of the most powerful arguments that can be made for the measure is that it undertakes to restore to the Congress authority which we long ago delegated away.

What would the bill do? In the first place, it would provide, with respect to the areas that are presently being administered as wilderness—wilderness

areas, canoe areas, wild areas, and primitive areas—that they shall comprise the wilderness system.

As for the primitive areas, there will be a review over the next 10 years to determine what portions of the primitive areas will remain in the system. But, as regards any new addition, in years to come, to the wilderness system, the bill specifically provides that not a single new acre may be added to the system without an affirmative act of Congress. This provision completely restores the congressional prerogative with respect to any future additions to the wilderness system.

As to the primitive areas that for 20 years have been administered as wilderness, are now being administered as wilderness, and are made a part of the system subject to review, a veto is provided, so that any Presidential recommendation for permanently including any one of such primitive areas, or any portion of it, in the wilderness system, is subject to the veto of either House of Congress.

The committee has included this kind of provision for a reason. We know that the provisions of the Reorganization Act guarantee that any Member of this body, or the other body, who may object to a given Presidential recommendation, will have an opportunity, if the procedures in the bill are adopted, to bring his objection to a vote in the Senate or the House, as the case may be. The provisions of the Reorganization Act assure each Member of an opportunity to bring his objection to the floor and to have it acted upon.

Is there any Senator at all acquainted with the procedures of Congress who for one minute believes that if this amendment were agreed to, we would not then have the risk of having resolutions for approving Presidential recommendations bottled up in committee so that they would never reach the floor for a vote?

Those who desire to reestablish really effective congressional control are for the provisions of the bill. Adoption of the amendment would water down the restoration of congressional control, for, in many cases, resolutions would be bottled up and never get to the floor.

We strongly urge that the amendment be rejected upon the ground, first, that the most effective way to restore congressional control with respect to those areas that are to be reviewed is through the adoption of the veto procedure.

In that connection, I ask unanimous consent to have a report printed at this point in the RECORD. The report lists the provisions of Federal law relating to programs or activities which become effective if not disapproved or rejected by Congress within a prescribed time. I make the request in order to make it absolutely clear that the procedures of the bill are not novel, that they are well known to the Congress, and that they are in accordance with well-established practices in the Congress.

Mr. DOMINICK. Mr. President, I should like to ask the Senator from Idaho whether he knows that any of these deal with any public lands proposals.

Mr. CHURCH. The reports that I now ask to have printed appear in the

hearings beginning on page 172. I believe the Senator will find, in the transcript of the hearings, exactly what it is I should like to include in the RECORD.

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

PROVISIONS OF FEDERAL LAW RELATING TO PROGRAMS OR ACTIVITIES WHICH BECAME EFFECTIVE IF NOT DISAPPROVED OR REJECTED BY CONGRESS WITHIN A PRESCRIBED TIME

(NOTE.—The following list does not purport to give every such provision, but is, in general, representative of those appearing in the Federal statutes.)

Year 1943. Act of July 7, as amended (44 U.S.C. §§ 369-372): The Administrator of General Services is required to submit to Congress lists and schedules of Government records said to be lacking in preservation value, for examination by a joint congressional committee. If the committee fails to report on any list within 10 days prior to adjournment of the session, the Administrator may empower the agency having custody of such records to dispose of them in accordance with prescribed regulations.

Year 1945. Reorganization Act of December 20 (59 Stat. 616 § 6; not in code): Reorganization plans submitted by the President to Congress were to take effect at the expiration of 60 days of continuous session after submission, unless a concurrent resolution was passed stating that Congress did not favor the plan. (This act has been superseded by the Reorganization Act of 1949.)

Year 1946. Act of August 7 (60 Stat. 898, sec. 6; not in Code): The Secretary of the Navy is required to transmit to Congress proposals to dispose of obsolete naval vessels, and if Congress, after 60 days of continuous session, does not express its disapproval, the transfer of the vessels shall take effect.

The Secretary is also authorized to dispose of captured or condemned ordnance, etc., if Congress after being informed of the proposed disposal fails to disapprove within 30 days.

Year 1947. Act of December 30 (50 App. U.S.C., sec. 1917): Programs for production of foods in non-European foreign countries which are to be carried out by the Commodity Credit Corporation must be submitted to Congress and if not disapproved by concurrent resolution within 60 days, may become effective.

Year 1948. Act of June 25, as amended (28 U.S.C., secs. 2072, 2073, 2074): Rules of civil procedure for district courts, admiralty rules for district courts, and rules for review of decisions of the Tax Court prescribed by the Supreme Court of the United States shall not take effect until the expiration of 90 days after they have been reported to Congress.

Year 1949. Reorganization Act of June 20, as amended (5 U.S.C., sec. 133a-4): Reorganization plans submitted by the President to Congress shall take effect upon the expiration of 60 days of continuous session, after date submitted, unless either House passes a resolution stating its disfavor of the plan.

Year 1956. Small Reclamation Projects Act of August 6, as amended (43 U.S.C., sec. 422 (d)): No appropriation shall be made for financial assistance in the development of reclamation projects, prior to 60 days from the date the Secretary of the Interior submitted the proposed project to Congress, and then only if within the 60 days neither the House nor the Senate Interior and Insular Affairs Committee disapproves the proposed project.

Year 1958. Department of Defense Reorganization Act of August 6, (5 U.S.C., sec. 171a(c)): In order to provide for a more efficient administration of the Department, the Secretary of Defense is authorized to take appropriate steps to provide for the transfer,

abolition, or consolidation of functions. However, no function shall be substantially affected until 30 days after the proposed action has been reported to the Armed Services Committees of the Senate and the House of Representatives. If during such 30-day period either committee reports a resolution stating that the proposed action should be rejected, it shall not become effective until 40 days from the date of the resolution, and then only if such resolution has not been passed by the House to which it has been reported.

Year 1959. Act of June 25, as amended (10 U.S.C. § 2662): The Secretary of a military department may not enter into transactions relating to the acquisition, use, or disposal of real property until after the expiration of 30 days from the date upon which a report of the proposed transaction is submitted to the Committees on Armed Services of the Senate and House of Representatives.

Year 1960. Act of June 3 (75 Stat. 157 § 2; not in Code): Act authorizing construction of the San Luis unit of the Central Valley project in California provides that the Secretary of the Interior shall report to Congress upon agreements entered into, and he shall not commence construction thereon for 90 days from the date of his report.

Year 1960. River and Harbor Act of July 14 (74 Stat. 480-503): Under this Act a 60-day period is required to lapse after submission of reports to Congress, before work can be started (if within the period Congress does not disapprove) on such projects as—

- (a) Modification of Pascagoula Harbor, Miss. (p. 481);
- (b) Construction of sea-wall to protect against tidal waves, etc., Hilo Harbor, How. (p. 483);
- (c) Improvement of Missouri River between Sioux City and the Mouth (p. 485);
- (d) Construction of flood protection project in Gering and Mitchell Valleys, Nebraska (p. 495); and
- (e) Project for flood protection at Sioux Falls, S. D. (p. 495).

Year 1961. Arms Control and Disarmament Act of September 28 (Public Law 87-297 § 47 (b)): Proposals to transfer certain activities or facilities of a Government agency to the United States Arms Control and Disarmament Agency must be submitted by the President to Congress; and if, within the first period of 60 calendar days of regular session following receipt by Congress, neither House has adopted a resolution opposing it, the transfer will be made.

Mr. CHURCH. Mr. President, I ask unanimous consent also to have printed in the RECORD at this point a tabulation of the disposition of reorganization plans under the Reorganization Act of 1949. I do so to show how the veto procedure has been utilized in the past by the Congress.

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

Disposition of reorganization plans under Reorganization Act of 1949

	Approved	Rejected
1949.....	6	2
1950.....	2	7
1951.....	1	0
1952.....	2	3
1953.....	10	-----
1954.....	2	-----
1955.....	0	0
1956.....	0	2
1957.....	1	0
1958.....	1	0
1959.....	0	1
Total.....	43	15

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LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., May 24, 1961.

To Senate Committee on Interior and Insular Affairs.

From: American Law Division.

Subject: Sundry questions concerning the Reorganization Act of 1949.

(Attention of Mr. Stong.)

I. Which plans have become effective?

A. Reorganization Plans of 1949:

- 1. No. 2, Labor Department, 14 F.R. 5225, 63 Stat. 1065.
- 2. No. 3, Post Office Department, 14 F.R. 5225, 63 Stat. 1066.
- 3. No. 4, Executive Office of the President, 14 F.R. 5227, 63 Stat. 1067.
- 4. No. 5, Civil Service Commission, 14 F.R. 5227, 63 Stat. 1067.
- 5. No. 6, Maritime Commission, United States, 14 F.R. 5228, 63 Stat. 1069.
- 6. No. 7, Public Roads Administration, 14 F.R. 5228, 63 Stat. 1070.

B. Reorganization Plans of 1950:

- 1. No. 2, Justice Department, 15 F.R. 3173, 64 Stat. 1261.
- 2. No. 3, Interior Department, 15 F.R. 3174, 64 Stat. 1262.
- 3. No. 5, Commerce Department, 15 F.R. 3174, 64 Stat. 1263.
- 4. No. 8, Labor Department, 15 F.R. 3174, 64 Stat. 1263.
- 5. No. 8, Federal Trade Commission, 15 F.R. 3175, 64 Stat. 1264.
- 6. No. 9, Federal Power Commission, 15 F.R. 3175, 64 Stat. 1265.
- 7. No. 10, Securities and Exchange Commission, 15 F.R. 3175, 64 Stat. 1265.
- 8. No. 13, Civil Aeronautics Board, 15 F.R. 3176, 64 Stat. 1266.
- 9. No. 14, Labor Standards Enforcement, 15 F.R. 3176, 64 Stat. 1267.
- 10. No. 15, Alaska and Virgin Islands Public Works, 15 F.R. 3176, 64 Stat. 1267.
- 11. No. 16, Certain education and health functions, 15 F.R. 3176, 64 Stat. 1268.
- 12. No. 17, Public works advance planning and other functions, 15 F.R. 3177, 64 Stat. 1269.
- 13. No. 18, Building and space management functions, 15 F.R. 3177, 64 Stat. 1270.
- 14. No. 19, Employees' Compensation functions, 15 F.R. 3178, 64 Stat. 1271.
- 15. No. 20, Statutes at Large and other matters, 15 F.R. 3178, 64 Stat. 1272.
- 16. No. 21, Maritime Administration and Federal Maritime Board, 15 F.R. 3178, 64 Stat. 1273.
- 17. No. 22, Federal National Mortgage Association, 15 F.R. 4365, 64 Stat. 1277.
- 18. No. 23, Loans for factory built houses, 15 F.R. 4365, 64 Stat. 1279.
- 19. No. 25, National Security Resources Board, 15 F.R. 4565, 64 Stat. 1280.
- 20. No. 26, Treasury Department, 15 F.R. 4935, 64 Stat. 1280.

C. Reorganization Plans of 1951:

1. No. 1, Reconstruction Finance Organization, 16 F.R. 3690, 65 Stat. 773.

D. Reorganization Plans of 1952:

- 1. No. 1, Internal Revenue Bureau, 17 F.R. 2243, 66 Stat. 823.
- 2. No. 5, Government of District of Columbia, 63 Stat. 203.

E. Reorganization Plans of 1953:

- 1. No. 1, Health, Education, and Welfare Department, 18 F.R. 2053, 67 Stat. 631.
- 2. No. 2, Agriculture Department, 18 F.R. 3219, 67 Stat. 633.¹
- 3. No. 3, Office of Defense Mobilization, 18 F.R. 3375, 67 Stat. 634.
- 4. No. 4, Justice Department, 18 F.R. 3577, 67 Stat. 636.
- 5. No. 5, Export-Import Bank of Washington, 18 F.R. 3741, 67 Stat. 637.
- 6. No. 6, Defense Department, 18 F.R. 3743, 67 Stat. 638.

F. Reorganization Plans of 1954:

- 1. No. 1, Foreign Claims Settlement Commission, 19 F.R. 3985, 68 Stat. 1279.
- 2. No. 2, Reconstruction Finance Corporation, liquidation of certain affairs of, 19 F.R. 3986, 68 Stat. 1280.

G. Reorganization Plans of 1955: none.

H. Reorganization Plans of 1956: none.

I. Reorganization Plans of 1957:

- 1. No. 1, Abolition of the Reconstruction Finance Corporation, 22 F. R. 4633, 71 Stat. 647.
- J. Reorganization Plans of 1958:
- 1. No., Civilian Mobilization, 23 F. R. 4991, 72 Stat. 1797.
- K. Reorganization Plans of 1959: none.

¹ Fountain motion to discharge No. 2 was rejected June 3, 1953, by the House 128 to 261, with 41 not voting.

7. No. 7, Foreign Operations Administration, 18 F.R. 4541, 67 Stat. 639.

8. No. 8, United States Information Agency, 18 F.R. 4542, 67 Stat. 642.

9. No. 9, Council of Economic Advisers, 18 F.R. 4543, 67 Stat. 644.

10. No. 10, Air Carriers, payments to, 18 F.R. 4543, 67 Stat. 644 (Repealed by Public Law 85-726, title XIV, sec. 1401(c), August 23, 1958, 72 Stat. 806).

F. Reorganization Plans of 1954:

- 1. No. 1, Foreign Claims Settlement Commission, 19 F.R. 3985, 68 Stat. 1279.
- 2. No. 2, Reconstruction Finance Corporation, liquidation of certain affairs of, 19 F.R. 3986, 68 Stat. 1280.

G. Reorganization Plans of 1955: none.

H. Reorganization Plans of 1956: none.

I. Reorganization Plans of 1957:

- 1. No. 1, Abolition of the Reconstruction Finance Corporation, 22 F. R. 4633, 71 Stat. 647.

J. Reorganization Plans of 1958:

- 1. No., Civilian Mobilization, 23 F. R. 4991, 72 Stat. 1797.

K. Reorganization Plans of 1959: none.

(5 U.S.C. § 1332-3. (b) No provision contained in a reorganization plan shall take effect unless the plan is transmitted to the Congress before June 1, 1961. (June 20, 1949, ch. 226, title I, § 5, 63 Stat. 205; Feb. 11, 1953, ch. 3, 67 Stat. 4; Mar. 25, 1955, ch. 16, 69 Stat. 14; Sept. 4, 1957, Pub. L. 85-286, § 1, 71 Stat. 611).

(See Public Law 87-18, April 17, 1961).

II. Which plans were rejected by the Congress?

(5 U.S.C. § 1332-4. (a) Except as may be otherwise provided pursuant to subsection (c) of this section, the provisions of the reorganization plan shall take effect upon the expiration of the first period of sixty calendar days of continuous session of the Congress, following the date on which the plan is transmitted to it; but only if, between the date of transmittal and the expiration of such sixty-day period there has not been passed by either of the two Houses a resolution stating in substance that that House does not favor the reorganization plan).

A. Reorganization Plans of 1949:

- 1. No. 1, Department of Welfare (S. Res. 147—Disapproving Reorganization Plan No. 1 of 1949.)

Introduced by Mr. Fulbright, Mr. Taft, and Mr. Hunt; referred to the Committee on Expenditures in the Executive Departments (CONGRESSIONAL RECORD, volume 95, part 8, page 10399).

Reported back (S. Rept. 851) (CONGRESSIONAL RECORD, volume 95, part 8, page 10936). Minority views (S. Rept. 851, pt. 2) (CONGRESSIONAL RECORD, volume 95, part 8, page 11023).

Remarks on (CONGRESSIONAL RECORD, volume 95, part 8, page 11098).

Individual views (S. Rept. 851, pt. 3) (CONGRESSIONAL RECORD, volume 95, part 8, page 11237).

Debated (CONGRESSIONAL RECORD, volume 95, part 9, page 11520).

Passed Senate (CONGRESSIONAL RECORD, volume 95, part 9, page 11561).

2. No. 8, Department of Defense (H.R. 5632 passed in lieu of (CONGRESSIONAL RECORD, volume 95, part 8, page 11288 et seq.)).

B. Reorganization Plans of 1950:

- 1. No. 1, Comptroller of the Currency. (S. Res. 246—Disapproving Reorganization Plan No. 1 of 1950.)

Introduced by Mr. Robertson; referred to the Committee on Expenditures in the Executive Departments (CONGRESSIONAL RECORD, volume 96, part 4, page 4446).

Reported back (S. Rept. 1518) (CONGRESSIONAL RECORD, volume 96, part 5, page 5675).

Debated and passed Senate (CONGRESSIONAL RECORD, volume 96, part 5, page 6891).

2. No. 4, Department of Agriculture.

(S. Res. 263—Disapproving Reorganization Plan No. 4 of 1950.)

Introduced by Mr. Holland, Mr. Schoepfel, Mr. Johnston of South Carolina, and Mr. Thye; referred to the Committee on Expenditures in the Executive Departments (CONGRESSIONAL RECORD, volume 96, part 4, page 5560).

Reported back (H. Rept. 1566) with minority views (CONGRESSIONAL RECORD, volume 96, part 5, page 7065).

Debated and passed Senate (CONGRESSIONAL RECORD, volume 96, part 6, page 7225).

3. No. 7, Interstate Commerce Commission (S. Res. 253—Disapproving Reorganization Plan No. 7 of 1950).

Introduced by Mr. JOHNSON of Colorado; referred to the Committee on Expenditures in the Executive Departments (CONGRESSIONAL RECORD, volume 96, part 4, page 5058).

Reported back (H. Rept. 1567) with minority views (CONGRESSIONAL RECORD, volume 96, part 5, page 7065).

Debated and passed Senate (CONGRESSIONAL RECORD, volume 96, part 6, page 7154).

4. No. 11, Federal Communications Commission (S. Res. 256—Disapproving Reorganization Plan No. 11 of 1950).

Introduced by Mr. JOHNSON of Colorado; referred to the Committee on Expenditures in the Executive Departments (CONGRESSIONAL RECORD, volume 96, part 4, page 5058).

Reported adversely (H. Rept. 1564) (CONGRESSIONAL RECORD, volume 96, part 5, page 7065).

Passed Senate (CONGRESSIONAL RECORD, volume 96, part 6, page 7173).

5. No. 12, National Labor Relations Board (S. Res. 248—Disapproving Reorganization Plan No. 12 of 1950).

Introduced by Mr. TAFT; referred to the Committee on Expenditures in the Executive Departments (CONGRESSIONAL RECORD, volume 96, part 4, page 4575).

Reported back (S. Rept. 1516) (CONGRESSIONAL RECORD, volume 96, part 4, page 5560).

Debated (CONGRESSIONAL RECORD, volume 96, part 4, page 5560; part 5, pages 6792, 6862, 6864).

Passed Senate (CONGRESSIONAL RECORD, volume 96, part 5, page 6886).

6. No. 24, Reconstruction Finance Corporation (S. Res. 290—Disapproving Reorganization Plan No. 24 of 1950).

Introduced by Mr. FULBRIGHT, referred to the Committee on Expenditures in the Executive Departments (CONGRESSIONAL RECORD, volume 96, part 6, page 7884).

Reported without recommendation (S. Rept. 1868) (CONGRESSIONAL RECORD, volume 96, part 7, page 9147).

Debated (CONGRESSIONAL RECORD, volume 96, part 7, pages 9673, 9680, 9682, 9683, 9688).

Passed Senate (CONGRESSIONAL RECORD, volume 96, part 7, page 9694).

7. No. 27, Department of Health, Education, and Security.

(H. Res. 647—Disapproving Reorganization Plan No. 27 of 1950.)

Introduced by Mr. Hoffman, of Michigan; referred to the Committee on Expenditures in the Executive Departments (CONGRESSIONAL RECORD, volume 96, part 6, page 8568).

Reported back (H. Rept. 2320) (CONGRESSIONAL RECORD, volume 96, part 7, page 9223).

Passed House (CONGRESSIONAL RECORD, volume 96, part 7, page 9843).

C. 1951—None.

D. Reorganization Plans of 1952:

1. No. 2, Post Office Department. (S. Res. 317—Disapproving Reorganization Plan No. 2 of 1952.)

Introduced by Mr. Johnston of South Carolina, Mr. McKellar, Mr. Neely, Mr. Langer, and Mr. Carlson; referred to the Committee on Government Operations (CONGRESSIONAL RECORD, volume 98, part 4, page 5140).

Reported back (S. Rept. 1747) (CONGRESSIONAL RECORD, volume 98, part 6, page 7128).

Minority views debated (S. Rept. 1747, pt. 2) (CONGRESSIONAL RECORD, volume 98, part 6, pages 7452, 7468).

Passed Senate (CONGRESSIONAL RECORD, volume 98, part 6, page 7495).

2. No. 3, Bureau of Customs. (S. Res. 331—Disapproving Reorganization Plan No. 3 of 1952.)

Introduced by Mr. George; referred to the Committee on Government Operations (CONGRESSIONAL RECORD, volume 98, part 5, page 6582).

Reported back (S. Rept. 1748) (CONGRESSIONAL RECORD, volume 98, part 6, page 7128).

Passed Senate (CONGRESSIONAL RECORD, volume 98, part 6, page 7508).

3. No. 4, Department of Justice. (S. Res. 330—Disapproving Reorganization Plan No. 4 transmitted to Congress by the President on April 10, 1952.)

Introduced by Mr. McCarran; referred to the Committee on Government Operations (CONGRESSIONAL RECORD, volume 98, part 5, page 6497).

Reported back (S. Rept. 1749) (CONGRESSIONAL RECORD, volume 98, part 6, page 7452).

Minority views (S. Rept. 1749, pt. 2) (CONGRESSIONAL RECORD, volume 98, part 6, page 7452).

Passed Senate (CONGRESSIONAL RECORD, volume 98, part 6, page 7495).

G. Reorganization Plans of 1955: none.

H. Reorganization Plans of 1956:

1. No. 1, Research and development programs, Department of Defense (H. Res. 534—Disapproving Reorganization Plan No. 1 transmitted to Congress by the President on May 16, 1956).

Introduced by Mr. Vinson; referred to the Committee on Government Operations (CONGRESSIONAL RECORD, volume 102, part 7, page 10076).

Reported (H. Rept. 2585) (CONGRESSIONAL RECORD, volume 102, part 9, page 11787).

Passed House (CONGRESSIONAL RECORD, volume 102, part 9, page 11886).

2. No. 2, Federal Savings and Loan Insurance Corporation (H. Res. 541—Disapproving Reorganization Plan No. 2 transmitted to Congress by the President on May 17, 1956).

Introduced by Mr. Fascell; referred to the Committee on Government Operations (CONGRESSIONAL RECORD, volume 102, part 8, page 10427).

Reported (H. Rept. 2599) (CONGRESSIONAL RECORD, volume 102, part 9, page 11788).

Passed House (CONGRESSIONAL RECORD, volume 102, part 9, page 11886).

I. Reorganization Plans of 1957: none.

J. Reorganization Plans of 1958: none.

K. Reorganization Plans of 1959:

1. No. 1, Transfer of certain functions to the Secretary of Agriculture (H. Res. 295—To disapprove Reorganization Plan No. 1 of 1959)

Introduced by Mr. Smith of Iowa; referred to the Committee on Government Operations (CONGRESSIONAL RECORD, volume 105, part 8, page 10583).

Reported (H. Rept. 586) (CONGRESSIONAL RECORD, volume 105, part 9, page 11990).

Debated (CONGRESSIONAL RECORD, volume 105, part 10, page 12740).

Passed House (CONGRESSIONAL RECORD, volume 105, part 10, page 12856).

III. Was the discharge procedure set out in 5 United States Code 133z-13 ever invoked?

Congressman FOUNTAIN moved to discharge plan No. 2 of 1953 and was defeated 128 to 261 on June 3, 1953.

IV. Examples of legislative veto.

(5 U.S.C. 133z-4). Effective date of reorganization specified in plan.

(a) Except as may be otherwise provided pursuant to subsection (c) of this section, the provisions of the reorganization plan shall take effect upon the expiration of the first period of 60 calendar days of continuous session of the Congress, following the date on which the plan is transmitted to it; but only if, between the date of transmittal and the expiration of such 60-day period there has

not been passed by either of the two Houses a resolution stating in substance that the House does not favor the reorganization plan.

Veto: (42 U.S.C. 2153).—Cooperation with other nations. No cooperation with any nation or regional defense organization pursuant to sections 2074 (foreign distribution of special nuclear material; compensation; distribution to agency), 2077 (unauthorized dealings in special nuclear material), 2094 (foreign distribution of source material), 2112 (foreign distribution of byproduct material), 2121 (authority of Commission), 2133 (commercial licenses), 2134 (medical therapy, research, and development licenses; limitation), or 2164 (international cooperation) of this title shall be undertaken until—

(d) Submission to the Congress, the proposed agreement for cooperation, together with the approval and determination of the President, if arranged pursuant to sections 2121(c), 2164(b), or 2164(c) of this title, has been submitted to the Congress and referred to the Joint Committee and a period of 60 days has elapsed while Congress is in session, but any such proposed agreement for cooperation shall not become effective if during such 60-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed agreement for cooperation.

(23 U.S.C. 104-(b)(5)). For the Interstate System for the fiscal years 1960 through 1969:

"In the ratio which the estimated cost of completing the Interstate System in each State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of completing the Interstate System in all of the States. Each apportionment herein authorized for the fiscal years 1960 through 1969, inclusive, shall be made on a date as far in advance of the beginning of the fiscal year for which authorized as practicable but in no case more than 18 months prior to the beginning of the fiscal year for which authorized. As soon as the standards provided for in subsection (b) of section 109 of this title have been adopted, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of completing the Interstate System as then designated, after taking into account all previous apportionments made under this section, based upon such standards and in accordance with rules and regulations adopted by him and applied uniformly to all of the States. The Secretary shall transmit such estimates to the Senate and the House of Representatives within 10 days subsequent to January 2, 1958. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1960, June 30, 1961, and June 30, 1962. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within 10 days subsequent to January 2, 1962. Upon approval of such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal years ending June 30, 1963, June 30, 1964, June 30, 1965, and June 30, 1966. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within 10 days subsequent to Jan-

uary 2, 1966, and annually thereafter through and including January 2, 1968. Upon approval of any such estimate by the Congress by concurrent resolution, the Secretary shall use such approved estimate in making apportionments for the fiscal year which begins next following the fiscal year in which such report is transmitted to the Senate and the House of Representatives. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives. In making the estimates of cost for completing the Interstate System as provided in this paragraph, the cost of completing any mileage designated from the one thousand additional miles authorized by section 108(1) of the Federal-Aid Highway Act of 1956 shall be excluded."

Mr. CHURCH. Mr. President, I should like to add a few words, and then I shall yield to other Senators who, I know, are anxious to speak.

It has been argued on behalf of the amendment that if Congress wishes to authorize a new reclamation project, it must be done by affirmative vote; and that is so.

It has been argued that if Congress wishes to set up a new national park, that it must be done by affirmative vote; and that is so.

It has been argued that this is the normal way in which Congress exercises its power; and that is so.

I merely remind my colleagues that the same is the case in respect to the pending bill. If Congress should wish to establish any new wilderness area or add anything new to the system, it would have to be done by affirmative vote, for the bill so provides.

There really is no substance, I submit, to the arguments made on behalf of this amendment. The present provisions of the bill represent the most effective method for restoring to Congress surveillance over the primitive areas which are to be permanently included in the system, and also would provide us with a full restoration of congressional prerogatives with respect to any new additions to the system.

For these reasons I think the arguments submitted on behalf of the amendment are self-defeating, and I urge that the Senate reject it.

Mr. DOMINICK. Mr. President, I think a few comments should be made in reply to the presentation of the distinguished Senator from Idaho.

As I said at the beginning of my presentation, I recognize that the executive department would have less control over the public lands under the terms of the bill as now written than it has at the present minute. But we are being asked to take a major step. We are asked to create a new system. We are asked to take the public lands, as the right and prerogative of Congress, and to create something new. If we are to do that within this system, we should retain control of what elements will go into it. That is the crux of it.

I should like to point out to the distinguished Senator from Idaho that this deals not only with primitive lands, but also with the national parks and with

the wildlife game refuges. For example, on page 6 of the bill it is stated:

There shall be incorporated into the wilderness system, subject to the provisions of and at the time provided in this section, each portion of each park, monument, or other unit in the national park system which on the effective date of this Act embraces a continuous area of five thousand acres or more without roads.

So we are asked to legislatively set aside portions of this automatically, to include them provided the Secretary so recommends within the 10-year period for review, and provided certain veto powers are not exercised when the recommendation comes to the Congress.

The wildlife refuges are included in that same type of context. They would be included, and therefore they would be modified, and the national park system would be subject to review and recommendation by the Secretary, and we would not have a thing to say about whether the Secretary was correct or not except to veto whatever action he might take.

The difficulty involved in the bill, it seems to me, is that we are asked to reverse what we should be doing in connection with determining what portions of the park system, wildlife refuges, primitive lands, and other areas should remain as they are and what portions should go under the wilderness system. It does not seem to me that we could retain adequate control over this unless we agreed to the amendment, to give Congress the affirmative rights to determine which portion is to go into which system. This is the principle for which we are really fighting.

Mr. President, I reserve the remainder of my time.

Mr. CHURCH. Mr. President, I have only one further remark.

The Senator from Colorado persists in the use of the word "retain." I think the record is clear that what we are attempting to do is restore powers in the Congress which have been hitherto delegated away. The question is not one of retaining congressional power, but adoption of a method by which we shall recapture congressional power.

I wish to make one further observation with respect to the pending amendment. The real mischief of the amendment is that if it were adopted—requiring concurrent affirmative consent of both Houses of the Congress to approve a Presidential recommendation to permanently include a given primitive area in the wilderness system—there would be no guarantee that we could ever get such a resolution to a vote, and we would then face the danger of having no congressional action taken with respect to large primitive areas.

Now the bill provides that if no congressional action is taken within a 10-year period, subject to some extension—with a maximum of 14 years—the whole area then will go out of the wilderness system and will be returned to ordinary forest lands. So the danger of this amendment is that if it should be adopted, not only would it fail to achieve the most effective form of congressional sur-

veillance, but it would present us with the hazard of losing large areas of the wilderness system which ought not to be lost, merely because of the failure to obtain affirmative action by the Congress.

This is why the committee insisted upon the veto procedure, in order to make certain that this kind of loss by default did not occur, in order to assure that an effective kind of congressional review and surveillance of the President's recommendations would take place.

If the Senator from Colorado is willing to do so, Mr. President, I am prepared to yield back the remainder of my time.

Mr. DOMINICK. Mr. President, how much time does the Senator from Colorado have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 1 minute remaining.

Mr. DOMINICK. Mr. President, if I may, I shall use that 1 minute. I do not wish to have the record show or imply that I am trying to do something which would jeopardize the wilderness system or which would say that pertinent portions of other properties should not be put into a wilderness system, out of the parks or wildlife refuges. But I should like to have the right to look at them and to make up my own mind and to decide after hearings whether the recommendation is right or wrong. I think every other Member of the Senate would wish to do the same. This is why I think the amendment is so important.

Mr. President, I yield back the remainder of my time.

Mr. CHURCH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to amendment No. 32. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARTLETT (when his name was called). On this vote I have a pair with the Senator from Missouri [Mr. LONG]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. ANDERSON (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Colorado [Mr. ALLOTT]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. METCALF (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Nevada [Mr. CANNON]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Wyoming [Mr. SIMPSON]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mr. MORSE], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from Kentucky [Mr. COOPER]. If present and voting, the Senator from Oregon would vote "nay," and the Senator from Kentucky would vote "yea."

On this vote, the Senator from Alabama [Mr. SPARKMAN] is paired with the Senator from Utah [Mr. BENNETT]. If present and voting, the Senator from Alabama would vote "nay," and the Senator from Utah would vote "yea."

On this vote, the Senator from Oklahoma [Mr. EDMONDSON] is paired with the Senator from Ohio [Mr. LAUSCHE]. If present and voting, the Senator from Oklahoma would vote "yea," and the Senator from Ohio would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] is absent because of the death of his mother.

The Senator from Utah [Mr. BENNETT] and the Senator from Wyoming [Mr. SIMPSON] are absent on official business.

The Senator from Kentucky [Mr. COOPER], the Senator from Nebraska [Mr. CURTIS], and the Senator from New York [Mr. JAVITS] are necessarily absent.

The respective pairs of the Senator from Colorado [Mr. ALLOTT] and that of the Senator from Wyoming [Mr. SIMPSON] have been previously announced.

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Alabama [Mr. SPARKMAN]. If present and voting, the Senator from Utah would vote "yea," and the Senator from Alabama would vote "nay."

On this vote, the Senator from Kentucky [Mr. COOPER] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Kentucky would vote "yea," and the Senator from Oregon would vote "nay."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from New York [Mr. JAVITS]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from New York would vote "nay."

The result was announced—yeas 35, nays 49, as follows:

[No. 43 Leg.]

YEAS—35

Beall	Fulbright	Randolph
Bible	Goldwater	Russell
Boggs	Hayden	Saltonstall
Byrd, Va.	Hruska	Scott
Byrd, W. Va.	Jordan, Idaho	Smith
Carlson	Long, La.	Stennis
Cotton	Mechem	Talmadge
Dirksen	Monroney	Thurmond
Dodd	Morton	Tower
Dominick	Mundt	Williams, Del.
Eastland	Pearson	Young, N. Dak.
Fong	Prouty	

NAYS—49

Aiken	Church	Ervin
Bayh	Clark	Gore
Brewster	Douglas	Gruening
Burdick	Ellender	Hart
Case	Engle	Hartke

Hickenlooper	Magnuson	Pastore
Hill	McCarthy	Pell
Holland	McClellan	Proxmire
Humphrey	McGee	Ribicoff
Inouye	McGovern	Robertson
Jackson	McIntyre	Smathers
Johnston	McNamara	Symington
Jordan, N.C.	Miller	Williams, N.J.
Keating	Moss	Yarborough
Kefauver	Muskie	Young, Ohio
Kennedy	Nelson	
Kuchel	Neuberger	

NOT VOTING—16

Allott	Curtis	Metcalf
Anderson	Edmondson	Morse
Bartlett	Javits	Simpson
Bennett	Lausche	Sparkman
Cannon	Long, Mo.	
Cooper	Mansfield	

So amendment No. 32 was rejected. Mr. METCALF. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CHURCH. I move to lay that motion on the table.

The motion to table was agreed to. The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CHURCH. Mr. President, I ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered. Mr. DOMINICK. I call up amendment No. 35.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 10, line 14, it is proposed to strike out the word "thirty" and insert in lieu thereof the word "five."

Mr. DOMINICK. I believe the amendment will be acceptable provided that—

Mr. ANDERSON. If the Senator from Colorado will read the language which the Senator from Idaho is offering as a substitute for his amendment, I believe he will find it to be satisfactory.

Mr. CHURCH. If the Senator from Colorado will permit me to do so, I propose that we substitute, in place of the language contained in the amendment of the Senator from Colorado, the following:

On page 10, line 19, it is proposed to strike out the period and insert a semicolon, and to add the following:

"Provided, That a motion to discharge shall not be in order until the time for the committee to hold a hearing has elapsed."

That language is to be substituted in lieu of the language the Senator from Colorado proposes.

I ask unanimous consent that the language I have read be substituted in place of the language of the amendment offered by the Senator from Colorado.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CHURCH. Mr. President, I yield back the remainder of my time on the amendment.

Mr. DOMINICK. I yield back the remainder of my time on the amendment.

Mr. ANDERSON. Mr. President, I should like to direct a question to the distinguished Senator from Colorado. In view of the fact that there is a ceremony this afternoon which many Senators are eager to attend, I wonder whether the Senator would be willing to yield back

the remainder of his time on the bill, provided we did the thing on this side, so that we could have a final vote on the bill.

Mr. DOMINICK. Yes; except for 2 minutes that I should like to use.

Mr. ANDERSON. I ask unanimous consent that the Senator from Colorado may be allotted 5 minutes to speak on the bill, and that all the remaining time on both sides on the bill be yielded back.

Mr. KUCHEL. Mr. President—

Mr. CHURCH. Mr. President, I ask unanimous consent that 5 minutes be allowed on each side for summation arguments prior to a final vote on the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

The question is on agreeing to the amendment of the Senator from Idaho, as a substitute for the amendment offered by the Senator from Colorado [Mr. DOMINICK].

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. DOMINICK. Mr. President, I was informed, just before we reached the agreement as to the limitation of time, that the senior Senator from Connecticut [Mr. Dodd] wishes some time to be yielded to him. After I have made my own comments, I should like to yield to him, even if it is necessary to obtain more time.

The Senate is considering a bill as important, in my opinion, as any that has ever come before it. It is a bill with whose principle I am wholly in sympathy. As I said during the debate yesterday, I have hunted, fished, and explored all my life. I have done so in areas which will be included within the wilderness system. I, myself, have been on many of those lands.

However, I cannot understand how Senators can establish a wilderness system in which Congress will be regaining only some legislative control over the public lands, while leaving all the rest of the control to the executive department. I do not see how Senators can take action which will blanket into a wilderness system lands which have not been classified, which have not been evaluated, and which will thereby become locked up, so that no more than 2 percent of the people can get onto them and use them and enjoy them. By historical record, only that small number of people will use these lands, once they are within the wilderness classification.

Third, it does not seem to me to be correct or right to bulldoze a bill of this kind through the Senate, insisting on wording which will blanket—in this ad-

ditional property, will change the boundaries of the national parks and the boundaries of wildlife refuges, and will provide that the only thing Congress can do to change the arrangement is to veto a recommendation by an executive officer. In my opinion, that is the wrong way to legislate.

One more point. The bill establishes a principle which, as I have said, is good in its concept of having a wilderness system authorized by legislation. But in its present form, I do not believe the bill will ever pass the other body. I sat in the other body. I saw what the reaction in committee was to a bill of this kind. The reasons given in opposition were the very reasons which I stated in the debate on the principal amendments which were offered. The reaction of the other body was: If there is to be a trustee, Congress is the trustee of the public lands; so, for heaven's sake, let us be the trustee of the public lands and not say that we are simply vetoers of what someone else does.

It is with reluctance that I oppose the bill in its present form. I believe that Congress should retain and regain its control over the public lands. I believe that the bill should have been revised and revamped in order to place that power in the hands of the Senate or the House, and thereby provide for the proper delegation of powers as between the executive department and Congress. I cannot see how the bill can be passed in its present form without being subjected to attack by the people of the country on the ground that we have deliberately given away the responsibility which has been placed upon us by the Constitution.

Therefore, with reluctance, I shall be forced to vote against the passage of the bill.

Mr. President, if I have any time remaining, I yield it to the distinguished Senator from Connecticut.

Mr. ANDERSON. Mr. President, I believe we had an understanding that the Senator from Connecticut would be recognized. I ask unanimous consent that he may be recognized for 2 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Connecticut is recognized for 2 minutes.

Mr. DODD. Mr. President, since I have been a Member of Congress, and long before, I have been greatly interested in the issue of the conservation of our natural resources. I have spoken on the floor of the Senate on this question and have consistently supported conservationist measures.

Though I support the objective of this bill, I oppose its passage because it permanently delegates to the executive branch a constitutional power of the Congress, that of disposing of Federal territory, which is set forth in article IV, section 3, of the Constitution:

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so con-

strued as to the Prejudice any Claims of the United States, or of any particular State.

This calls for affirmative action by Congress, and has been so interpreted by the courts.

Supporters of this delegation of constitutional power by Congress to the executive branch, defend it on the grounds that the original delegation was made many years ago and that the present bill would at least recapture for the Congress a veto power.

I disagree. I believe we should right the wrong that was done and not make it permanent. I believe we should restore the Constitution in this matter and not seek to permanently legitimize an unconstitutional delegation of power.

This is the time, when we are establishing a permanent, ambitious wilderness program, to set right the proper power of Congress as bestowed upon it by the Constitution.

The proponents of the wilderness bill successfully obscured this basic constitutional issue by providing that Congress could veto future executive proposals for permanently allocating public lands as wilderness areas. This procedure, if extended to other fields, would reverse the role of Congress from that of writing the laws of this Nation, subject to veto by the President, to that of merely having the veto power over laws written by the President. There is a world of difference between these two approaches, and that difference spells the disintegration of congressional power and of our traditional system of checks and balances.

All who have studied the decline and fall of representative governments, all who have observed the process by which parliaments are transformed from bodies which initiate action and make laws to bodies which subserviently ratify the actions of an all-powerful Executive, will share my apprehension over the fact that the Congress of the United States has traveled some distance down this road.

During the period in which I have served in Congress, I have seen proposals to delegate congressional power to the executive branch recur with increasing frequency. I regret to say that I have sometimes voted for such proposals. Each time this issue is before us, a plausible argument can be made for turning over this or that particular congressional power to the Executive, on the ground that such action will make the program in question more effective, better administered, and more coherently planned. And if one regards each of these proposed delegations of power as an isolated issue, he is tempted to support these delegations.

Yet, we must ask ourselves what will happen to the status of Congress if it does not soon turn its face rigidly against any further delegations of legislative power to the executive branch, however small or apparently meaningless? Each of us must answer that question himself, and many will have differing estimates as to what constitutes the danger point.

I believe the danger point has been reached, and I have made a personal de-

cision to resist all future proposals which call for the delegation of one scrap of congressional power or responsibility or prerogative. This issue determined my position on the wilderness bill.

I supported the amendment of the Senator from Colorado [Mr. ALLOTT], which would have restored the affirmative power of Congress to dispose of the lands in question. If that amendment had been adopted, I would have supported the wilderness bill. Since it was defeated, I am voting against the bill.

Much as I wish to support conservation measures, I must oppose this one because the greatest conservation issue before us is the question of conserving the Constitution of the United States.

Mr. CHURCH. Mr. President, I yield 2 minutes to the distinguished Senator from Montana.

Mr. MANSFIELD. Mr. President, in my opinion, the bill upon which we are now about to pass judgment is a good bill. In September 1961 the Senate passed a good wilderness bill by a vote of 78 to 8. I hope that this year we shall again pass the bill by a large vote, because I think that in many respects the bill has been tightened and made better.

I wish to commend especially the distinguished senior Senator from Idaho [Mr. CHURCH], the floor manager of the bill, and the acting majority leader during the course of the debate on it; and also his strong backstops in the persons of the distinguished Senator from New Mexico [Mr. ANDERSON] and my own distinguished colleague from Montana [Mr. METCALF]. Together, they have occupied the seats of leadership and have displayed the traits of leadership.

I also wish to commend the senior Senator from Colorado [Mr. ALLOTT], who, because of the death of his mother on yesterday, is not with us today. He has been a stout proponent of the opposition side; and certainly he has an able colleague in the junior Senator from Colorado [Mr. DOMINICK], who has shown that he has done his homework carefully and thoroughly. He represents a point of view entirely different from that of many of us; nevertheless, he has proceeded with consistency, vigor, understanding, and tolerance to make a good case.

Now it is for the Senate to make the decision.

I wish to state—and I am sure the distinguished minority leader [Mr. DIRKSEN] will join me in this statement—that the debate has been conducted on a high level, and that Senators on both sides are to be complimented for sticking to the facts.

Mr. DIRKSEN. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. Mr. President, I wish to say that the distinguished junior Senator from Colorado [Mr. DOMINICK] has done a superb job in the management of the bill for the minority. I concur in the statement of the majority leader that it is clearly evident that the junior Senator from Colorado has done his homework carefully and well, not only on all the amendments, but also on

the background of the bill. So I compliment him on the work he has done, even though we who are in the minority may ultimately fall by the wayside, and the majority may be the winner.

Mrs. NEUBERGER. Mr. President, will the Senator from Idaho yield 2 minutes to me?

Mr. CHURCH. I yield to the Senator from Oregon.

MINING IN THE WILDERNESS

Mrs. NEUBERGER. Mr. President, in the months since the Senate last acted upon legislation to establish a Wilderness Area Preservation System, we have heard many statements to the effect that these primitive domains are amply protected under existing regulations. I disagree with that viewpoint.

My opinion as to the necessity for passage of the wilderness bill has been strengthened by what has occurred in two such areas in my home State of Oregon—in the Three Sisters Wilderness Area and in the Kalmiopsis Wild Area. When the Senate last debated wilderness legislation, these two areas of unique scenic beauty were intact. Today the situation is quite different.

In the Three Sisters Wilderness Area, a California mining company has established a mining claim on 1,460 acres. We have been told that mining in the wilderness is necessary for national defense and security, in that the wilderness hides vast stores of strategic defense materials. But we are told that in Oregon the Three Sisters Wilderness Area must be breached in order to open a supply of pumice. Until this valid mining claim was filed, I had no idea that pumice of the type found in wilderness areas was either of strategic importance or in short supply. The lava mesas of eastern Oregon, I had thought, would give our Nation a perpetual supply of pumice.

Mr. Larry Worstell, recreation and land staff officer for the Willamette National Forest, told a meeting of the Izaak Walton Club, in Eugene, Oreg., on February 26, 1963, that there is nothing in the Federal law to prevent a mining company from working pumice claims in the Three Sisters Wilderness Area. Mr. Worstell told the group that the laws concerning wilderness areas specifically provide that they shall be subject to the same entry for mining purposes as other public lands.

This Forest Service official explained that once the claims are patented, the land in the Three Sisters Wilderness will belong to the mining company, and there would be no controls.

A similar situation has developed in the Kalmiopsis Wild Area of Oregon. The Senate should know that the Kalmiopsis Wild Area was set aside especially to preserve the complex of rare botanical species found there, and not found anywhere else in the world. These species include the Kalmiopsis plant and the Brewer Spruce. Seventeen species of conifers are found there. Also of great interest to recreationists is the Chetco River, the principal drainage system within the wild area. The river is noted

for the limpid, almost luminous quality of its water. It is one of the principal fish producers of the coast.

But now that has changed. A placer mining operation has staked a claim on the entire stretch of the Chetco River which passes through this area. Westerners well know what happens to the terrain of a stream when placer operations move through. In the Kalmiopsis Wild Area, the banks and bed of the Chetco have been washed away and pumped through sluices in order to recover gold. The claim extends for 12 miles through this unique and scenic area. Mud and debris threaten the purity of this once clear stream.

These developments give us cause for concern if we are to provide a wilderness legacy for future generations of Americans. We must face the reality that if a miner wished to lop the top off Mount Hood, in Oregon, in order to get to minerals, he could do it. That is what the law says. It is legal. But is it necessary?

As an editorial writer for the Eugene, Oreg., Register-Guard remarked:

Is America so short of pumice that we have to chew up the spectacular Mesa Rock area in order to get it?

Areas such as Mesa Rock are scarce, indeed, and are becoming scarcer. But pumice is hardly scarce. I urge the enactment of Senate bill 4, so that we can have some safeguards for wilderness, such as Oregon's Three Sisters and Kalmiopsis.

Mr. CHURCH. Mr. President, the Senate is about to vote on the question of the passage of a bill which, if enacted into law, will be regarded as one of the great landmarks in the history of conservation.

If we do not act now to conserve our vanishing wilderness, it will soon be lost forever. The wilderness not only is important to those who love the outdoor life and the sportsmen who hunt and fish there; it is equally needed for nature studies and general scientific inquiry, and for wise watershed and wildlife conservation. Therefore, it has general importance to the entire Nation.

When the previous bill on this subject was dealt with by the Senate, it was passed by a vote of 78 to 8. Scarcely any legislative proposal has been considered for a longer period of time. For 6 years, hearings on this proposed legislation have been held, and thousands of pages of testimony have been taken. Two years ago, the Senate debated the bill at length; and now, once again, the Senate has considered this bill carefully. The committee has given countless hours to a careful appraisal of the bill, which not only provides a sound method for the establishment of a wilderness system, but, far from relinquishing congressional control, also restores a strong measure of congressional prerogative which long ago was delegated to the executive branch.

Therefore, Mr. President, both from the standpoint of upholding the Constitution, and for the sake of advancing the cause of conservation for all our people, those now alive, and those yet unborn, I urge that the bill be passed.

Mr. McGOVERN. Mr. President, will the Senator from New Mexico yield to me to make a brief statement on the bill?

Mr. ANDERSON. I am glad to yield 2 minutes to the Senator.

Mr. McGOVERN. Mr. President, the pending bill to establish a National Wilderness Preservation System is landmark legislation. If the measure is passed, it will represent a historic action on the part of the 88th Congress. As a cosponsor of the bill, I attach a high priority to its enactment, and I am gratified that the Senate leadership has seen fit to schedule it for action so early in the session.

This measure would preserve in our national parks, national forests, and wildlife refuges certain portions of land to be designated as wilderness areas. Such areas would be preserved as nearly as possible in their original primitive condition, uncluttered by manmade installations.

There are several reasons why such a wilderness system is in the public interest.

First of all, as the Outdoor Recreation Resources Review Commission has said:

Primitive areas satisfy a deep-seated human need occasionally to get far away from the works of man. Prompt and effective action to preserve their unique inspirational, scientific, and cultural values on an adequate scale is essential since once destroyed they can never be restored.

I think each one of us has been enriched at one time or another through our experiences with natural undisturbed areas of the country. Those of us who live in an area such as my home State, South Dakota, with its Black Hills, its comparatively uncluttered open spaces, its lakes and woods, have a special appreciation for the purpose of the wilderness preservation system. As the population of our country grows and as our city areas become more congested, it is all the more imperative that we look to the preservation of great primitive outdoor areas where people can go for recreational and inspirational experience.

It is also important that a portion of our wilderness area be preserved for scientific, conservation, and scenic purposes.

The wilderness bill does not rule out the possibility that mining, grazing, and lumbering interests may necessitate the opening up of some of our wilderness area for commercial exploitation at some future time. It places the responsibility for this decision, however, on the President and the Congress who are in the best position to evaluate the total public interest as over against a special interest consideration.

At a time when all of us are concerned about economy in Government, it is important to recognize that no expenditures of public funds are involved in this legislation. The land is presently owned by the Federal Government and will continue to be administered by the agencies now in charge of these areas. The proposed legislation simply establishes the criteria under which our wil-

derness areas will be managed so that we can assure their preservation for the cultural, inspirational, recreational, and scientific values that these areas can offer to ourselves and future generations.

Also, as the report of the Senate Interior Committee on this legislation states:

The Wilderness Preservation System can be established without affecting the economic arrangements of communities, counties, States or business enterprises since the areas are already withdrawn, or because existing private rights and established uses are permitted to continue. There will be no withdrawal of lands from the tax base of counties or communities; no withdrawal of timberlands on which lumbering operations depend, nor any withdrawal of present grazing or mining rights.

It should be further emphasized that this legislation has broad bipartisan support. The Outdoor Recreation Review Commission which recommends its passage was created by President Eisenhower. The bill has the strong backing of the present administration and was passed by the Senate in the last Congress by an overwhelming vote.

I earnestly hope that this important measure will be speedily enacted.

The PRESIDING OFFICER. All available time has been used.

The question is, Shall the bill pass? On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PEARSON (when his name was called). On this vote I have a pair with the junior Senator from Wyoming [Mr. SIMPSON]. If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mr. MORSE], the Senator from Alabama [Mr. SPARKMAN], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I further announce that, if present and voting, the Senator from Nevada [Mr. CANNON], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mr. MORSE], the Senator from Alabama [Mr. SPARKMAN], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] is absent because of the death of his mother.

The Senator from Utah [Mr. BENNETT] and the Senator from Wyoming [Mr. SIMPSON] are absent on official business.

The Senator from Kentucky [Mr. COOPER], the Senator from Nebraska [Mr. CURTIS], the Senator from New York [Mr. JAVITS], and the Senator from

Pennsylvania [Mr. SCOTT] are necessarily absent.

The pair of the Senator from Wyoming [Mr. SIMPSON] has been previously announced.

If present and voting, the Senator from Nebraska [Mr. CURTIS], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "yea."

On this vote, the Senator from New York [Mr. JAVITS] is paired with the Senator from Colorado [Mr. ALLOTT]. If present and voting, the Senator from New York would vote "yea" and the Senator from Colorado would vote "nay."

On this vote, the Senator from Kentucky [Mr. COOPER] is paired with the Senator from Utah [Mr. BENNETT]. If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Utah would vote "nay."

The result was announced—yeas 73, nays 12, as follows:

[No. 44 Leg.]

YEAS—73

Alken	Hickenlooper	Morton
Anderson	Hill	Moss
Bartlett	Holland	Mundt
Bayh	Hruska	Muskie
Beall	Humphrey	Nelson
Bible	Inouye	Neuberger
Boggs	Jackson	Pastore
Brewster	Johnston	Pell
Burdick	Jordan, N.C.	Prouty
Byrd, Va.	Keating	Proxmire
Byrd, W. Va.	Kefauver	Randolph
Carlson	Kennedy	Ribicoff
Case	Kuchel	Robertson
Church	Magnuson	Russell
Clark	Mansfield	Saltonstall
Douglas	McCarthy	Smathers
Ellender	McClellan	Smith
Engle	McGee	Symington
Ervin	McGovern	Talmadge
Fong	McIntyre	Williams, Del.
Fulbright	McNamara	Yarborough
Gore	Mechem	Young, N. Dak.
Gruening	Metcalf	Young, Ohio
Hart	Miller	
Hartke	Monroney	

NAYS—12

Cotton	Eastland	Long, La.
Dirksen	Goldwater	Stennis
Dodd	Hayden	Thurmond
Dominick	Jordan, Idaho	Tower

NOT VOTING—15

Allott	Edmondson	Pearson
Bennett	Javits	Scott
Cannon	Lausche	Simpson
Cooper	Long, Mo.	Sparkman
Curtis	Morse	Williams, N.J.

So the bill (S. 4) was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Wilderness Act".

WILDERNESS SYSTEM ESTABLISHED

Statement of policy

SEC. 2. (a) The Congress recognizes that an increasing population, accompanied by expanding settlement and growing mechanization, is destined to occupy and modify all areas within the United States and its possessions except those that are designated for preservation and protection in their natural condition. It is accordingly declared to be the policy of the Congress of the United States to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is

hereby established a National Wilderness Preservation System to be composed of federally owned areas in the United States and its possessions to be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness.

Definition of wilderness

(b) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) is of sufficient size to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

NATIONAL WILDERNESS PRESERVATION SYSTEM

Extent of system

SEC. 3. (a) The National Wilderness Preservation System (hereafter referred to in this Act as the wilderness system) shall comprise (subject to existing private rights) such federally owned areas as are established as part of such system under the provisions of this Act.

National forest areas

(b) (1) The wilderness system shall include all areas within the national forests classified on the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as wilderness, wild, primitive, or canoe: *Provided*, That the areas classified as primitive shall be subject to review as hereinafter provided. Following enactment of this Act, the Secretary of Agriculture shall, within ten years, review, in accordance with paragraph C, section 251.20, of the Code of Federal Regulations, title 36, effective January 1, 1959, the suitability of each primitive area in the national forests for preservation as wilderness and shall report his findings to the President. Before the convening of Congress each year, the President shall advise the United States Senate and House of Representatives of his recommendations with respect to the continued inclusion within the wilderness system, or exclusion therefrom, of each area on which review has been completed in the preceding year, together with maps and definition of boundaries: *Provided*, That the President may, as a part of his recommendations, alter the boundaries existing on the date of this Act for any primitive area to be continued in the wilderness system, recommending the exclusion and return to national forest land status of any portions not predominantly of wilderness value, or recommending the addition of any contiguous area of national forest lands predominantly of wilderness value: *Provided further*, That following such exclusions and additions any primitive area recommended to be continued in the wilderness system shall not exceed the area classified as primitive on the

date of this Act. The recommendation of the President with respect to the continued inclusion in the wilderness system, or the exclusion therefrom of a primitive area, or portions thereof, shall become effective subject to the provisions of subsection (f) of this section: *Provided*, That if Congress rejects a recommendation of the President and no revised recommendation is made to Congress with respect to that primitive area within two years, the land shall cease to be a part of the wilderness system and shall be administered as other national forest lands: *And provided further*, That, primitive areas with respect to which recommendations are submitted to Congress on the eighth, ninth, and tenth years of the review period herein provided shall retain their status as a part of the wilderness system until the expiration, in respect to each area, of a full session of Congress, two years for resubmission of revised recommendations to Congress by the President, and, if so resubmitted, until the expiration of a full session of Congress thereafter. Recommendations on all primitive areas not previously submitted to the Congress shall be made during the tenth year of the review period. Any primitive area, or portion thereof, on which a recommendation for continued inclusion in the wilderness system has not become effective within fourteen years following the enactment of this Act shall cease to be a part of the wilderness system and shall be administered as other national forest land.

(2) The purposes of this Act are hereby declared to be within and supplemental to but not in interference with the purposes for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11), and the Multiple Use-Sustained Yield Act of June 12, 1960, Public Law 86-517 (74 Stat. 215).

National park system areas

(c)(1) There shall be incorporated into the wilderness system, subject to the provisions of and at the time provided in this section, each portion of each park, monument, or other unit in the national park system which on the effective date of this Act embraces a continuous area of five thousand acres or more without roads. Within ten years after the effective date of this Act the Secretary of the Interior shall review the units of the national park system and shall report his recommendations for the incorporation of each such portion into the wilderness system to the President. Before the convening of Congress each year, the President shall advise the United States Senate and the House of Representatives of his recommendations with respect to the incorporation into the wilderness system of each such portion for which review has been completed in the preceding year, together with maps and definitions of boundaries. The recommendation of the President with respect to each such portion shall become effective subject to the provisions of subsection (f) of this section.

(2) The Secretary of the Interior shall include, as part of his recommendations to the President under the provisions of this subsection, a description of the parts of each park, monument, or other unit submitted which should be reserved for roads, motor trails, buildings, accommodations for visitors, and administrative installations. Such parts shall be determined in accordance with the procedures for rulemaking under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), except that the public notice required under such section shall be at least ninety days prior to the determination proceedings. No designation of an area for roads, motor trails, buildings, accommodations for visitors, or administrative instal-

lations shall modify or affect the application to that area of the provisions of the Act approved August 25, 1916, entitled, "An Act to establish a National Park Service, and for other purposes" (39 Stat. 535; 16 U.S.C. 1 and following). The accommodations and installations in such designated areas shall be incident to the conservation and use and enjoyment of the scenery and the natural and historical objects and flora and fauna of the park or monument in its natural condition. Further, the inclusion of any area of any park, monument, or other unit of the national park system within the wilderness system pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such area in accordance with such Act of August 25, 1916, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area, including, but not limited to, the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 and following); section 3(2) of the Federal Power Act (16 U.S.C., sec. 796(2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C., sec. 461 and following).

National wildlife refuges and game ranges

(d) There shall be incorporated into the wilderness system, subject to the provisions of and at the time provided in this section, such portions of the wildlife refuges and game ranges established prior to the effective date of this Act under the jurisdiction of the Secretary of the Interior as he may recommend for such incorporation to the President within ten years following the effective date of this Act. Before the convening of Congress each year the President shall advise the United States Senate and the House of Representatives of his recommendations with respect to the incorporation into the wilderness system of each area recommended for such incorporation by the Secretary of the Interior during the preceding year, together with maps and definitions of boundaries. The recommendation of the President with respect to each area shall become effective subject to the provisions of subsection (f) of this section.

Modification of boundaries

(e) Any proposed minor modification or adjustment of boundaries of any portion of the wilderness system established in accordance with this Act shall be made by the appropriate Secretary after public notice of such proposal by publication in a newspaper having general circulation in the vicinity of such boundaries and public hearing to be held in such vicinity not less than ninety days after such notice if there is sufficient demand during such ninety days for such hearing. The proposed modification or adjustment shall then be recommended with map and description thereof to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recommendations shall become effective subject to the provisions of subsection (f) of this section.

Effective date of President's recommendations

(f) Any recommendation of the President made in accordance with the provisions of this section shall take effect upon the day following the adjournment sine die of the first complete session of the Congress following the date or dates on which such recommendation was received by the United States Senate and the House of Representatives; but only if prior to such adjournment neither the Senate nor the House of Representatives shall have approved a resolution declaring itself opposed to such recommendation: *Provided*, That in the case of a

recommendation covering two or more separate areas, such resolution of opposition may be limited to one or more of the areas covered, in which event the balance of the recommendation shall take effect as before provided: *Provided further*, That where a resolution of opposition to any such recommendation has been introduced, a hearing thereon shall be held within thirty days by the committee to which such resolution has been referred. Any such resolution shall be subject to the procedures provided under the provisions of sections 203 through 206 of the Reorganization Act of 1949 (5 U.S.C., secs. 133z-12—133z-15) for a resolution of either House of Congress: *And provided further*, That a motion to discharge the Committee shall not be in order until the time for the Committee to hold a hearing has elapsed.

Effect of public notice of proposed addition to wilderness system

(g) Public notice when given by either the Secretary of the Interior or the Secretary of Agriculture that any area is to be proposed under the provisions of this Act for incorporation as part of the wilderness system shall segregate such area from any or all appropriation under the public land laws to the extent deemed necessary by such Secretary. Such segregation shall terminate (1) upon rejection of such proposal by the President, (2) upon approval by the Senate or the House of Representatives of a resolution opposing the incorporation of such area in the wilderness system, or (3) five years after the date of such notice if the proposal to incorporate such area as part of the wilderness system has not been submitted to both Houses of Congress prior to the expiration of such five years.

Addition or elimination not provided for in this act

(h) The addition of any area to, or the elimination of any area from, the wilderness system which is not specifically provided for under the provisions of this Act shall be made only after specific affirmative authorization by law for such addition or elimination.

Additional requirements with respect to recommendations

(i)(1) The Secretary of Agriculture and the Secretary of the Interior shall, prior to submitting any recommendations to the President with respect to any area's retention in or incorporation into the wilderness system—

(A) give such public notice of the proposed action as they deem appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land;

(B) hold a public hearing or hearings at a location or locations convenient to the area affected. The hearings shall be announced through such means as the respective Secretaries involved deem appropriate, including notices in the Federal Register and in newspapers of general circulation in the area: *Provided*, That if the lands involved are located in more than one State, at least one hearing shall be held in each State in which a portion of the land lies;

(C) at least thirty days before the date of a hearing advise the Governor of each State and the county, or in Alaska the borough, governing board of each county, or in Alaska the borough, in which the lands are located, the United States Forest Service, the United States Soil Conservation Service, the Corps of Engineers of the United States Army, the Bureau of Reclamation, the Bureau of Mines, the United States Geological Survey, the Bureau of Sport Fisheries and Wildlife, the Federal Power Commission, the Rural Electrification Administration, and the Federal

Communications Commission, inviting each to set forth its views at the hearing. It shall be the responsibility of each named Federal agency to submit its independent views concerning the designation of an area as "wilderness", giving an analysis of the comparative values that may be involved as between wilderness and that type of development or uses for which the Federal agency has administrative responsibility.

(2) Views submitted to the President under the provisions of (1) of this subsection with respect to any area shall be included with any recommendations to Congress with respect to such area.

State lands surrounded by wilderness system

(j) In any case where State-owned land is completely surrounded by land incorporated into the wilderness system, such State shall be given either (1) such rights as may be necessary to assure adequate access to such State-owned land by such State and its successors in interest, or (2) vacant, unappropriated, and unoccupied Federal land in the same State, equal in value to the surrounded land: *Provided*, That if the State does not reserve mineral rights in the surrounded land conveyed to the United States, the United States need not reserve mineral rights in the land conveyed to the State in exchange.

Acquisition of certain privately owned lands within the wilderness system

SEC. 4. The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire as part of the wilderness system any privately owned land within any portion of such system under his jurisdiction, subject to the approval of any necessary appropriations by the Congress: *Provided, however*, That nothing in this Act shall be construed to confer a right of condemnation with respect to privately owned land within the boundaries of a wilderness area, or to impair any customary right or privilege heretofore enjoyed by the owners of such land, respecting access to it or to its ordinary use and maintenance.

GIFTS OR BEQUESTS OF LAND

SEC. 5. The Secretary of Agriculture and the Secretary of the Interior may each accept gifts or bequests of land for preservation as wilderness, and such land shall on acceptance become part of the wilderness system. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this Act, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

USE OF THE WILDERNESS

Other provisions of law

SEC. 6. (a) Nothing in this Act shall be interpreted as interfering with the purposes stated in the establishment of, or pertaining to, any park, monument, or other unit of the national park system, or any national forest, wildlife refuge, game range, or other area involved, except that any agency administering any area within the wilderness system shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes as also to preserve its wilderness character. Except as otherwise provided in this Act, the wilderness system shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use. Subject to the provisions of this Act, all such use shall be in harmony, both in kind and degree, with the wilderness environment and with its preservation.

Prohibition of certain uses

(b) Except as specifically provided for in this Act and subject to any existing private

rights, there shall be no commercial enterprise within the wilderness system, no permanent road, nor shall there be any use of motor vehicles, motorized equipment, or motorboats, or landing of aircraft nor any other mechanical transport or delivery of persons or supplies, nor any temporary road, nor any structure or installation, in excess of the minimum required for the administration of the area for the purposes of this Act, including such measures as may be required in emergencies involving the health and safety of persons within such areas.

Special provisions

(c) The following special provisions are hereby made:

(1) Within the wilderness system the use of aircraft or motorboats where these practices have already become established shall be permitted to continue subject to such regulations as the appropriate Secretary finds necessary. In addition, such measures may be taken as are necessary in the control of fire, insects, and diseases, subject to such regulations as the appropriate Secretary finds necessary.

(2) Within national forest and public domain areas included in the wilderness system, (A) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting (including but not limited to exploration for oil and gas), mining (including but not limited to the production of oil and gas), and the establishment and maintenance of reservoirs, water-conservation works, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and (B) the grazing of livestock, where established prior to the effective date of this Act with respect to areas established as part of the wilderness system by this Act, or prior to the date of public notice thereof with respect to any area to be recommended for incorporation in the wilderness system, shall be permitted to continue subject to such regulations as are deemed necessary by the Secretary having jurisdiction over such area.

(3) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou roadless areas in the Superior National Forest, Minnesota, shall be in accordance with regulations established by the Secretary of Agriculture in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: *Provided*, That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats. Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act, Public Law 539, Seventy-first Congress, July 10, 1930 (46 Stat. 1020), the Thyé-Blatnik Act, Public Law 733, Eightieth Congress, June 22, 1948 (62 Stat. 568), and the Humphrey-Thyé-Blatnik-Andersen Act, Public Law 607, Eighty-fourth Congress, June 22, 1956 (70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture. Modifications of the Boundary Waters Canoe Area within the Superior National Forest shall be accomplished in the manner provided in section 3(e).

(4) Commercial services may be performed within the wilderness system to the extent necessary for activities which are proper for

realizing the recreational or other purposes of the system as established in this Act.

(5) Any existing use or form of appropriation authorized or provided for in the Executive order or legislation establishing any national wildlife refuge or game range existing on the effective date of this Act may be continued under such authorization or provision.

(6) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(7) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

(8) Nothing in this Act shall be construed to prevent, within national forest and public domain areas included in the wilderness system, any activity, including prospecting, for the purpose of gathering information about mineral or water resources or to prevent the completely subsurface use of such areas, if such activity or subsurface use is carried on, in a manner which is not incompatible with the preservation of the wilderness environment.

RECORDS AND REPORTS

SEC. 7. The Secretary of the Interior and the Secretary of Agriculture shall each maintain available to the public, records of portions of the wilderness system under his jurisdiction, including maps and legal descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding, pending additions, eliminations, or modifications. Within a year following the establishment of any area within the national forests as a part of the wilderness system, the Secretary of Agriculture shall file a map and legal description of such area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal descriptions and maps may be made with the approval of such committees. Within a year following the establishment of any area in the national park system or in a wildlife refuge or range as a part of the wilderness system, the Secretary of the Interior shall file a map and legal description of such area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives. Clerical and typographical errors in such legal descriptions and maps may be corrected with the approval of such committees. Copies of maps and legal descriptions of all areas of the wilderness system within their respective jurisdictions shall be kept available for public inspection in the offices of regional foresters, national forest supervisors, forest rangers, offices of the units of the national park system, wildlife refuge, or range.

CONTRIBUTIONS AND GIFTS

SEC. 8. The Secretary of the Interior and the Secretary of Agriculture are each authorized to accept private contributions and gifts to be used to further the purposes of this Act. Any such contributions or gifts shall, for purposes of Federal income, estate, and gift taxes, be considered a contribution or gift to or for the use of the United States for an exclusively public purpose, and may be deducted as such under the provisions of the Internal Revenue Code of 1954, subject to all applicable limitations and restrictions contained therein.

Land use Commissions

SEC. 9. With respect to any State having more than 90 per centum of its total land area owned by the Federal Government no

January 1, 1961, there shall be established for each such State a Presidential Land Use Commission (hereinafter called the Commission). The Commission shall be composed of five persons appointed by the President, not more than three of whom shall be members of the same political party, and at least three of whom shall be residents of the State concerned. The Commission shall advise and consult with the Secretary of the Interior and the Secretary of Agriculture on the current utilization of federally owned land in such State and shall make recommendations to the appropriate Secretary as to how the federally owned land can best be utilized, developed, protected, and preserved. Any recommendations made to the President by the Secretary of Interior or the Secretary of Agriculture and any recommendations made to the Congress by the President pursuant to the provisions of this Act shall be accompanied by the recommendations and reports made with respect thereto by the Commission.

Sec. 10. At the opening of each session of Congress, the Secretaries of Agriculture and Interior shall jointly report to the President for transmission to Congress on the status of the wilderness system, including a list and descriptions of the areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make.

Sec. 11. Nothing in this Act shall be construed as superseding, modifying, repealing, or otherwise affecting the provisions of the Federal Power Act (16 U.S.C. 792-825r).

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. CHURCH. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho.

The motion was agreed to.

THE JOURNAL

On request of Mr. MANSFIELD, by unanimous consent, the reading of the Journal of the proceedings of Monday, April 8, 1963, was dispensed with.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

REPORT ON GOVERNMENT EMPLOYEES TRAINING ACT—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

As required by section 18(c) of the Government Employees Training Act (Public Law 85-507, approved July 7, 1958), I am transmitting forms supplying information on those employees who, during fiscal year 1962, participated in training in non-Government facilities in courses that were over 120 days in duration and those employees who received

training in non-Government facilities as the result of receiving an award or contribution.

JOHN F. KENNEDY.

THE WHITE HOUSE, April 4, 1963.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON RESEARCH AND DEVELOPMENT PROCUREMENT ACTION

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on research and development procurement action, for the period January 1, 1962, through December 31, 1962 (with an accompanying report); to the Committee on Armed Services.

REGULATIONS FOR PREVENTING COLLISIONS AT SEA

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the President to proclaim regulations for preventing collisions at sea (with accompanying papers); to the Committee on Commerce.

AMENDMENT OF TITLE 14, UNITED STATES CODE, RELATING TO APPOINTMENT, PROMOTION, SEPARATION, AND RETIREMENT OF OFFICERS OF THE COAST GUARD

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the provisions of title 14, United States Code, relating to the appointment, promotion, separation, and retirement of officers of the Coast Guard, and for other purposes (with accompanying papers); to the Committee on Commerce.

AMENDMENT OF SECTION 14 OF THE NATURAL GAS ACT

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting a draft of proposed legislation to amend section 14 of the Natural Gas Act (with an accompanying paper); to the Committee on Commerce.

DRAFTS OF PROPOSED LEGISLATION RELATING TO THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the act of July 8, 1932, relating to the control and possession in the District of Columbia of dangerous weapons, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the establishment of a Junior College Division within the District of Columbia Teachers College, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

AUDIT REPORT OF NATIONAL SAFETY COUNCIL

A letter from the president, National Safety Council, Chicago, Ill., transmitting, pursuant to law, an audit report of that council, for the year 1962 (with an accompanying report); to the Committee on the Judiciary.

AMENDMENT OF TITLE 38, UNITED STATES CODE, RELATING TO DELEGATION OF CERTAIN AUTHORITY TO THE CHIEF MEDICAL DIRECTOR IN THE DEPARTMENT OF MEDICINE AND SURGERY, VETERANS' ADMINISTRATION

A letter from the Administrator, Veterans' Administration, Washington, D.C., transmitting a draft of proposed legislation to amend title 38 of the United States Code to allow the Administrator of Veterans' Affairs to delegate to the Chief Medical Director in the Department of Medicine and Surgery, authority to act upon the recommendations of the disciplinary boards provided by section 4110 of title 38, United States Code (with an accompanying paper); to the Committee on Labor and Public Welfare.

AMENDMENT OF TITLE 39, UNITED STATES CODE, TO INCREASE THE AREA WITHIN WHICH THE POSTMASTER GENERAL MAY ESTABLISH STATIONS, SUBSTATIONS, OR BRANCHES OF POST OFFICES

A letter from the Postmaster General, transmitting a draft of proposed legislation to amend title 39 of the United States Code to increase the area within which the Postmaster General may establish stations, substations, or branches of post offices, from 10 to 20 miles (with accompanying papers); to the Committee on Post Office and Civil Service.

AMENDMENT OF AUTOMATIC-SEPARATION PROVISIONS OF CIVIL SERVICE RETIREMENT ACT

A letter from the Chairman, U.S. Civil Service Commission, Washington, D.C., transmitting a draft of proposed legislation to amend the automatic-separation provisions of the Civil Service Retirement Act (with an accompanying paper); to the Committee on Post Office and Civil Service.

AMENDMENT OF APPROPRIATIONS FOR ATOMIC ENERGY COMMISSION

A letter from the Chairman, U.S. Atomic Energy Commission, Washington, D.C., transmitting a draft of proposed legislation to amend the appropriations for that Commission (with accompanying papers); to the Joint Committee on Atomic Energy.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Ohio; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION 2

"Joint resolution providing for ratification of the proposed amendment to the Constitution of the United States, relative to the qualification of electors

"Whereas both Houses of the 87th Congress of the United States of America, at the 2d session of such Congress, by a constitutional majority of two-thirds of the Members of each House thereof, made a proposition to amend the Constitution of the United States in the following words, to wit:

"Joint resolution proposing an amendment to the Constitution of the United States relating to the qualifications of electors

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within 7 years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reasons of failure to pay any poll tax or other tax.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation": Therefore be it

Resolved by the General Assembly of the State of Ohio, That the said proposed amendment to the Constitution of the United States be, and the same is hereby ratified; and be it further

Resolved, That the secretary of state of the State of Ohio be, and he hereby is directed, to deliver to the Governor of this State a certified copy of this resolution, and such certified copy shall be forwarded at once by the Governor to the Administrator of General Services, U.S. Government, Washington, D.C., to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to the Secretary of State of the United States.

"ROGER CLOUD,

Speaker of the House of Representatives.

"JOHN W. BROWN,

President of the Senate.

"Adopted February 27, 1963.

"TED W. BROWN,

Secretary of State."

Two joint resolutions of the Legislature of the State of Utah; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION 2

"Joint resolution of the Legislature of the State of Utah to ratify a proposed amendment to the Constitution of the United States

"Whereas the 87th Congress of the United States of America, at its 2d session in both Houses by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by Congress:

"ARTICLE—

"SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation": Therefore be it

Resolved by the Senate and House of Representatives of the State of Utah, That the said proposed amendment to the Constitution of the United States of America, be and the same is hereby ratified; and be it further

Resolved, That certified copies of this resolution shall be forwarded by the Governor of Utah to the Administrator of General Services, U.S. Government, Washington, D.C., to the President of the Senate of the United States, and to the Speaker of the House of Representatives of the United States."

"SENATE JOINT RESOLUTION 7

"Joint resolution of the Senate and House of Representatives of the State of Utah memorializing the Congress of the United States to provide legislation designed to preserve to the respective States their power to apportion among their citizens their representation in the various State legislatures

"Whereas the representation enjoyed by the citizens of the State of Utah, as well as by the citizens of the various States of the Union in their respective State legislatures, is best determined by consideration of local importance; and

"Whereas the courts of the United States are construing the Constitution of the United States so broadly as to empower them to intervene in the rights of the respective States to determine the membership of their respective legislatures; and

"Whereas it is the considered opinion of this legislature that the power of determination of problems relating to apportionment of legislative representation is best exercised by the direct representatives of the people of the States: Now, therefore, be it

Resolved by the Legislature of the State of Utah, That it is fitting and proper for the citizens of this State and of their representatives in the Legislature of the State of Utah to determine the membership of their senate and of their house of representatives, and to apportion representation therein among the various portions of the State; and be it further

Resolved, That we believe that this power of legislative determination and apportionment therein is best exercised by the people and the legislatures of the respective States of the Union; and be it further

Resolved, That we respectfully petition the Congress of the United States to take all necessary legislative steps including the possibility of initiating a constitutional amendment to protect and preserve the powers of the various States of the Union to determine the membership of their respective legislatures and the apportionment of representation therein; and be it further

Resolved, That the secretary of state of the State of Utah is hereby authorized and directed to send copies of this memorial to the Senate and to the House of Representatives of the United States and to the Senators and Congressmen representing the State of Utah in the National Congress."

A concurrent resolution of the Legislature of the State of Utah; to the Committee on Interior and Insular Affairs:

"HOUSE CONCURRENT RESOLUTION 4

"Resolution of the Senate and House of Representatives of the Legislature of the State of Utah memorializing the Congress of the United States to maintain the name 'Flaming Gorge Dam and Reservoir' for the dam and reservoir that now bears that name

"Whereas the dam and reservoir which has been constructed on the Green River in northeastern Utah is presently known as the Flaming Gorge Dam and Reservoir; and

"Whereas the proposal has been made before the Congress of the United States to change the name of this dam and reservoir to 'O'Mahoney Lake and Recreation Area"; and

"Whereas in view of the location of this dam and reservoir in relationship to the States of Utah and Wyoming, it would seem desirable to retain its present name: Now, therefore, be it

Resolved by the Legislature of the State of Utah (the Governor concurring therein), That we respectfully urge the Congress of the United States to maintain the presently existing name of the Flaming Gorge Dam

and Reservoir as to said dam and reservoir; and be it further

Resolved, That the secretary of state of Utah be, and he hereby is, directed to send copies of this resolution to the Senate and the House of Representatives of the United States, to the Secretary of the Department of the Interior, and to the Senators and Congressmen representing the State of Utah in Congress."

A concurrent resolution of the Legislature of the State of Utah; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION 1

"Concurrent resolution of the Senate and House of Representatives of the 35th Legislature of the State of Utah petitioning the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States, unless Congress shall sooner have submitted such an amendment, to provide for the election of the President and Vice President in a manner fair and just to the people of the United States

"Whereas under the Constitution of the United States presidential and vice presidential electors in the several States are now elected on a statewide basis, each State being entitled to as many electors as it has Senators and Representatives in Congress; and

"Whereas the presidential and vice presidential electors who receive the plurality of the popular vote in a particular State become entitled to cast the total number of electoral votes allocated to the State irrespective of how many votes may have been cast for other elector candidates; and

"Whereas this method of electing the President and Vice President is unfair and unjust in that it does not reflect the minority votes cast; and

"Whereas the need for a change has been recognized by Members of Congress on numerous occasions through the introductions of various proposals for amending the Constitution: Now, therefore, be it

Resolved, That application is hereby made to Congress under article V of the Constitution of the United States for the calling of a convention to propose an article of amendment to the Constitution providing for a fair and just division of the electoral votes within the States in the election of the President and Vice President; and be it further

Resolved, That if and when Congress shall have proposed such an article of amendment this application for a convention shall be deemed withdrawn and shall be no longer of any force and effect; and be it further

Resolved, That the proper officer of this State be and he hereby is directed to transmit copies of this application to the Senate and House of Representatives of the United States, and to the several Members of said bodies representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States."

A joint resolution of the Legislature of the State of Arizona; to the Committee on Interior and Insular Affairs:

"HOUSE JOINT MEMORIAL 1

"Joint memorial requesting the Congress of the United States to defeat any legislation amending the Enabling Act so as to permit the State of Arizona to sell school and institutional lands granted to the State by the Federal Government without appraisal and public auction

"Whereas the State of Arizona holds in trust title to considerable land granted to the State by the terms of the Enabling Act; and

"Whereas the Federal Government in granting the land to the State of Arizona placed restrictions and conditions effecting