ness, but it does impose a Federal regulatory scheme on the States. It says that it wants to depend on State administrators to implement the law, but it knows that this stretches the limits of federalism and begs for sequel legislation establishing a Federal automobile insurance regulatory agency.

Mr. MOSS. Mr. President, if no-fault by itself is sufficiently fraught with constitutional questions to make it totally unwise and unwarranted to further burden it with constitutional questions. This is what has been done in S. 354. I do not believe, Mr. President, that it would be responsible on the part of Congress to enact legislation which affects the daily lives of practically every individual in this country, and which contains so many unrelated constitutional problems.

AMENDMENT NO. 1132

Mr. MOSS. Mr. President, is the bill open to amendment at this time?

The PRESIDING OFFICER (Mr. HELMS). The bill is open to amendment. Mr. MOSS. I call up amendment No. 1132. The principal sponsor of this amendment is the Senator from Washington (Mr. McGee), and I am a co-sponsor. He has asked me to call it up at this time, and therefore I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment (No. 1132), which is as follows:

AMENDMENT NO. 1132

On page 91, line 6, delete "(2) and (3)" and insert in lieu thereof "(2), (3), and (4)". On page 91, lines 14 and 15, delete "based upon a determination of fault". On page 99, line 5, delete "(3)" and insert in lieu thereof "(4)".

I ask unanimous consent that the proposed amendment be read with the amendment to the pending bill.

As the Senate will notice, of course, this places an option with the State as to whether it decides such reallocation is necessary to prevent windfalls. Since the thrust of this bill is to leave with the States the maximum degree of administrative function in the no-fault law, it is felt that this would be a proper amendment to the pending bill. I offer this proposal for the consideration of the Senate. The amendment, I might note, was submitted on the first of April, and there has been plenty of time to consider it. Therefore, there has been no opposition expressed to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington (Mr. MOSS). Mr. GRiffin. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

AMENDMENT OF WILD AND SCENIC RIVERS ACT

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H. R. 9482.

The PRESIDING OFFICER (Mr. HELMS). Mr. Mr. Tomorow. I shall suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TO-MORROW

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H. R. 9482.

The PRESIDING OFFICER (Mr. HELMS). Mr. Mr. Mr. Tomorow. I shall suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(c) In section 4(a) and insert in lieu thereof the following: "Sec. 4. (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture, or, in appropriate cases, the two Secretaries jointly shall study and submit to the President reports on the suitability or nonsuitability for addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system. The President shall report to the Congress his recommendations and proposals with respect to the designation of each such river or section thereof under this Act. Such studies shall be completed and such reports shall be made to the Congress with respect to all rivers named in subparagraphs 6(a) (1) through (27) of this Act no later than October 2, 1978. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest potential for developments which, if undertaken, would
render the rivers unsuitable for inclusion in the National Wild and Scenic Rivers System.

Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 394; 42 U.S.C. 1602 et seq.).

In the case of a river which is wholly or substantially within a national forest, shall be the department of its size and by which it is proposed the area, should it be added to the system, be administered; the extent to which it is proposed that such administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary interests in land and administering the area, should it be added to the system. Each such report shall be printed as a separate document.

(2) In section 5 delete subsection (b) and reletter subsections (c) and (d) as (b) and (c), respectively.

(3) In section 7(b) delete all after “Act” and insert in lieu thereof “or for three complete fiscal years following any Act of Congress designating any river for potential addition to the national wild and scenic river system, whichever is later.”

(c) In section 7 (b) delete “five-year” and delete “and” and delete “public” and insert in lieu thereof “or notify the Committees on Interior and Insular Affairs of the United States Congress in writing, including a copy of the study upon which his determination was made, at least 180 days while Congress is in session, prior to”.

(d) In section 15 (c) “delete the purpose of protecting the scenic view from the river and insert in lieu thereof within the authorized boundary of a component of the national wild and scenic river system, including the protection of the natural qualities of a designated wild, scenic or recreational river area.”

(e) Delete section 16 and insert in lieu thereof:

“SEC. 16. (a) There are hereby authorized to be appropriated, including such sums as have hereafter been appropriated, the following amounts for land acquisition for each of the rivers described in section 3(a) of this Act:

Clearwater, Middle Fork, Idaho... $2,105,000
Eleven Point, Missouri... $4,095,000
Feather, Middle Fork, California... $2,095,000
Rio Grande, New Mexico... $3,000,000
Rogue, Oregon... $1,500,000
Salmon, Middle Fork, Idaho... $1,300,000
Wolf, Wisconsin... $1,300,000

(b) The authority to make the appropriations authorized in this section shall expire on October 30, 1979.

MR. JACKSON. Mr. President, the purpose of this measure is to include the Chattooga River in the Wild and Scenic Rivers System and also to make various general amendments to the Wild and Scenic Rivers Act in order to strengthen the act in several respects.

H.R. 4942, which was passed the House of Representatives on December 3, 1973, is virtually identical to S. 2385, introduced by Senators Talman and Nunn.

At the October 10, 1973, Public Lands Subcommittee hearing on S. 2385 and H.R. 4942, administration representatives, State officials, and public witnesses gave unanimous support to the designation of the Chattooga as a component of the Wild and Scenic River System. On the basis of that testimony, on December 3, 1973, the full Committee on Interior and Insular Affairs unanimously agreed to report H.R. 4942 to the Senate.

In addition, the committee agreed to add the provisions of S. 921—containing certain amendments to the original Wild and Scenic Rivers Act, 82 Stat. 906—which previously passed the Senate on September 24, 1973. The addition of this amendment was made necessary when the Senate was prevented from insisting that the bill, because the language in S. 921, which became law on October 2, 1973, was, in the opinion of the Senate, contrary to the wishes of the House.

On March 22, 1974, the Senate passed H.R. 4942, as amended. In addition to designating the Chattooga River as a national wild and scenic river, the bill, as amended by the Senate, provided for five changes to the original act.

First, it would extend the moratorium on water resource projects for study in the Act from the date of enactment of the original Wild and Scenic Rivers Act to 10 years—thus shifting the moratorium deadline from October 2, 1973, to October 2, 1978.

Second, it would increase the funding authorization of $17,000,000 in the original act to $37,600,000.

Third, it would remove the authority of either Senate or House, without ever reporting to Congress, at his discretion, to terminate a study of, and remove protection for any river which Congress has designated for a study. The amendment would provide a minimum 3-year period for Congress to review a river study report whether it is positive or negative.

Fourth, it would place a definite 3-fiscal year limit on the studies by the Secretary for all rivers designated for study by Congress in either the original act or any subsequent act.

Fifth, it would remove the authority of either Senate or House, without ever reporting to Congress, at his discretion, to terminate a study of, and remove protection for any river which Congress has designated for study; and

Sixth, it would provide the President, rather than one of the Secretaries, report to Congress on each river study.

The original act provided a ten-year time period for study of the 27 rivers designated for study in the Act. There was no provision similar to subsection (c) of section 3 of the Wilderness Act (78 Stat. 890) providing that there be more than one-third of the areas (shall) be reviewed... within three years after enactment... not less than two-thirds within seven years after enactment... and the remainder within ten years after enactment...

As noted in the discussion of clause (b), only five studies have been completed to date. Congress has scheduled the moratorium deadline from October 2, 1973, to October 2, 1978.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

BACKGROUND AND ANALYSIS

Clause (b). The Wild and Scenic Rivers Act provided for the study of 27 rivers for possible inclusion in the national wild and scenic rivers system. A 10-year study period (until October 2, 1978) was established. However, under section 7(b)(1), the study areas were water resource projects for only 5 years (until October 2, 1973). To date, only five river studies have been transmitted to Congress. The Administration has discarded entirely its early schedule calling for completion of all 27 studies by October 2, 1973, termination date of the protection period. A new schedule was prepared and submitted for a new law called for completion of most of the studies by midsummer 1974. However, this schedule is already outdated.

The authority to make the appropriations described in this bill is necessary to complete the designations.

A ten-year study period was, of course, logical for the original Act which called for 27 studies. Additional designations to the study category will be done on a case-by-case basis usually by separate Acts of Con-
gress. This process insures the spacing of studies. In addition, as manifested in the recent schedule, studies or the original 27 rivers do not progress to designation as wilderness. As time requirements on staggered studies would not appear to be onerous, part (1) of clause (d) provides a three complete fiscal year delay on all rivers. The time limit runs from the date of enactment of any Act, subsequent to the original Wild and Scenic Rivers Act, which mandates the study of additional rivers and from the date of enactment of H.R. 4942 for the 27 original rivers. This period is based on the fiscal years to insure three complete rounds of appropriations for each study.

Presently, the original Act allows the relevant Secretary to terminate a study of a river at any time and remove the protection of the river should be decided that the river should be removed from the Wild and Scenic Rivers System. (In fact, Congress has received notice that two study rivers do not meet the criteria for inclusion in the Wild and Scenic Rivers System. This process insures the spacing of new study rivers. The notification was provided in the form of brief letters from the Secretary of the Interior. No study report was submitted, thus placing Congress in the position of being unable to evaluate whether such decisions were justified.)

In contrast to this approach, the Wilderness Act requires that all studies be completed and reported to Congress whether or not to remove the protection is favorable to inclusion of the relevant area in the national wilderness preservation system. Removal cannot be made from certain areas under subsection (b) of the Wilderness Act until the reports are completed and "until Congress has determined otherwise".

Clause (d) takes a compromise position. It does not call for the unlimited protection provisions of the Wilderness Act, but it does require completion of the river studies and allows Congress the opportunity to review them before removing the river areas from protection. Parts (1) and (4) of clause (d) provide for completion of all studies mandated by Congress. (As noted above, this clause would also provide a study deadline of three fiscal years from enactment of this bill for the 27 rivers included in the original Act and two additional years for each river added to the study category by Congress subsequent to the original Act.) The protection period for rivers so studied could be extended by Congress until October 1, 1978 by clause (b). However, in addition, the protection would be provided by clause (d) if the three-year study periods for any rivers added to the study category if such periods would extend beyond the October 1, 1978 deadline (which would be the case for all Acts of Congress enacted after October 1, 1975). Clause (d) does not afford protection indefinitely beyond these periods until Congress acts as does the Wilderness Act, rather it preserves the language of the original Wild and Scenic Rivers Act (subsection (b)) which allows the protection for not more than three years to allow Congress to consider the reports. The act language is amended by clause (d) of clause (e) to comply with the intent of clause (e) to insure that Congress receives and will have the three-year opportunity to act on reports on all the rivers it has directed to be studied, not just those which the relevant Secretary finds worthy of addition to the system.

For provide for timely completion of the river studies, part (1) of clause (d) transfers the responsibility for reporting to Congress on the studies from the Secretary of the Interior and of Agriculture to the relevant Secretary to terminate a study of any new rivers designated for study by the Congress is deleted. The House Interior Committee has included in the House report that it would prefer to place a time limitation for study in each bill which designates a new study river. This way the study period can be tailored at the time of passage of each river area. The unique circumstances concerning the particular river to be studied and the immediate capability of the relevant agency to conduct the study deserve a compromise approach. This approach appears eminently reasonable and my colleagues on the committee have informed me that they are perfectly acceptable to this approach.

The House report of April 10, 1974, made three additional changes in H.R. 4942. Two of these three changes were originally part of a separate House bill which was reported by the House Interior Committee and the House without opposition, and added to S. 921. The changes would: First, redefine the purpose for which scenic easements may be acquired within the river corridor to include not just the protection of the "view from the river" as the original act provides but rather the protection of the "natural qualities" of the river area; second, take the $20.6 million new river study dollars authorized by H.R. 9492, as amended by the Senate, for acquisitions in the corridors of the wild and scenic rivers designated in the original act, and the $41 million already expended on those rivers be totaled into individual authorizations for each of those rivers; and third, establish a deadline of June 30, 1979, for expenditure of the authorized funds.

Mr. President, I believe the House amendment strengthens the Wild and Scenic Rivers Act and fully coincides with the purpose of the Senate language in H.R. 4942. There are, however, several technical changes which must be made before this bill can be sent to the President. I, therefore, send to the desk an amendment to make the necessary changes and to provide that the Senate continue in the amendment of the House to H.R. 4942, with an amendment.

Mr. ROBERT C. BYRD. Mr. President, now, on behalf of Senator Jackson, I move that the Senate amend the House, in the amendment of the Act to H.R. 4942, with an amendment.

Mr. ROBERT C. BYRD. Mr. President, now, on behalf of Senator Jackson, I move that the Senate amend the House, in the amendment of the Act to H.R. 4942, with an amendment.

The PRESIDING OFFICER. The motion was agreed to.

NATIONAL NO-FAULT MOTOR VEHICLE INSURANCE ACT

The Senate continued with the consideration of the bill (S. 354) to establish a nationwide system of adequate and uniform motor vehicle accident liability insurance to require no-fault motor vehicle insurance as a condition precedent to using a motor vehicle on public roadways in order to promote and regulate interstate commerce.

Mr. President, it is my understanding that further action on the Magnussen amendment is now to go over until tomorrow. Is that correct?

The PRESIDING OFFICER. Will the Senator yield?

Mr. MOSS. Mr. President, the Senate Adjourned from Utah and was unable to complete it, it would go over until tomorrow. Or has there been any decision on that?

The PRESIDING OFFICER. There has been no agreement.

The Chair is advised by the Parliamentarian that both amendments cannot be pending at the same time. However, there can be a request for the Magnussen amendment to come up following the Abourezk amendment.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. ROBERT C. BYRD. The request has already been entered for the Abourezk amendment to be the pending question immediately after the Senate disposes of the nominations in executive session on tomorrow's calendar to legislative session. That being the case, would not the Magnussen amendment, if it is not disposed of today, automatically be the pending question upon the disposition of the Abourezk amendment tomorrow?