

THE WEEKS BILL

Sixty-first Congress, First Session, H. R. 11798

IN THE HOUSE OF REPRESENTATIVES

July 23, 1909

Mr. Weeks introduced the following bill; which was referred to the Committee on Agriculture and ordered to be printed

A Bill

To enable any state to cooperate with any other state or states, or with the United States for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress of the United States is hereby given to each of the several states of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other state or states for the purpose of conserving the forests and the water supply of the states entering into such agreement or compact.

SEC. 2. That the sum of \$200,000 is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any state or group of states, when requested to do so, in the protection from fire of the forested watersheds of navigable streams; and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any state or group of states to cooperate in the organization and maintenance of a system of fire protection on any private or state forest lands within such state or states and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any state which has not provided by law for a system of forest-fire protection: *Provided further*, That in no case shall the amount expended in any state exceed in any fiscal year the amount appropriated by that state for the same purpose during the same fiscal year.

SEC. 3. That the Secretary of Agriculture, for the further protection of the watersheds of said navigable streams, may, in his discretion, and he is hereby authorized, on such conditions as he deems wise, to stipulate and agree to administer and protect for a definite term of years any private forest lands situated upon any such watershed whereon lands may be permanently reserved, held, and administered as National Forest lands; but such stipulation or agreement shall provide that the owner of such private lands shall cut and remove the timber thereon only under such rules and regulations, to be expressed in the stipulation or agreement, as will provide for the protection of the forest in the aid of navigation: *Provided*, That in no case shall the United States be liable for any damage resulting from fire or any other cause.

SEC. 4. That there is hereby appropriated, for the fiscal year ending June 30, 1910, the sum of \$1,000,000, and for each fiscal year thereafter a sum not to exceed \$2,000,000 for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the 30th day of June, 1915.

SEC. 5. That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and two members of the Senate, to be selected by the President of the Senate, and two members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase as provided in section six of this act, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the manner as the original appointment.

SEC. 6. That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission, in detail, during the preceding fiscal year.

SEC. 7. That the Secretary of Agriculture is hereby authorized and directed to examine, locate, and recommend for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and to report to the National Forest Reservation Commission the results of such examination: *Provided*, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological

Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie.

SEC. 8. That the Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said Commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the state in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.

SEC. 9. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this act, but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney-General and shall be vested in the United States.

SEC. 10. That such acquisition may in any case be conditioned upon the exception and reservation to the owner from whom title passes to the United States of the minerals and of the merchantable timber, or either or any part of them, within or upon such lands at the date of the conveyance, but in every case such exception and reservation and the time within which such timber shall be removed and the rules and regulations under which the cutting and removal of such timber, and the mining and removal of such minerals shall be done shall be expressed in the written instrument of conveyance, and thereafter the mining, cutting, and removal of the minerals and timber so excepted and reserved shall be done only under and in obedience to the rules and regulations so expressed.

SEC. 11. That inasmuch as small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this act, the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding eighty acres in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, *ipso facto*, revert to the state in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under this act, or the waters thereon, or the products, resources, or use thereof after such lands shall have been acquired, shall be initiated or perfected, except as in this section provided.

SEC. 12. That, subject to the provisions of the last preceding section, the lands acquired under this act shall be permanently reserved, held, and administered as national forest lands under the provisions of section twenty-four of the act approved March 3, 1891 (Vol. 26 Stat. at Large, p. 1103), and acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this act into such specific National Forests and so designate the same as he may deem best for administrative purposes.

SEC. 13. That the jurisdiction, both civil and criminal, over persons upon the lands acquired under this act shall not be affected or changed by their permanent reservation and administration as National Forest lands, except so far as the punishment of offenses against the United States is concerned, the intent and meaning of this section being that the state wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absolved from their duties as citizens of the state.

SEC. 14. That five per centum of all moneys received during any fiscal year from each National Forest into which the lands acquired under this act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the state in which such National Forest is situated, to be expended as the state legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such National Forest is situated: *Provided*, That when any National Forest is in more than one state or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein: *Provided further*, That there shall not be paid to any state for any county an amount equal to more than forty per centum of the total income of such county from all other sources.

SEC. 15. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of \$25,000, is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available, and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission.

Bulletin No. 1 (8 pp.) contains the argument by Hon. Curtis Guild, Jr., President of the American Forestry Association, on the Appalachian forests as a national question, and a summary of the case. Bulletin No. 2 (8 pp.) contains the record of vote on Weeks bill in the Sixtieth Congress. These bulletins can be obtained for 50 cents a hundred for four-page issues and 75 cents a hundred for eight-page issues.