

## MAJOR CONGRESSIONAL ACTION

### SCENIC RIVERS

Congress Sept. 26 completed action on a major Administration-requested conservation bill (S 119) to preserve stretches of wild and scenic rivers in their natural state. The bill named eight initial rivers in the system, designated 27 rivers to be studied for potential inclusion, and specified methods of land acquisition and administration.

S 119 provided a significant addition to the nation's over-all conservation program. It was intended to save many of the few remaining stretches of streams still in their natural state from incompatible water resource development, from pollution or commercialization.

During House consideration of the bill on Sept. 12, Joseph E. Karth (D Minn.) said that "the public is more and more becoming enraged when government condones or encourages further desecration of the land and water around us. This is no longer a ho-hum matter, but rather is one of deep anger at behind-the-scenes lobbying to ensure the preservation of bureaucracy or special interest."

S 119 declared it to be national policy that those river stretches which "possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations."

Segments of the following eight rivers were designated for inclusion in the system: Clearwater, Idaho; Eleven Point, Mo.; Feather, Calif.; Rio Grande, N.M.; Rogue, Ore.; Saint Croix, Minn. and Wis.; Salmon, Idaho; Wolf, Wis.

The final version of the bill was a compromise between the broader Senate measure, designating 12 wild and scenic river segments and 28 rivers for study, and the House measure, which named only six scenic rivers and designated 25 streams for study. The Administration had asked for inclusion of nine rivers in the first part of the system, and for study of 35 rivers.

### Provisions

As signed into law (PL 90-542) Oct. 2, S 119:

#### POLICY, CLASSIFICATIONS

Declared that it was national policy to preserve in their natural state streams which possessed remarkable scenic, recreational, geologic, fish and wildlife, historic or cultural values. To implement that policy, established a national wild and scenic rivers system.

Provided that Congress or the individual states could designate a river as part of the system, but required that a designating state (or its subdivision) administer the river at no cost to the Government. (Land and Water Conservation Fund grants could be used.)

**Classifications.** Established three classifications in the system; wild river areas, essentially primitive and unpolluted streams free of impoundments and generally inaccessible except by trail; scenic river areas, streams that are free of impoundments, with largely primitive and undeveloped shorelines, but accessible in places by roads; recreational river areas, streams that may have some impoundments and developments, and are readily accessible by rail or car.

### DESIGNATED RIVERS, LAND ACQUISITION

**Rivers in System.** Designated as part of the national wild and scenic rivers system segments of the following eight rivers: the Middle Fork of the Clearwater, including parts of the Lochsa and Selway Rivers, Idaho; the Eleven Point, Mo.; the Middle Fork of the Feather, Calif.; the Rio Grande, including four miles of the Red, N.M.; the Rogue, Ore.; the Saint Croix, including part of the Namekagon, Minn. and Wis.; the Middle Fork of the Salmon, Idaho; the Wolf, Wis.

Provided that the Allagash Wilderness Waterway in Maine and the segment of the Wolf River in Wisconsin running through Langlade County would become part of the system if the Governors of those states requested inclusion.

**Land Acquisition Procedures.** Established the following land acquisition procedures and limitations for land surrounding rivers designated as part of the national system:

Authorized the acquisition by condemnation of up to 100 acres per mile on both sides of a river. Permitted acquisition of state owned land by donation only.

Prohibited acquisition of land owned by a political subdivision or Indian tribe by condemnation if the appropriate Secretary found that the subdivision or tribe was managing and protecting the land so as to comply with the goals of the legislation.

Prohibited condemnation of land for the system if it was located in an incorporated political subdivision and zoned consistent with the goals of the legislation. Authorized the appropriate Secretary to issue zoning guidelines designed to prohibit commercial or industrial use of the land in conflict with the goals of the legislation.

Prohibited condemnation to acquire land if more than half of the acreage along a designated scenic, wild or recreational river was owned by the Federal Government, a state, or a political subdivision. Permitted, however, condemnation when titles were clouded. Permitted condemnation for scenic or other easements needed to give the public access to the river and use of the area.

Authorized the appropriate Secretary to trade federally owned land for land needed for the system. Authorized the transfer of federally owned land by the agency holding it to the system, and authorized the acceptance of donations of land for the system.

Authorized landowners to retain the use of the homes and surrounding needed acreage for 25 years, or for the life of the owner and the owner's spouse, unless the Government found that the property was being used in a manner conflicting with the purposes of the act.

**Appropriations.** Authorized appropriation from the Land and Water Conservation Fund of \$17 million for land acquisition.

#### RIVERS TO BE STUDIED

Directed the Secretaries of Interior and/or Agriculture to conduct studies of rivers designated by Congress to determine if they should be included in the national wild and scenic rivers system.

**Designated Study Rivers.** Designated segments of the following 27 rivers for study by the Secretaries: Allegheny, Pa.; Bruneau (main stem), Idaho; Buffalo,

Tenn.; Chattooga, N.C., S.C., Ga.; Clarion, Pa.; Delaware, Pa. and N.Y.; Flathead (segments of the North, Middle and South Forks), Mont.; Gasconade, Mo.; Illinois, Ore.; Little Beaver (segments of the North and Middle Forks), Ohio; Little Miami (from Loveland upstream, including North Fork, exclusive of tributaries), Ohio; Maumee (Perrysburg to Fort Wayne exclusive of tributaries in Ohio; inclusive of tributaries in Indiana), Ohio and Ind.; Missouri, Mont.; Moyie, Idaho; Obed (including Clear Creek and Daddys Creek and tributaries), Tenn.; Penobscot (east and west branches), Maine; Pere Marquette, Mich.; Pine Creek, Pa.; Priest, Idaho; Rio Grande (if Mexico does not object), Texas; Saint Croix, Minn. and Wis.; Saint Joe, Idaho; Salmon, Idaho; Skagit (including segments of the Cascade, South Fork, Suiattle, Sauk, and North and South Fork of the Sauk), Wash.; Suwannee, Ga. and Fla.; Upper Iowa, Iowa; Youghiogheny, Md. and Pa.

**Conduct of Studies.** Required the Interior Secretary, or Agriculture Secretary where national forest land was involved, or both, to complete the river studies as soon as possible, giving first priority to those most likely to be developed soon and made unsuitable for the system.

Required completion of the studies within 10 years (except that the studies on the Suwannee and Upper Iowa were to be completed within two years); required the Secretaries to cooperate closely with state governments on the studies; authorized joint studies where requested by a state; required inclusion in the study of the degree of state or local participation in preservation and administration of a stream considered for inclusion in the system.

Required that reports on potential inclusions be seen by both Secretaries, the Secretary of the Army, the chairman of the Federal Power Commission, and, unless the land area involved was already owned or authorized for purchase by the Federal Government, the Governor of the affected state.

Required that Congress delay implementing a recommendation for inclusion of a river until the legislatures of the affected states had time to complete a full session aware that the recommendation had been made.

Required all federal agencies planning water projects to consider potential inclusion of segments of the involved streams in the system, when evaluating the projects.

### FPC LICENSING, OTHER LIMITATIONS

Specified that the Federal Power Commission (FPC) should not license projects on or affecting stream segment in the system, and extended the ban to all agencies with authority to implement construction of a water resources project which could adversely affect a scenic stream. Stipulated that construction could be authorized on non-scenic stretches or tributaries if it would not harm the scenic area. Provided that no agency could request authorization or appropriations for any project adversely affecting a scenic stream without notifying the Secretary administering the stream at least 60 days in advance of the request, and required the agency to inform Congress of its request, and its effect on the stream, at the same time.

Specified that the FPC and other agencies could not license projects on the study streams for five years after

the Act's enactment, except on those streams determined by the appropriate Secretary as no longer potential parts of the system. Permitted extension of the ban on licensing for up to an additional three years on streams subsequently recommended for inclusion, to give Congress time to act. Permitted extension of the ban for one additional year on streams recommended for inclusion under state sponsorship, to give state legislatures time to act.

Required the FPC and other agencies to inform the appropriate Secretary of any projects underway, regardless of state of advancement, which might affect the system.

Provided that mining claims within the system would come under the regulation of the appropriate Secretary so as not to adversely affect the system. Prohibited mining within a quarter mile of a wild river, including those in the study category, except for valid existing rights.

Required heads of federal agencies to protect potential scenic river system acquisitions and adjoining lands under their jurisdictions.

Provided that the Act would not affect state water laws or interstate water compacts.

Directed that states and local governments be encouraged to plan and administer scenic streams in areas adjoining land owned by the state or local government.

Withdrew land within the system from sale or disposition under the public land laws.

Authorized granting of rights-of-way and easements across the system, but stipulated that the only conditions that could attach would be those furthering the purposes of the Act. (This avoided the regulation requiring non-federal builders of new power lines across federal lands to agree to share the transmission facilities with the Federal Government.)

## Background

President Johnson in 1965 first recommended legislation to create a national system of wild rivers. A bill was reported in the Senate, but no further action was taken. Mr. Johnson repeated the request in 1966. The Senate Jan. 18, 1966, passed an Administration-backed bill (S 1446) which designated segments of seven rivers as initial components in the system, but the House took no action on the bill. (1966 *Almanac* p. 653)

In 1967, the President also recommended a "scenic rivers" system to include both untamed mountain streams in relatively isolated areas (wild rivers) and relatively placid but picturesque rivers which were better suited to recreational use by large numbers of persons. The Administration's draft bill (S 1092) designated nine river segments, totaling 975 miles, as the first components of the scenic rivers system. The Senate Aug. 8, 1967, by an 84-0 roll-call vote, passed a measure (S 119) incorporating features of both the Administration's 1967 scenic rivers proposal (S 1092) and the 1966 wild rivers bill (S 1446). The House took no action. (1967 *Almanac* p. 759)

**Pending Bills.** The four principal bills before the House Committee in 1968 were HR 8416, introduced by Interior Committee Chairman Wayne N. Aspinall (D Colo.); HR 90, introduced by John P. Saylor (R Pa.), ranking Republican on the Committee; HR 6166, the Administration bill, introduced by Henry S. Reuss (D Wis.); and S 119 as passed by the Senate. Major differences in the bills:

Bill	No. of Rivers	Area	Acquisition Cost*	Development Cost*	Rivers to be Studied
HR 8416	4	4,600	\$ 5.3	\$ 6.1	20
HR 90	16	213,820	100.7	18.1	66
HR 6166	9	90,565	35.1	10.3	35
S 119	9	84,880	25.3	9.9	28

\*In millions of dollars

SOURCE: Interior Department Bureau of Outdoor Recreation

## House

**COMMITTEE**—House Interior and Insular Affairs.

**HELD HEARINGS**—March 7-8 and 18-19 on several bills to establish a National Wild and Scenic Rivers System.

**TESTIMONY**—March 7—Edward C. Crafts, director of the Interior Department's Bureau of Outdoor Recreation, indicated that any combination of rivers included in the four bills would be "acceptable for designation at the present time." The estimated cost of such a combination would be about \$35.3 million, he said.

Crafts proposed several amendments to Aspinall's bill (HR 8416), which provided that four designated rivers be classified according to types—wild, natural environment, pastoral and historic and cultural. Crafts contended that it was premature for the bill to make classifications in the absence of more detailed knowledge of rivers. He proposed that classifications be made as soon as possible after rivers were included in the system. Also, he said, the bill should preclude only water resource projects having an adverse effect on the scenic values of rivers in the system, and not all federally assisted projects. Crafts further recommended that HR 8416 be amended to subject private lands to eminent domain, instead of preventing the Secretary from acquiring lands (public or private) within the boundaries of any political subdivision of a state without its consent.

Rep. O.C. Fisher (D Texas) urged that the Guadalupe River in Texas be deleted from S 119. He said the river was already highly developed and "no one seems to know why this stream was included" in the system proposed in S 119.

Sen. Len B. Jordan (R Idaho) contended that when a river was proposed as part of the system, the legislature of the state where the river was located should have an opportunity to consider the proposal and to make recommendations.

Rep. Joseph E. Karth (D Minn.) warned that unless Congress quickly approved a bill including the upper St. Croix and the Namekagon River as well as the lower St. Croix River, the Army Corps of Engineers would build a dam on the river and "this picturesque wilderness...will be at the bottom of a 40-mile-long lake."

March 8—Assistant Secretary of Agriculture John A. Baker emphasized that many land uses were compatible with scenic river management, such as livestock grazing, farming, forestry and "simple, rustic recreation developments."

March 18—Representatives of the Suwannee River (Fla.) Citizens Assn. requested that the Suwannee be removed from consideration because of citizen opposition

and the need for dams and diversified development in the area.

**ACTION**—July 3 reported an Administration-backed bill (HR 18260—H Rept 1623) establishing a National Scenic Rivers System. HR 18260 combined features of the several scenic rivers bills before the Committee.

As in S 119, HR 18260 established a National Scenic Rivers System composed of: (1) all areas designated by S 119 and by future acts of Congress; and (2) state or locally administered areas designated by the Interior Secretary for inclusion in the system.

HR 18260 designated six rivers as national scenic river areas: Clearwater, Idaho; Rio Grande, N.M.; Rogue, Ore.; St. Croix, Minn. and Wis.; Salmon, Idaho; Wolf, Wis.

In addition to the six initial rivers, 28 rivers were listed for detailed study for possible future inclusion in the system. Fifteen years was granted for such study, with priority given to those rivers most endangered by developments which could make them unsuitable for inclusion in the system.

The bill provided, as did S 119, for the designation by the Interior Secretary of the Allagash Wilderness Waterway in Maine and a segment of the Wolf River in Wisconsin as parts of the national system, upon the application of the Governors of the two states.

Like S 119, HR 18260 limited the maximum extent of each scenic river area to 320 acres on each side of a river for each mile of river bed. However, the Committee did not include a Senate provision specifying that not more than 100 acres per mile of the 320-acre total could be acquired by the Government through condemnation or any other means of acquisition. Also, state, county and Indian land could not be acquired without the owner's consent unless the owner failed to manage the property in a manner consistent with the act.

HR 18260 would allow uses of the property that did not "substantially" interfere with public use and enjoyment of the system. The bill prohibited the licensing of dams on the six scenic rivers by the Federal Power Commission or construction of federal water projects without Congressional approval. Study rivers, including those named by the states, were given such protection for five years following enactment of HR 18260.

**Cost.** HR 18260 limited appropriations for land acquisition for the six initial rivers in the system to \$17,340,000. Development costs were estimated at about \$7 million, but no specific figure was listed in the bill. Study costs were estimated at about \$50,000 per river.

**Separate Views.** Sam Steiger (R Ariz.) opposed HR 18260, contending that, "Under the guise of protecting scenic values, this legislation will stifle progress, inhibit economic development and incur a staggering expenditure, an expenditure that has been impossible to accurately estimate."

## Floor Action

The House Sept. 12 by a 267-7 roll-call vote passed HR 18260. (See vote 179, p. 80-H.)

After passing the bill, the House substituted its language for that of a Senate-passed measure (S 119) and then passed S 119 by voice vote. The two versions

differed on many points and S 119 was sent to conference on Sept. 17.

As passed by the House, the bill placed six streams in the Scenic Rivers System, permitted two additional streams to go into the system if the Governors of the affected states requested it and designated 25 streams to be studied for potential inclusion in the system.

It was the bill's second trip to the floor of the House; an attempt to suspend the rules and act on it July 15 failed by voice vote to get the necessary two-thirds vote because some Members—mostly Members from New York and Pennsylvania concerned with development of the Susquehanna River—opposed provisions that prohibited the licensing of dams on scenic rivers by the FPC or the construction of federal water projects without Congressional consent.

Samuel S. Stratton (D N.Y.) said that “in the interest presumably of protecting wild rivers, we may well be creating havoc on some of the rivers in our own areas.”

George A. Goodling (R Pa.) expressed concern over utility permits due to expire during the five-year moratorium.

Several Members questioned the status of Corps of Engineer projects on designated rivers. House Interior and Insular Affairs Committee Chairman Wayne N. Aspinall (D Colo.) said the moratorium would not affect Corps of Engineers projects which already had been approved unless power facilities were to be installed. He told opponents of the bill, “You cannot have your cake and eat it too.... If you are going to have development of the rivers, and build your homes at the expense of the public's enjoyment, if you are going to have power plants...then that is what you will have. But if you are going to set aside some rivers to enjoy them as rivers, you had better make up your minds to do that.”

When the bill was taken up again Sept. 12, Aspinall spoke extensively on the matter of developments on the rivers. He told Members that the legislation would not prevent continuance of projects already authorized or initiation of future projects if approved by Congress, despite strong wording in the bill to obtain its objective—the preservation of stretches of wild and scenic rivers in their natural condition.

Aspinall said he was willing to accept amendments from any Member who did not want a stream in his District included in the legislation, and four such amendments were adopted by voice votes.

In discussing the fear of some Members that the bill could prevent any projects on streams under study for up to 15 years, Aspinall said: “Now let me dispel one misunderstanding. We have not ‘locked up’ these rivers. If the Corps of Engineers, for instance, wants to put a development in on any of them, all it has to do is advise the Secretary of the Interior ahead of time, and inform the Congress what the effects of its development will be. Then if Congress says OK, OK it is.”

Aspinall also discussed another point worrying some members: owners' rights along streams under study.

“Likewise there is nothing in the bill—and there could be nothing in the bill—to prevent any landowner along any of these study rivers from continuing to do what he wants to do with his own land and his own money until the river is authorized for inclusion in the scenic river system and his land is acquired in accordance with the usual procedure,” he said.

Richard Fulton (D Tenn.), a supporter, said that “our national policy of constructing dams and other works on certain sections of rivers needs to be complemented with a policy of preserving other sections of free-flowing rivers and related adjacent lands that possess outstanding scenic, fish, wildlife and other outdoor recreational values.”

He also said the bill would ensure that “as this nation continues its industrial and commercial development, special care will be taken to assure that progress need not be synonymous with pollution of many of our outstanding free-flowing streams.”

**PROVISIONS**—(See Committee report above; for major differences between the House provisions and the final provisions, see conference report below.)

#### AMENDMENTS ACCEPTED

Sept. 12—Tim Lee Carter (R Ky.)—Eliminate the Cumberland River's Big South Fork, and the Big South Fork's tributary, Clear Fork, from the list of streams to be studied for potential addition to the scenic rivers system. Voice vote.

Don Fuqua (D Fla.)—Require that the study of the Suwannee River for potential inclusion in the system be completed within two years, instead of the 15 years authorized for other potential inclusions. Voice.

Samuel S. Stratton (D N.Y.)—Eliminate the Susquehanna from the list of streams to be studied for potential addition to the scenic rivers system. Voice.

William H. Harsha (R Ohio)—Clarify the legislation to make it specifically state that only a portion of the Little Miami (Ohio) River's main stem was included among the streams being studied for possible future inclusion in the system. Voice.

Dave Martin (R Neb.)—Eliminate the Niobrara River from the list of streams to be studied for potential inclusion in the scenic rivers system. Voice.

#### Conference

**REPORT.** Conferees filed Sept. 24 a report (H Rept 1917), resolving major differences as follows:

**Classification System.** The conferees retained the three-part classification system for rivers, but instead of numbering the classes used the Senate method and named them “wild,” “scenic,” or “recreational.”

**Initial, Study Rivers.** The House bill placed six river segments in the system and named 25 to be studied for potential inclusion. The Senate bill placed 12 river segments in the system and listed 28 to be studied for potential inclusion.

The conference version of the bill included eight rivers in the system and designated 27 rivers for study. The eight in the system included six that were in both the House and Senate versions, one that was designated for inclusion by the Senate but only for study by the House (Eleven Point), and one that was listed for study in both versions of the bill (Feather).

Four rivers recommended by the Senate for inclusion in the system were moved to the study category. They were the Allegheny, Little Beaver, Maumee and Youghiogeny. The House had recommended neither inclusion nor study of these streams.

Dropped as study rivers from the Senate bill were Big Fork, Minn.; Hudson, N.Y.; Niobrara-Snake, Neb.; Susquehanna, N.Y. and Pa.; West Branch of the Susquehanna, Pa.; Guadalupe, Texas; Klamath, Calif.; Rio Grande, Tex.

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Five rivers recommended for study by the House but not included by the Senate were accepted by the conferees. They were Obed, Tenn.; Bruneau, Myoie, St. Joe, Priest, all in Idaho.

The conferees required reports on the studies within 10 years, instead of the 5 years in the Senate bill and 15 years in the House bill. The conferees modified a House provision prohibiting the Secretaries of Interior and Agriculture from making a study when a state was willing to make a study, to granting authority for such a study to be made as a joint federal-state effort.

**Land Acquisition.** The conferees limited land acquisition by fee title to up to 100 acres per river mile on both sides of the river. The House had allowed 320 acres and the Senate had limited acquisition by condemnation to 100 acres, but permitted condemnation for scenic easement of up to 320 acres.

The conferees adopted several other Senate provisions on land acquisition, including prohibiting acquisition of land by condemnation within political subdivisions when the land was appropriately zoned, unless needed to clear a title.

The conferees accepted a Senate provision prohibiting acquisition by condemnation of land when at least 50 percent of the land in an area of the system was already owned by the federal or other governments, unless needed to clear a title.

The conferees specifically authorized the Secretaries of Interior or Agriculture to acquire easements needed for access to the areas of the system, and used the term "scenic easement" as defined by the Senate, rather than "conservation easement" as used by the House.

**Appropriations.** The conferees authorized \$17 million for land purchases, rather than the \$17,340,000 authorized by the House or the open-end authorization of the Senate.

**FINAL ACTION.** The House Sept. 25 by voice vote and the Senate Sept. 26 by voice vote accepted the conference report.

**BILLS SIGNED.** At a White House ceremony Oct. 2, President Johnson signed S 119 into law (PL 90-542) and said that the bill initiated a new national policy of "preserving sections of selected rivers which hold outstanding conservation values."

### FEDERAL MAGISTRATES

Congress Oct. 3 cleared a bill (S 945), the Federal Magistrates Act, establishing a system of federal magistrates to replace the existing system of U.S. commissioners. The President signed the bill Oct. 17 (PL 90-578).

The 700 commissioners in the nation were the first judicial officers before whom persons arrested on federal charges were brought. The commissioner system had not been reformed in more than 100 years.

Critics of the commissioner system considered a number of its features anachronistic. Commissioners were not required to be lawyers (more than a third were not) and were paid under a fee system according to the number and nature of matters they handled. They could not be paid more than \$10,500 a year. Their trial jurisdiction was limited to petty offense misdemeanors committed on certain federal property.

The bill was supported by the Justice Department, the American Bar Assn., the Judicial Conference of

the United States and the National Assn. of U.S. Commissioners.

**PROVISIONS**—As passed, S 945:

Abolished the office of U.S. commissioner and replaced it with the office of U.S. magistrate.

Required that all U.S. magistrates be lawyers except in extreme circumstances when it was impossible for the federal district judge who appointed them to find a qualified lawyer to fill a particular position.

Replaced the fee system of compensation with a system of salaries on a sliding scale according to the anticipated workload.

Set the term of a full-time magistrate at eight years and the term of a part-time magistrate at four years.

Permitted magistrates to be assigned duties by federal district courts such as supervision of pretrial and discovery proceedings and preliminary consideration of certain petitions.

Gave the magistrates an expanded trial jurisdiction over certain minor federal offenses when the defendant waived his rights to trial by a district court and to trial by jury.

**Legislative History.** S 945 was introduced on Feb. 9, 1967, by Sen. Joseph D. Tydings (D Md.) and 42 co-sponsors of both parties. The Senate Judiciary Committee June 28, 1967, reported the bill (S Rept 371) and the Senate June 29, 1967, by voice vote passed it. The House Judiciary Committee July 3, 1968, reported the bill (H Rept 1629) with an amendment in the nature of a substitute but amending the bill only technically and for clarification. (*For 1967 action, see 1967 Almanac p. 872.*)

### House Floor Action

The House Sept. 26 by a 172-21 standing vote passed and returned to the Senate an amended S 945.

Before passing the measure, the House by a 64-258 roll-call vote rejected a motion to recommit the bill with instructions to amend the bill to limit the number of magistrates to 250 and to require that they be appointed by the President. (*See vote 205, p. 90-H.*)

Under the U.S. commissioner system, commissioners were appointed by federal district judges, who could appoint as many as they deemed advisable.

The recommittal motion was made by William T. Cahill (R N.J.), who contended that the lack of a ceiling on the number of magistrates was a "blank check authorization." He said that since the magistrates would perform minor judicial duties, the Constitution required that they be appointed by the President with the advice and consent of the Senate.

Judiciary Committee Chairman Emanuel Celler (D N.Y.) countered that the measure followed existing practice. He said the bill vested control over the number of magistrates in the Judicial Conference of the United States, which oversaw administration of the federal judiciary. In addition, he said, Congress could exercise control over the number of magistrates through its appropriating powers.

### Final Action

The Senate Oct. 3 by voice vote concurred in the House amendments, clearing the bill for the President.