

UNITED STATES



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92^d CONGRESS
FIRST SESSION

VOLUME 117—PART 8

APRIL 5, 1971, TO APRIL 19, 1971

(PAGES 9469 TO 10870)

tions." The Congress declares in the act that the established national policy of dam and other waterway construction ought to be complemented by a policy preserving and protecting rivers wherever possible.

Having reviewed the guidelines established by the Secretaries of Interior and Agriculture for inclusions in the wild and scenic system, I am aware that Minnesota is fortunate enough to contain several such rivers.

At the same time, Minnesota includes and adjoins population centers of the North Central States area; preservation of wild and scenic rivers in this area insures that millions of our people will have access to waters preserved in their free-flowing, natural state.

One of the most impressive rivers in Minnesota which meets the wild and scenic guidelines is the Big Fork River, in the north-central section of our State.

In 1966, the Minnesota Department of Conservation recommended the Big Fork for inclusion in a State recreational river system.

The Big Fork was given the first priority over all other Minnesota rivers in wilderness classification, and was also given the No. 1 designation as a State canoe river. I believe that this magnificent river ought to be included in the national wild and scenic rivers system, and I am today introducing legislation to accomplish that objective.

The Big Fork River watershed unit has a total area of 2,063 square miles and is roughly 75 miles from south to north, with an average width of about 30 miles. The main stream follows a widely curving course to the north to its junction with Rainy River. The largest falls in the river, with a drop of 35 feet, are to be found at Big Falls.

The river starts at Dora Lake in the sandy outwash plain of the lake region in west central Itasca County. The river flows in a wide channel from this plain along the southeasterly edge of a glacial till area, through the Chippewa National Forest, an excellent recreation area. The river water is clean and clear, and the bottom is a mixture of sand and gravel, with a large amount of plant growth in the water. Rock outcroppings left by glaciers are visible in the river and offer numerous navigable rapids.

In general, no spot on the American Continent is better endowed with natural growth than the Big Fork Valley. Heavy stands of sugar maple cover the ridges in the Bowstring area. Fields of wild rice are found on the upper reaches of the stream. Fur-bearing animals abound, with beaver on every tributary. Waterfowl are abundant during their migrations, and moose graze in the shallows and marshes. Heavy stands of pine line much of the stream from source to mouth.

The exact time that a canoe first rode the waters of the Big Fork is not known, but no doubt the native Chippewa Indians with their birchbark craft used the stream and its tributaries as a means of transportation long before the white man made his appearance some 200 years ago. In keeping with these historical aspects,

the Big Fork River canoe trail starts at Inger with its nearby Indian village. Further down are several Chippewa colonies where the descendants of the Red Man still live. Here, during the wild rice harvest, the Indians still use the same campgrounds and gather the cereal by the same primitive methods as did their ancestors of centuries past. On the west bank of the river, where the Popple joins the Big Fork, a historical plaque marks the site of what is believed to be the first wild rice processing mill in Minnesota. At Big Falls, Indians gathered on the rocky ledges to make their arrowheads. It was near the falls too, that Dan Campbell, the first white settler, squatted in 1877.

Where the Sturgeon River joins the Big Fork, east of Big Falls, a Hudson Bay trading post once stood. It is also the site of an old Indian campground and many artifacts may be found here. This is the ancient water route, via the Sturgeon and Tamarack Rivers to Red Lake—traveled by Indians of many years ago. Another Hudson Bay trading post was located near Keuffner's Landing further north of Big Falls.

At the mouth of the Big Fork, on the east bank, ancient burial grounds are to be found. These are under investigation at the present time by archeologists and the area is being considered as a site for Grand Mounds State Park.

With the railroad reaching Kenora, Ontario, in 1879, the Big Fork River and its tributaries for the next 30 years carried millions upon millions of feet of pine logs to the mills at Kenora and later to Spooner and Baudette. In a single season, as high as 100 million feet of timber floated down the stream into Rainy River on its way to the various mills.

The Big Fork represents a frontier past and, for the most part, the area is still a sparsely settled wilderness. Practically every species of wildlife that existed 200 years ago can still be seen. Resting a paddle for a moment's reflection, one realizes that he has traveled the same route in the same manner as did the Indians, the fur traders, the loggers and the frontier settlers.

I urge prompt inclusion of this great river in the national wild and scenic river system.

By Mr. BURDICK (for himself, Mr. SCOTT, and Mr. TUNNEY):

S. 1509. A bill to encourage and help implement improvements in the judicial machinery of our State and local courts by creating an Institute for Judicial Studies and Assistance, the purpose of which shall be to make grants to State and local courts and nonprofit organizations to carry out the objectives of the act and to serve as a reservoir of up-to-date information on court management and organization. Referred to the Committee on the Judiciary.

STATE COURT ASSISTANCE ACT

Mr. BURDICK. Mr. President, the recent National Conference on the Judiciary held at Williamsburg, Va., which was attended by over 450 representative judges, court administrators and lawyers from almost all of the States, has once

again focused attention upon a problem that has been under consideration in the Senate since 1966. In the 89th Congress, former Senator Joseph D. Tydings, of Maryland, introduced a bill then entitled the "National Court Assistance Act"—S. 3725—and a bill to like effect has been introduced in both the 90th and 91st Congresses. Extensive hearings were held during the years 1967 and 1970, and resulted in several amendments to the original form of the bill.

Basically the bill has a twofold thrust: First it would create an Institute for Judicial Studies and Assistance, whose purpose it would be to collate existing studies and to further the adoption and development of improvements in the organization, procedure and administration of local and State courts; and second, it would authorize a grant-in-aid program, totaling 15,000,000 in the first 3 years, to assist in the planning and implementation of programs conceived by the States for improving the administration of justice in State and local courts.

The bill in its early form in the 89th and 90th Congresses would have created an agency within the Department of Justice operated by a Director, appointed by the President, and advised by a seven-member Advisory Council on Judicial Assistance also appointed by the President. This form of the bill evoked criticism from those who feared an extension of Federal influence into the court systems of the States and who saw a possibility of executive branch interference with the independence of the State courts. To overcome this objection, the bill was redrafted to provide for the creation of an independent agency known as the Institute for Judicial Studies and Assistance, supervised by a seven-member board composed of four State judges, two State court administrators and one attorney engaged in private practice, all of whom would be appointed by the President. The Director of the Institute would be appointed by the board. Another amendment required that an application for a grant to any local or State court must be approved by the highest judicial authority in the State.

This then was the form of the bill at the end of the 91st Congress and as such it had overcome many of the earlier objections to the proposal for Federal assistance to State court systems.

In reintroducing the bill, which I have more accurately entitled as the State Court Assistance Act, I do so fully aware that additional hearings may establish the need to make further amendments to the bill in order to take into account developments which have occurred since it was first conceived by Senator Tydings. There are at least three such developments to be considered:

First is the fact that since 1966 many of the States have conducted, in greater or lesser degree, studies of their own court systems. Beginning in 1967 with the exhaustive report of the President's Commission on Law Enforcement and Administration of Justice, the Federal Government has financially assisted the

fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. No member may serve for a period in excess of eight years.

(d) Members of the Board who are not regular full-time employees of the United States shall, while serving on business of the Center, be entitled to receive compensation at rates fixed by the President, but not exceeding the rate prescribed for GS-18 of the General Schedule under 5332, title 5, United States Code, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The President shall call the first meeting of the Board of the Center, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve until one year after the date of their appointment. Thereafter each Chairman and Vice Chairman shall be elected for a term of two years. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Board shall elect an individual from among the members of the Board to fill such vacancy.

(f) (1) A majority of the trustees of the Center shall constitute a quorum.

(2) The Board shall meet at least four times a year.

OFFICERS

SEC. 4. There shall be a Director and a Deputy Director of the Center who shall be appointed by the Board. In making such appointments the Board shall give due consideration to the recommendations of the President. Under the direction of the Board, the Director shall be responsible for carrying out the functions of the Center, and shall have authority and control over all personnel and activities thereof. The Deputy Director shall perform such functions as the Director, with the approval of the Center, may prescribe, and be acting Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director. The Director and the Deputy Director shall each serve for a term of six years unless previously removed by the Board. The Director shall be compensated at a rate equal to the rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code. The Deputy Director shall be compensated at a rate equal to the rate prescribed for level V of the Executive Schedule.

FUNCTIONS OF THE CENTER

SEC. 5. (a) In order to carry out the purposes of this Act, the Center shall—

(1) conduct basic and applied research programs with respect to—

(A) a further understanding of the dynamics of the economic and social development of rural areas in the United States and their interrelationship with urban areas;

(B) the formulation and effectiveness of national, state, and local policy concerning rural development;

(C) to the effectiveness of existing institutions and the need for, and the appropriate form of, new institutions, such as regional development centers, necessary to contribute to advancing the purposes of this Act;

(D) the development of new techniques and the application of advances in science and technology to the problems of rural areas;

(2) collect, analyze, and disseminate to the public where appropriate, as well as to officials of Federal, State, and local governments, relevant information on rural devel-

opment, especially information developed by the Center and facilitate the exchange of other relevant information on rural development among officials of rural areas, officers of quasi-governmental agencies in such areas, and appropriate educational and research institutions and private welfare and citizens organizations;

(3) conduct, or cause to be conducted, short-term educational programs for the personnel of public and private agencies of rural areas or serving the interests of such areas on matters of interest to such personnel; and

(4) design and conduct, or cause to be conducted, experimental projects and provide such technical assistance to public officials and rural areas upon request as the Director deems appropriate after considering the other demands made upon the Center.

(5) prepare at least annually a report concerning its activities together with such recommendations, including recommendations for additional legislation, as the Board deems advisable.

(b) In carrying out the functions of the Institute under this section, the Board may establish such laboratories and facilities as it deems necessary to be operated by the personnel of the Center. With a view to obtaining additional scientific and intellectual resources available, the Director shall, whenever feasible, enter into contracts with public or private educational or research institutions for the purpose of undertaking any particular study or research project authorized by this Act.

ADMINISTRATIVE PROVISIONS

SEC. 6. (a) In addition to any authority vested in it by other provisions of this Act, the Center, in carrying out its functions, is authorized to—

(1) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Center; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) in the discretion of the Center, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Center with a condition or restriction, including a condition that the Center use other funds of the Center for the purposes of the gift;

(4) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as deemed desirable to advise the Center with respect to its functions under this Act;

(5) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no more than three individuals so appointed shall receive compensation in excess of the rate prescribed for GS-18 in the General Schedule under section 5332 of title 5, United States Code;

(6) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed the rate prescribed for GS-18 in the General Schedule under section 5332 of title 5, United States Code;

(7) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(8) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this Act, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(9) provide for the making of such reports (including fund accounting reports) and the filing of such applications in such form and containing such information as the Director may reasonably require;

(10) make advances, progress, and other payments which the Board deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(11) make other necessary expenditures.

(b) Each member of a committee appointed pursuant to paragraph (4) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount equal to the maximum daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including travel time) as a member of a committee. All members shall be reimbursed for travel, subsistence and necessary expenses incurred in the performance of their duties.

DEFINITIONS

SEC. 7. As used in this Act the term—

(1) "Board" means the Board of Directors of the National Rural Development Center;

(2) "Center" means the National Rural Development Center; and

(3) "Director" means the Director of the National Rural Development Center.

AUTHORIZATION

SEC. 8. There are authorized to be appropriated to the Center such sums as may be necessary to carry out the provisions of this Act.

By Mr. MONDALE:

S. 1508. A bill to amend the Wild and Scenic Rivers Act by designating a certain river in the State of Minnesota as a potential addition to the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

Mr. MONDALE. Mr. President, we have been regrettably slow to protect the natural state of our great rivers.

The degradation of our rivers has been a national disgrace. To drink from any sizable river in the United States is foolhardy, and a safe, clean swim in a river is a memory from distant youth. Boating on major streams is often a cruise through trash heaps, many of them publicly maintained.

We have seen river pollution burn on the water's surface. We have erected dams and impoundments which have forever flooded irreplaceable natural wonders like Glen Canyon. In the name of developments we have bulldozed the banks of some of our greatest scenic rivers.

The National Wild and Scenic Rivers Act, Public Law 90-542, protects some of our most valuable natural treasures, our rivers, specifically those which possess outstanding geologic, scenic, historic, or wildlife values.

The act is designed to preserve these rivers "in free-flowing condition, that they and their immediate environments shall be protected for the benefit and enjoyment of present and future genera-