

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

JULY 9, 1969.—Ordered to be printed

Mr. JACKSON, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany S. 1075]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 1075) to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert the following language:

SHORT TITLE

SEC. 1. That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Board of Environmental Quality Advisers.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances on our physical and biological surroundings and on the quality of life available to the American people; hereby declares that it is the continuing policy and responsibility of the Federal Govern-

ment to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that the policies, regulations, and public laws of the United States to the fullest extent possible, be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government—

(a) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(b) identify and develop methods and procedures which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(c) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a finding by the responsible official that—

(i) the environmental impact of the proposed action has been studied and considered;

(ii) any adverse environmental effects which cannot be avoided by following reasonable alternatives are justified by other stated considerations of national policy;

(iii) local short-term uses of man's environment are consistent with maintaining and enhancing long-term productivity; and that

(iv) any irreversible and irretrievable commitments of resources are warranted.

(d) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of land, water, or air;

(e) recognize the worldwide and long-range character of environmental problems and lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment; and

(f) review present statutory authority, administrative regulations, and current policies and procedures for conformity to the purposes and provisions of this Act and propose to the President and to the Congress such measures as may be necessary to make their authority consistent with this Act.

SEC. 103. The policies and goals set forth in this Act are supplementary to, but shall not be considered to repeal the existing mandates and authorizations of Federal agencies.

TITLE II

SEC. 201. To carry out the purposes of this Act, all agencies of the Federal Government in conjunction with their existing programs and authorities, are hereby authorized—

(a) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(b) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other

information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(c) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals in the form of reports, publications, atlases, and maps;

(d) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(e) to initiate and utilize ecological information in the planning and development of resource-oriented projects;

(f) to conduct research and studies within natural areas under Federal ownership which are under the jurisdiction of the Federal agencies; and

(g) to assist the Board of Environmental Quality Advisers established under title III of this Act and any council or committee established by the President to deal with environmental problems.

SEC. 202. (a) In carrying out the provisions of this title, the President is authorized to designate an agency or agencies to—

(1) make grants, including training grants, and enter into contracts or cooperative agreements with public or private agencies or organizations, or individuals, and to accept and use donations of funds, property, personal services, or facilities to carry out the purposes of this Act;

(2) develop and maintain an inventory of existing and future natural resource development projects, engineering works, and other major projects and programs contemplated or planned by public or private agencies or organizations which make significant modifications in the natural environment;

(3) establish a system of collecting and receiving information and data on ecological research and evaluations which are in progress or are planned by other public or private agencies or organizations, or individuals; and

(4) assist and advise State and local government, and private enterprise in bringing their activities into conformity with the purposes of this Act and other Acts designed to enhance the quality of the environment.

(b) There are hereby authorized to be appropriated \$500,000 annually for fiscal years 1971 and 1972, and \$1,000,000 for each fiscal year thereafter.

SEC. 203. In recognition of the additional duties which the President may assign to the Office of Science and Technology to support any council or committee established by the President to deal with environmental problems and in furtherance of the policies established by this Act, there is hereby established in the Office of Science and Technology an additional office with the title "Deputy Director of the Office of Science and Technology." The Deputy Director shall be appointed by the President by and with the advice and consent of the Senate, shall perform such duties as the Director of the Office of Science and Technology shall from time to time direct, and shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

TITLE III

SEC. 301. (a) There is created in the Executive Office of the President a Board of Environmental Quality Advisers (hereinafter referred to as the "Board"). The Board shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interest of this Nation. The President shall designate the Chairman and Vice Chairman of the Board from such members.

(b) Members of the Board shall serve full time and the Chairman of the Board shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Board shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 302. (a) The primary function of the Board shall be to study and analyze environmental trends and the factors that effect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation. In carrying out this function, the Board shall—

(1) report at least once each year to the President on the state and condition of the environment;

(2) provide advice, assistance, and staff support to the President on the formulation of national policies to foster and promote the improvement of environmental quality; and

(3) obtain information using existing sources, to the greatest extent practicable, concerning the quality of the environment and make such information available to the public.

(b) The Board shall periodically review and appraise Federal programs, projects, activities, and policies which affect the quality of the environment and make recommendations thereon to the President.

(c) It shall be the duty and function of the Board to assist and advise the President in the preparation of the annual environmental quality report required under section 303.

(d) The Board and the Office of Science and Technology shall carry out their duties under the provisions of this Act at the direction of the President and shall perform whatever additional duties he may from time to time direct.

SEC. 303. The President shall transmit to the Congress, beginning June 30, 1970, an annual environmental quality report which shall set forth: (a) the status and condition of the major natural, manmade, or altered environmental classes of the Nation; and (b) current and foreseeable trends in quality, management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

SEC. 304. The Board may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Board may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 305. There are hereby authorized to be appropriated \$1,000,000 annually to carry out the purposes of this title.

Amend the title so as to read: "A bill to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers."

INTRODUCTION

It is the unanimous view of the members of the Interior and Insular Affairs Committee that our Nation's present state of knowledge, our established public policies, and our existing governmental institutions are not adequate to deal with the growing environmental problems and crises the Nation faces.

The inadequacy of present knowledge, policies, and institutions is reflected in our Nation's history, in our national attitudes, and in our contemporary life. We see increasing evidence of this inadequacy all around us: haphazard urban and suburban growth; crowding, congestion, and conditions within our central cities which result in civil unrest and detract from man's social and psychological well-being; the loss of valuable open spaces; inconsistent and, often, incoherent rural and urban land-use policies; critical air and water pollution problems; diminishing recreational opportunity; continuing soil erosion; the degradation of unique ecosystems; needless deforestation; the decline and extinction of fish and wildlife species; faltering and poorly designed transportation systems; poor architectural design and ugliness in public and private structures; rising levels of noise; the continued proliferation of pesticides and chemicals without adequate consideration of the consequences; radiation hazards; thermal pollution; an increasingly ugly landscape cluttered with billboards, powerlines, and junkyards; and many, many other environmental quality problems.

Traditional national policies and programs were not designed to achieve these conditions. But they were not designed to avoid them either. And, as a result, they were not avoided in the past. They are not being avoided today.

Traditional policies were primarily designed to enhance the production of goods and to increase the gross national product. As a nation, we have been very successful at these endeavors. Our gross national product is approaching \$900 billion a year. The American people enjoy the highest standard of living in the world. Our technological ability is unrivaled. But, as a nation, we have paid a price for our material well-being. That price may be seen today in the declining quality of the American environment.

As the evidence of environmental decay and degradation mounts, it becomes clearer each day that the Nation cannot continue to pay the price of past abuse. The costs of air and water pollution, poor land-use policies and urban decay can no longer be deferred for payment by future generations. These problems must be faced while they are still of manageable proportions and while alternative solutions are still available.

If the United States is to create and maintain a balanced and healthful environment, new means and procedures to preserve environmental values in the larger public interest, to coordinate Government activities that shape our future environment, and to provide guidance and incentives for State and local government and for private enterprise must be devised.

In spite of the growing public recognition of the urgency of many environmental problems and the need to reorder national goals and priorities to deal with these problems, there is still no comprehensive national policy on environmental management. There are limited policies directed to some areas where specific problems are recognized to exist, but we do not have a considered statement of overall national goals and purposes.

As a result of this failure to formulate a comprehensive national policy, environmental decisionmaking largely continues to proceed as it has in the past. Policy is established by default and inaction. Environmental problems are only dealt with when they reach crisis proportions. Public desires and aspirations are seldom consulted. Important decisions concerning the use and the shape of man's future environment continue to be made in small but steady increments which perpetuate rather than avoid the recognized mistakes of previous decades.

Today it is clear that we cannot continue on this course. Our natural resources—our air, water, and land—are not unlimited.¹ We no longer have the margins for error that we once enjoyed. The ultimate issue posed by shortsighted, conflicting, and often selfish demands and pressures upon the finite resources of the earth are clear. As a nation, and as a world, we face these conditions:

A population which is doubling at increasingly shorter intervals;
Demands for resources which are growing at a far greater rate than population; and

¹ An excellent up-to-date assessment of our present resource posture has been prepared by the Committee on Resources and Man, National Academy of Sciences-National Research Council. The summary of findings and recommendations is presented as appendix 1 of the hearings before the Senate Interior Committee, "National Environmental Policy," Apr. 16, 1969.

A growing technological power which is far outstripping man's capacity to understand and ability to control its impact on the environment.

The committee believes that America's capacity as a nation to confront these conditions and deal more effectively with the growing list of environmental hazards and problems resulting from these conditions can be improved and broadened if the Congress clarifies the goals, concepts, and procedures which determine and guide the programs and the activities of Federal agencies. Moreover, this can be done with the reasonable prospect that State, local, and private action will also be favorably influenced.

The committee is aware, as are other committees of both Houses which handle environmental legislation, that it is extremely difficult in our increasingly complex Government to achieve coordinated responses among the numerous Federal agencies² (aside from private enterprise and State and local agencies) involved in the multiple uses of our Nation's natural resources unless there are established common approaches to determine what actions are necessary to advance the public interest in healthful and quality surroundings. To provide a basis for advancing the public interest, a congressional statement is required of the evolving national objectives of managing our physical surroundings, our land, air, water, open space, and other natural resources and environmental amenities.

In view of this situation, the committee considered, amended and reported S. 1075 to the floor of the Senate.

EXPLANATION OF AMENDMENTS

The committee amended the bill by striking all after the enacting clause, substituting a new text, and amending the title of the bill.

The revised text adopts a number of changes which were suggested to the committee by the administration, representatives of the executive agencies, public witnesses, and committee members during consideration of the bill. The major changes are as follows:

1. A new short title, the "National Environmental Policy Act of 1969" has been added to the bill.

2. The statement of purpose has been revised to reflect amendments adopted by the committee.

3. A new title I which is designated "Declaration of National Environmental Policy," has been added. The new title consists of a congressional recognition of man's dependence upon the environment and a congressional declaration of Federal policy to use "all practicable means consistent with other essential considerations of national policy" to improve and coordinate all Federal activities to the end that certain broad national goals in the management of the environment may be attained. The broad national goals are set out in subsections 101(a) (1) through (6).

Section 101(b) provides a congressional recognition of each person's right to a healthful environment and of each person's responsibility to contribute to the enhancement of the environment.

Section 102 authorizes and directs that the policies, regulations, and public laws of the United States be interpreted and administered in

² A recent analysis conducted by the staff of the Senate Interior Committee showed that environmental programs are presently administered by 63 Federal agencies located within 10 of the 13 departments as well as 16 independent agencies of the executive branch.

accordance with the policies set forth in the act. This section also directs all Federal agencies to follow certain procedures and operating principles in carrying out their program activities. These procedures and operating principles are set out in subsections 102 (a) through (f). They authorize and direct the Federal agencies to utilize an interdisciplinary approach in planning and decision making; to develop procedures to insure that presently unquantified environmental values and amenities are given appropriate consideration; to include in legislative reports and recommendations for major Federal actions certain findings related to the environment; to develop appropriate alternatives to recommended courses of action involving unresolved environmental conflicts; to support appropriate activities designed to deal with international environmental problems; and to review and report upon present authority, policy, and procedures for conformity to the purposes of this act.

Section 102 provides that the policies and goals set forth in the act are supplemental to the existing mandates and authorizations of all Federal agencies.

4. Title I of S. 1075 as introduced, is now title II of S. 1075 as reported. As amended, title II authorizes all agencies of the Federal Government to conduct ecological research and surveys in conjunction with their existing programs and authorities. In S. 1075 as introduced, this authority was limited to the Secretary of the Interior. The express authority granted to the Federal agencies is set out in subsections 201 (a) through (g).

Section 202, as amended, authorizes the President to designate an agency or agencies to make grants, including training grants, to carry out the purposes of title II. In S. 1075, as introduced, this authority was granted to the Secretary of the Interior. The amendment reflects the committee's judgment that the President should have the authority to designate the lead agency or agencies to carry out the provisions of section 202. The committee added a limitation on the appropriation authorization in the amounts of \$500,000 annually for fiscal years 1971 and 1972, and \$1,000,000 for each year thereafter.

In recognition of the additional duties in the field of environmental administration which have been delegated to the Office of Science and Technology and to further the policies set forth in the act, section 203 authorizes the establishment of an additional position with the title "Deputy Director" in the Office of Science and Technology.

5. Title II of S. 1075, as introduced, was redesignated as title III of S. 1075 as reported. The name of the "Council" was changed to the "Board" of Environmental Quality Advisers. This change was made to avoid confusion with the interagency cabinet-level Council on Environmental Quality which the administration recently established by Executive order.

A new subsection 301(b) established the compensation to be paid members of the Board. A new subsection 302(d) provides that both the Board and the Office of Science and Technology shall carry out their duties under this act pursuant to the overall direction of the President. The committee also placed a limitation of \$1 million on the annual appropriation authorization for the Board of Environmental Quality Advisers.

PURPOSE

The purpose of S. 1075, the National Environmental Policy Act of 1969, is to establish, by congressional action, a national policy to guide Federal activities which are involved with or related to the management of the environment or which have an impact on the quality of the environment.

Recent years have witnessed a growing public concern for the quality of the environment and the manner in which it is managed. The cause of this concern appears to be twofold: First, the evidence of environmental mismanagement is accumulating at an ever-increasing rate as a result of population growth, increased pressures on a finite resource base, and advancing technological developments which have enlarged man's capacity to effectuate environmental change. Second, the American people—as a result of growing affluence, more leisure time, and a recognition of the consequences of continuing many present environmental trends—are placing a much higher value on the quality of the environment and their surroundings than ever before.

The public's growing concern has figured prominently in many different areas of Federal activity. Most often it is seen in the form of citizen indignation and protest over the actions or, in some cases, the lack of action of Federal agencies. Examples of the rising public concern over the manner in which Federal policies and activities have contributed to environmental decay and degradation may be seen in the Santa Barbara oil well blowout; the current controversy over the lack of an assured water supply and the impact of a super-jet airport on the Everglades National Park; the proliferation of pesticides and other chemicals; the indiscriminate siting of steam fired powerplants and other units of heavy industry; the pollution of the Nation's rivers, bays, lakes, and estuaries; the loss of publicly owned seashores, open spaces, and other irreplaceable natural assets to industry, commercial users, and developers; rising levels of air pollution; federally sponsored or aided construction activities such as highways, airports, and other public works projects which proceed without reference to the desires and aspirations of local people.

S. 1075 is designed to deal with many of the basic causes of these increasingly troublesome and often critical problems of domestic policy. A primary purpose of the bill is to restore public confidence in the Federal Government's capacity to achieve important public purposes and objectives and at the same time to maintain and enhance the quality of the environment. It is the Committee's belief that S. 1075 will also provide a model and a demonstration to which State governments may look in their efforts to reorganize local institutions and to establish local policies conducive to sound environmental management. This objective is of great importance because many of the most serious environmental problems the Nation faces are within the scope and, often, within the exclusive jurisdiction of State action and State responsibility.

S. 1075 is also designed to deal with the long-range implications of many of the critical environmental problems which have caused great public concern in recent years. The challenge of environmental management is, in essence, a challenge of modern man to himself. The principal threats to the environment and the Nation's life support system are those that man has himself induced in the pursuit of material wealth,

greater productivity, and other important values. These threats—whether in the form of pollution, crowding, ugliness, or in some other form—were not achieved intentionally. They were the spinoff, the fallout, and the unanticipated consequences which resulted from the pursuit of narrower, more immediate goals.

The purpose of S. 1075 is, therefore, to establish a national policy designed to cope with environmental crisis, present or impending. The measure is designed to supplement existing, but narrow and fractionated, congressional declarations of environmental policy.

The “National Environmental Policy Act of 1969” would contribute to a more orderly, rational, and constructive Federal response to environmental decisionmaking in five major ways. These are briefly set out below:

1. Management of the environment is a matter of critical concern to all Americans. Virtually every agency of the Federal Government plays some role in determining how well the environment is managed. Yet, many of these agencies do not have a mandate, a body of law, or a set of policies to guide their actions which have an impact on the environment. In fact, the authorizing legislation of some agencies has been construed to prohibit the consideration of important environmental values.

Section 101 of S. 1075 rectifies this by providing a congressional declaration that it is the continuing policy and responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal planning and activities to the end that certain broad national goals in the management of the environment may be attained.

2. A statement of national policy for the environment—like other major policy declarations—is in large measure concerned with principle rather than detail; with an expression of broad national goals rather than narrow and specific procedures for implementation. But, if goals and principles are to be effective, they must be capable of being applied in action. S. 1075 thus incorporates certain “action-forcing” provisions and procedures which are designed to assure that all Federal agencies plan and work toward meeting the challenge of a better environment.

3. One of the major factors contributing to environmental abuse and deterioration is that actions—often actions having irreversible consequences—are undertaken without adequate consideration of, or knowledge about, their impact on the environment. Section 201 seeks to overcome this limitation by authorizing all agencies of the Federal Government, in conjunction with their existing programs and authorities, to conduct research, studies, and surveys related to ecological systems and the quality of the environment. This section also authorizes the agencies to make this information available to the public, to assist State and local government, and to utilize ecological information in the planning and development of resource-oriented projects.

Recognizing the leading role which the President has delegated to the Office of Science and Technology for the coordination of Federal activities in the area of environmental administration, the committee has adopted provisions designed to assist and strengthen this office.

The committee also authorizes the President to designate one or more lead agencies to carry out a grant program, to maintain an inventory of development projects which make significant environmental modifications, to establish a data collection system, and to assist State and local governments.

4. Title III establishes an independent, high-level, three-member Board of Environmental Quality Advisers in the Executive Office of the President. The Board is patterned very closely after the Council of Economic Advisers which was established by the Full Employment Act of 1946.

The Board's function is to provide a continuing study and analysis of environmental trends and the factors which affect these trends, and to relate each area of study and analysis to the social, economic, health, and conservation goals of the Nation. The Board will provide an overview of how effectively the Nation is maintaining a quality environment for future and present generations. In addition, it will be uniquely equipped to serve an early warning function by identifying emerging environmental problems at an early date so that proper responses may be prepared before situations reach crisis proportions and before the costs of dealing with problems grow large.

The Board would also strengthen the Office of the President by providing advice, assistance, and staff support on the formulation of national policies and other measures to improve the quality of the environment. In addition, the Board would assist the President in the preparation of an annual environmental quality report.

5. Section 303 requires the President to submit to the Congress an annual environmental quality report on the current status and condition of the major natural, manmade, and altered environmental systems of the Nation. In addition, the report is to identify current and foreseeable trends in quality, management, and the utilization of these environmental systems and the effects of these trends on the social, economic, and other requirements of the Nation.

At present, there is no report available which summarizes and brings together in one convenient place an authoritative and periodic statement on the status of the environment. Instead, there are hundreds of reports which deal with some small aspect of environmental management. More often than not these are technical in nature and do not provide meaningful measures of how well the Nation is meeting environmental goals and objectives. The annual report required by S. 1075 would provide a baseline and a periodic objective statement of national progress in achieving a quality environment for present and future generations of Americans.

BACKGROUND

Legislative history

S. 1075, the National Environmental Policy Act of 1969, was introduced in the 91st Congress on February 18, 1969, by Senator Jackson. Hearings on this and two related bills introduced by Senators Nelson (S. 1752) and McGovern (S. 237) were held on April 16, 1969,

before the full Committee on Interior and Insular Affairs.³ Following a staff study and consultations with the staff of the Office of Science and Technology and with representatives of a number of the Federal departments, the committee considered S. 1075 in executive session on June 18, 1969. Following the adoption of a number of committee amendments, the measure was ordered reported to the Senate on June 18, 1969. At the request of the Director of the Office of Science and Technology and representatives of the Bureau of the Budget, the committee voted, on July 8, 1969, to reconsider the measure for the purpose of considering additional amendments. The amendments were proposed by the Bureau of the Budget in a July 7, 1969, letter to the chairman of the committee. The proposed amendments to titles I and II of S. 1075 were adopted. Amendments proposed to title III by the Bureau of the Budget were adopted in part and rejected in part. Following the adoption of other amendments suggested by members of the committee, the measure was ordered reported to the Senate on July 8, 1969.

S. 1075, as introduced, was substantially the same measure as S. 2805 which was introduced in the 90th Congress on December 15, 1967, by Senators Jackson and Kuchel. The far-reaching objectives of S. 2805 and similar legislation introduced in the 90th Congress by Members of both Houses were considered at a unique joint House-Senate colloquium convened by the chairmen of the Senate Committee on Interior and Insular Affairs and the House Committee on Science and Astronautics on July 17, 1968, to discuss a national policy for the environment.⁴

Many of the concepts and ideas incorporated in S. 1075 were drawn from ambitious measures introduced in previous Congresses. Of particular relevance were S. 2549, the Resources and Conservation Act, introduced by Senator Murray in 1959 and S. 2282 introduced by Senator Nelson in the 89th Congress. The Murray bill, endorsed by a distinguished group of Senators in the 86th and subsequently in the 87th Congress, called for the establishment of more efficient machinery in the President's Office to coordinate resource conservation on the

³ National environmental policy, hearings held before the Committee on Interior and Insular Affairs, U.S. Senate, 91st Cong., first sess., on S. 1075, S. 1752, and S. 237, Apr. 16, 1969. S. 1752, as introduced by Senator Nelson, would create a five-member Council on Environmental Quality in the Office of the President. This Council would be responsible for assisting the President in preparing an annual environmental quality report which would be transmitted to Congress. The report would be reviewed by a Joint Committee on Environmental Quality. The measure would also authorize the Secretary of the Interior to conduct studies of the natural environment, evaluate and disseminate such information, and consult with and provide technical assistance to departments and agencies of the Government.

S. 237, as introduced by Senator McGovern, would require that the President transmit to the Congress an annual report on the state of the environment. The measure would also authorize the creation of a Council of Advisers on Resources, Conservation, and the Environment which would be in the Executive Office of the President. The three-member Council would assist the President in the preparation of the annual report and in developing and recommending national policies to maintain and improve the environment. For the purpose of consideration of the annual report and plan, this bill would establish in the Senate and the House, special committees to be known as the Select Committees on Resources, Conservation, and Environment.

⁴ The proceedings were published under the title: "Joint House-Senate Colloquium To Discuss a National Policy for the Environment," hearing before the Committee on Interior and Insular Affairs, U.S. Senate, and the Committee on Science and Astronautics, U.S. House of Representatives, 90th Cong., 2d sess., July 17, 1968.

Following the colloquium, a "Congressional White Paper" was prepared at the request of Cochairman Henry M. Jackson and George Miller by the Legislative Reference Service, Library of Congress. This document, issued as a joint committee print by the Senate Interior Committee and House Science and Astronautics Committee and distributed to the entire Congress in October 1968, summarized the key points raised in the dialog between Members of the Congress and the colloquium participants which included five Cabinet Secretaries, the President's Science Adviser, Mr. Laurance Rockefeller, and Dean Don K. Price of Harvard.

A special report to the Committee on Interior and Insular Affairs on "A National Policy for the Environment" was prepared for the committee's use and was printed as a committee print on July 11, 1968. The report was prepared by Dr. Lynton K. Caldwell of Indiana University and William J. Van Ness, special counsel to the committee. The report was used as a background document for the colloquium. It raises and discusses in detail many of the issues and questions implicit in establishing a national environmental policy.

basis of national goals. The Nelson bill included broad provisions to cope with inadequate use and application by Federal agencies of ecological knowledge and research methods for attaining better management of our physical environment. Extensive hearings were held on each of these and other environmental measures before the Senate Interior Committee.⁵

Other concepts and ideas incorporated into S. 1075 were drawn from the proceedings of the previously mentioned joint House-Senate colloquium, from technical reports, conferences and symposia, and from books and journals dealing with environmental problems.⁶

In addition, the committee has reviewed and drawn upon concepts and ideas incorporated into many measures introduced in this and previous Congresses related to various aspects of environmental management.⁷

Need for the measure

This committee has compiled a great deal of testimony demonstrating instances of shortcomings, problems, and even national crises arising in many respects from the inadequacies of the Nation's environmental management policies and practices. Similar evidence has been compiled by other congressional committees and is a recurrent topic in the news media and in popular and technical publications.

Extensive collections of commentary regarding specific examples of environmental problems along with commentary by recognized spokesmen and authorities in the field have been published by this committee in the transcripts of the joint House-Senate colloquium to discuss a national policy for the environment (90th Cong., second sess.), in the hearing on a national environmental policy (91st Cong., first sess.), and elsewhere.⁸ The latter document includes an appendix entitled "Bibliography on Environmental Issues," which lists numerous books, papers, articles, and other published material dealing with the critical problems of the environment.

It would be impracticable to attempt a summary of this voluminous data in this report. Drawing upon the testimony presented to this and other committees, however, the committee believes that the following basic propositions summarize the situation of contemporary America and the Federal Government regarding the management of the environment:

⁵ Proposed Resources and Conservation Act of 1960, hearings before the Committee on Interior and Insular Affairs, U.S. Senate, 86th Cong., second sess. on S. 2549, Jan. 25, 26, 28, and 29, 1960. Ecological Research and Surveys, hearings before the Committee on Interior and Insular Affairs, U.S. Senate, 89th Cong., second sess., April 27, 1966, on S. 2282.

⁶ For a detailed listing of these documents see app. A, entitled "A Documentation on Environmental Problems," p. 25, in *A National Policy for the Environment*, committee print, Senate Interior and Insular Affairs Committee, July 11, 1968; see also the "Bibliography on Environmental Issues," pp. 192-204 in *National Environmental Policy*, hearing before the Committee on Interior and Insular Affairs, U.S. Senate, 91st Cong. on S. 1075, S. 237, and S. 1752, Apr. 16, 1969.

⁷ In the closing days of the 90th Cong., the Legislative Reference Service tabulated over 100 bills which were directly concerned with environmental issues, covering a broad area of interest—cleaning up the Nation's rivers and better approaches to smog control, improving the use of open space and prevention of disorderly encroachment by superhighways, factories and other developments, improved protection of areas of high fertility, wiser application of pesticides, whose residues affect both man and wildlife, and the control of urban sprawl, unsightly junkyards, billboards, and power facilities that lower the amenities of landscape.

⁸ In the present Congress, an initial tabulation indicates that over 40 bills have been introduced which are concerned either with a national policy for the environment or the establishment of machinery to study the overall problems of the human environment. Of the 16 standing committees of the Senate, eight have broad jurisdiction of this type of legislation. Of the 21 House standing committees, 11 are similarly involved. See "A National Policy for the Environment," app. B, p. 29, committee print of the Senate Interior and Insular Affairs Committee, July 11, 1968; "Congressional White Paper on A National Policy for the Environment," app. p. 17, Senate Committee on Interior and Insular Affairs and the House Committee on Science and Astronautics, October 1968; and Legislative Reference Service Multilith, TP 460, SP 170 entitled "Environmental Quality: Selected Bills and Resolutions," June 20, 1969.

⁹ See, for example, "Selected Excerpts on Environmental Management Policy," in the Congressional Record, Feb. 6, 1968, by Senator Jackson, and the committee publications cited in previous footnotes.

1. Population growth and increasing per capita material demands are placing unprecedented pressures upon a finite resource base.

2. Advancing scientific knowledge and technology have vastly enlarged man's ability to alter the physical environment.

3. The combination of the foregoing conditions presents a serious threat to the Nation's life support system. The pursuit of greater material wealth and increased productivity, the quest for scientific knowledge, and the requirements of worldwide responsibilities have had unplanned and often unforeseen consequences in the form of resource depletion, pollution, ill conceived urbanization, and other aspects of environmental degradation.

4. The attainment of effective national environmental management requires the Nation's endorsement of a set of resource management values which are in the long-range public interest and which merit the support of all social institutions. The Federal role will involve in some measure nearly every Federal agency. Successful Federal leadership in environmental management must be based upon the best possible information and analyses concerning the status and trends of environmental conditions. Federal action must rest upon a clear statement of the values and goals which we seek; in short, a national environmental policy.

There is no general agreement as to how critical the Nation's present environmental situation has become. Some respected scholars insist that a number of crises already exist. Others maintain that there is yet time to prevent them. There is nearly unanimous agreement, however, that action is needed and that, at least in some instances, dangerous conditions exist.

The Senate Interior and Insular Affairs Committee has not concluded that the complex environmental problems we face are susceptible of easy solution. It is however, clear that the Congress cannot disavow its responsibility to establish basic policies and to exercise supervisory powers over the agencies it has created. The Senate Committee on the Judiciary stated this responsibility clearly:

Policymaking is not a function that can be performed properly by a small group of appointed officials, no matter how able or well intentioned. Only in Congress, where the Members are directly answerable to the electorate, can competing political interests be adequately represented and properly accommodated.

In gathering testimony on various aspects of national environmental policy over the past decade, the Senate Interior Committee has received broad support and encouragement from diverse segments of American society—from the scientific community, the universities, business and labor, and from public affairs groups. The committee believes that it is necessary to move ahead to define the "environmental" desires of the American people in operational terms that the President, Government agencies at all levels, the courts, private enterprise, and the public can consider and act upon.

RELATIONSHIP OF S. 1075 TO EXISTING POLICIES AND INSTITUTIONS

Existing policies

Congress over the past decade has passed a procession of landmark conservation measures on behalf of recreation and wilderness, national

recreational planning, national water planning and research, wilderness preservation, review of public land policies, establishment of a system of national trails and a system of national scenic rivers, air and water pollution control, noise abatement, preservation of endangered wildlife, urban planning for open space, oceanography, beautification of highways, protection of shorelines and estuaries, and other related areas. Many of these measures originated in the Senate Interior and Insular Affairs Committee.⁹ Others originated in other committees of both the Senate and House. All of them, in specific and specialized ways, constitute congressional mandates on various aspects of environmental policy. Taken together, these measures provide an impressive record of congressional action and concern.

Nevertheless, on the basis of recent hearings, seminars, colloquia, and staff studies conducted by the committee, it is clear that there is very real reason for concern for those areas in which no policies have been established or in which the conflicting operational policies of different agencies are frustrating and complicating the achievement of environmental quality objectives which are in the interest of all. Many older operating agencies of the Federal Government, for example, do not at present have a mandate within the body of their enabling laws to allow them to give adequate attention to environmental values. In other agencies, especially when the expenditure of funds is involved, an official's latitude to deviate from narrow policies or the "most economical alternative" to achieve an environmental goal may be strictly circumscribed by congressional authorizations which have overlooked existing or potential environmental problems or the limitations of agency procedures. There is also reason for serious concern over the activities of those agencies which do not feel they have sufficient authority to undertake needed research and action to enhance, preserve, and maintain the qualitative side of the environment in connection with development activities.

S. 1075, as reported by the committee, would provide all agencies and all Federal officials with a legislative mandate and a responsibility to consider the consequences of their actions on the environment. This would be true of the licensing functions of independent agencies as well as the ongoing activities of the regular Federal agencies.

In addition, by providing a statement of national environmental goals, policies, and procedures, S. 1075 would give renewed and vigorous emphasis to the importance of existing environmental programs and legislation.

The problem of providing for better Federal environmental management practices is not totally caused by the lack of a policy. As noted earlier, there are many specific and specialized legislative policies on some aspects of the environment. The present problem also involves the need to rationalize and better coordinate existing policies and to provide means by which they may be continuously reviewed to determine whether they meet the overall goal of a quality life in a quality environment for all Americans.

⁹ See for example, "A Brief Presentation of the Committee's History and Jurisdiction, and A Summary of its Accomplishments During the 90th Congress," committee print, Committee on Interior and Insular Affairs, U.S. Senate, 90th Cong., 2d Sess.

See, also the existing legislation which affects coordination of Federal, air quality, water quality, solid waste disposal, and related public works projects cited in S. 2391, introduced by Senator Muskie and others on June 12, 1969.

Titles II and III of S. 1075 provide coordinating and oversight measures which are designed to insure that a coordinated Federal response to the problems of environmental management are prepared.

Existing Institutions

The Federal Government, at present, is not well structured for the administration of complex environmental issues or to offer meaningful alternatives to past methods of coping with environmental problems.¹⁰ Compensatory measures have been sought through interagency agreements and understandings which require joint consultation and planning in specified cases of natural resources administration.¹¹

While this represents an improvement in some areas of environmental administration and policymaking, the compensatory measures are more in the nature of palliatives than basic reforms, more in the nature of administrative statesmanship rather than basic policy determinations. In effect, they treat the symptoms rather than the basic problems.

Functions of oversight and assessment, insofar as they are presently fulfilled, are vested with a number of committees of the Congress and with the Bureau of the Budget. Budget's concern has proven to be more fiscal than policy oriented. The segmented committee structure of Congress, coupled with inadequate time and staff to survey the broad range of environmental quality problems, make it improbable that all of the committees of Congress will, or can be expected to, provide a continuous and informed substitute for legislation through which a comprehensive environmental public policy can be developed and applied.¹²

The present administration has recognized that dealing with complex environmental questions requires the establishment of a focal point for the consideration of environmental values within the Federal Government. On June 3, 1969, President Nixon established by Executive Order 11472 an interagency Environmental Quality Council to be composed of six Cabinet officers and to be chaired by himself. The Executive order also established a Citizens' Advisory Committee on Environmental Quality, revoked a number of prior Executive orders, and delegated certain staff functions to the Director of the Office of Science and Technology.

During the April 16 hearings on S. 1075, members of the Committee expressed approval of the announcement by the Secretary of the Interior and the President's science adviser of the President's intent to establish this interagency Council on the environment. There was general agreement that the Council could be effective in dealing with environmental problems which were of concern to more than one Department of the Federal Government and which required "action."

Many members of the Committee did, however, question whether an interagency council alone could provide the objective and impartial advice and adversary support the President needs in dealing with environmental problems.

¹⁰ This deficiency has been thoroughly discussed in two documents of the National Academy of Sciences: Paul Weiss, "Renewable Resources: A Report to the Committee on Natural Resources" (NAS-NRC Publ. No. 100A, 1962; "Resources and Man," NAS-NRC. (In press.) Also see Lynton K. Caldwell, "Administrative Possibilities for Environmental Control," in *The Future Environments of North America* (Natural History Press, 1966), and the hearings on S. 1075.

¹¹ The inadequacies of such compensatory measures are discussed in the following: Stephen K. Bailey, "Managing the Federal Government," in *Agenda for the Nation*, (Brookings Institution, 1968).

¹² This fundamental issue was fully discussed in the "Congressional White Paper on a National Policy for the Environment," *op. cit.*

Senator Jackson, in a dialog with Dr. DuBridge, noted that—

* * * the advice, with all due respect, that the President would receive from the departments will be advice that will not be adverse to them. It will be compromised advice. This has been the history of the agencies. It is hard* for the President to get objective advice. This is why the Bureau of the Budget plays such an important role. This is why your office [Office of Science and Technology] plays an important role. You have science in every department of the Government, and the President really needs to be armed with information with which he can effectively deal with the Cabinet departments. He needs to be armed with impartial advice, even advice of an adversary nature which will place the options for decision before the President.

What I am concerned about, you see, is whether or not the President is going to be presented with a series of options that stem from an impartial source. This is casting no reflection on any department, but every Cabinet officer gets pressures right from the bottom on up.

Concern was also expressed by other members of the Committee over whether the President and the Cabinet officers involved would have the time and energy to provide the continuity of effort required. Concern was voiced over the level of staff support which the Office of Science and Technology would be able to make available to assist the President's Council.

Based upon a review of the strengths and weaknesses of both the President's Council and an independent board of environmental advisers as proposed in S. 1075, the Committee believes that both are needed. Their functions and activities as expressed in the Executive order and in title III of S. 1075 are not in conflict. They are complementary bodies: one action-oriented and composed of those Cabinet officers chiefly concerned with environmental matters, and the other providing objective and impartial advice as well as a long-range overview and problem identification function.

SUMMARY

Although historically the Nation has had no considered policy for its environment, the unprecedented pressures of population and the impact of science and technology make a policy necessary today. The expression "environmental quality" symbolizes the complex and interrelated aspects of man's dependence upon his environment. Most Americans now understand, far better than our forebears could the nature of man-environment relationships. The evidence requiring timely public action is clear. The Nation has in many areas overdrawn its bank account in life-sustaining natural elements. For these elements—air, water, soil, and living space—technology at present provides no substitutes. Past neglect and carelessness are now costing us dearly, not merely in opportunities forgone, in impairment of health, and in discomfort and inconvenience, but also in a demand upon tax dollars upon personal incomes, and upon corporate earnings. The longer we delay meeting our environmental responsibilities, the longer the growing list of "interest charges" in environmental deteriora-

tion will run. The cost of remedial action and of getting on to a sound basis for the future will never again be less than it is today.¹³

Natural beauty, increased recreational opportunity, urban esthetics and other amenities would be important byproducts of a national environmental policy. They are worthy and important public objectives in their own right. But the compelling reasons for a national policy are more deeply based. The survival of man, in a world in which decency and dignity are possible, is the basic reason for bringing man's impact on his environment under informed and responsible control. The economic costs of maintaining a life-sustaining environment are unavoidable. We have not understood the necessity for respecting the limited capacities of nature in accommodating itself to man's exactions, nor have we properly calculated the cost of adaptation to deteriorating conditions. In our management of the environment we have exceeded its adaptive and recuperative powers, and in one form or another we must now pay directly the costs of maintaining air, water, soil, and living space in quantities and qualities sufficient to our needs. Economic good sense requires the declaration of a policy and the establishment of a comprehensive environmental quality program now. Today we have the option of channeling some of our wealth into the protection of our future. If we fail to do this in an adequate and timely manner, we may find ourselves confronted, even in this generation, with an environmental catastrophe that could render our wealth meaningless and which no amount of money could ever cure.

SECTION-BY-SECTION ANALYSIS

Section 1

This section provides that this act may be cited as the National Environmental Policy Act of 1969.

Section 2

This section sets forth the purposes of the act. The purposes of the act are to declare a national environmental policy; to promote efforts to prevent environmental damage and to better the health and welfare of man; to enlarge and enrich man's understanding of the ecological systems and natural resources important to the Nation; and to establish in the Executive Office of the President a Board of Environmental Quality Advisers.

TITLE I

Section 101(a)

This section is a declaration by the Congress of a national environmental policy. The declaration is based upon a congressional recognition of mankind's dependence upon his physical and biological surroundings for material goods and cultural enrichment. It is further based upon a recognition of the increasing pressures exerted upon the environment as a result of population growth, urbanization, industrial expansion, resource exploitation, and technological development.

The continuing policy and responsibility of the Federal Government is declared to be that, consistent with other essential considerations of national policy, the activities and resources of the Federal Government shall be improved and coordinated to the end that the Nation may

¹³ For a discussion of the economic and social costs of continuing past environmental management practices see page 5, "A National Policy for the Environment," Committee Print, Senate Interior and Insular Affairs Committee, July 11, 1968.

attain certain broad national goals in the management of the environment. The broad national goals are as follows:

(1) Fulfill the responsibilities of each generation as trustee of the environment for future generations. It is recognized in this statement that each generation has a responsibility to improve, enhance, and maintain the quality of the environment to the greatest extent possible for the continued benefit of future generations.

(2) Assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings. The Federal Government, in its planning and programs, shall strive to protect and improve the quality of each citizen's surroundings both in regard to the preservation of the natural environment as well as in the planning, design, and construction of manmade structures. Each individual should be assured of safe, healthful, and productive surroundings in which to live and work and should be afforded the maximum possible opportunity to derive physical, esthetic, and cultural satisfaction from his environs.

(3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences. The resources of the United States must be capable of supporting the larger populations and the increased demands upon limited resources which are inevitable in the future. To do so, it is essential that the widest and most efficient use of the environment be made to provide both the necessities and the amenities of life. In seeking intensified beneficial utilization of the earth's resources, the Federal Government must take care to avoid degradation and misuse of resources, risk to man's continued health and safety, and other undesirable and unintended consequences.

(4) Preserve important historic, cultural, and natural aspects of our national heritage, and maintain wherever possible an environment which supports diversity and variety of individual choice. The pace of urbanization coupled with population growth and man's increasing ability to work unprecedented change in the natural environment makes it clear that one essential goal in a national environmental policy is the preservation of important aspects of our national heritage. There are existing programs which are designed to achieve these goals, but many are single-purpose in nature and most are viewed as being within the province of a particular agency of Government. This subsection would make it clear that all agencies, in all of their activities, are to carry out their programs with a full appreciation of the importance of maintaining important aspects of our national heritage.

This subsection also emphasizes that an important aspect of national environmental policy is the maintenance of physical surroundings which provide present and future generations of American people with the widest possible opportunities for diversity and variety of experience and choice in cultural pursuits, in recreational endeavors, in esthetics and in living styles.

(5) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities. This subsection recognizes that population increases underlie many of the resource and environmental problems which are being experienced in America. If the Nation's present high standards of living are to be made available to all of our citizens and if the general and growing desire of our people for greater participation in the

physical and material benefits, in the amenities, and in the esthetic enjoyment afforded by a quality environment are to be satisfied, the Federal Government must strive to maintain magnitude and distribution of population which will not exceed the environment's capability to provide such benefits.

(6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources. In recent years a great deal of the emphasis of legislative and executive action regarding environmental matters has concentrated upon the protection and improvement of quality of the Nation's renewable resources such as air and water. It is vital that these efforts be continued and intensified because they are among the most visible, pressing, and immediate concerns of environmental management.

It is also essential that means be sought and utilized to improve the effectiveness of recycling of depletable resources such as fiber, chemicals, and metallic minerals. Improved material standards of living for greater numbers of people will place increased demands upon limited raw materials. Furthermore, the disposal of wastes from the non-consumptive single use of manufactured goods is among our most critical pollution problems. Emphasis must be placed upon seeking innovative solutions through technology, management, and, if necessary, governmental regulation.

Section 101(b)

This subsection asserts congressional recognition of each person's fundamental and inalienable right to a healthful environment. It is apparent that the guarantee of the continued enjoyment of any individual right is dependent upon individual health and safety. It is further apparent that deprivation of an individual's right to a healthful environment will result in the degradation or elimination of all of his rights.

The subsection also asserts congressional recognition of each individual's responsibility to contribute to the preservation and enhancement of the environment. The enjoyment of individual rights requires respect and protection of the rights of others. The cumulative influence of each individual upon the environment is of such great significance that every effort to preserve environmental quality must depend upon the strong support and participation of the public.

Section 102

The policies and goals set forth in section 101 can be implemented if they are incorporated into the ongoing activities of the Federal Government in carrying out its other responsibilities to the public. In many areas of Federal action there is no body of experience or precedent for substantial and consistent consideration of environmental factors in decisionmaking. In some areas of Federal activity, existing legislation does not provide clear authority for the consideration of environmental factors which conflict with other objectives.

To remedy present shortcomings in the legislative foundation of existing programs, and to establish action-forcing procedures which will help to insure that the policies enunciated in section 101 are implemented, section 102 authorizes and directs that the existing body of Federal law, regulation, and policy be interpreted and administered to the fullest extent possible in accordance with the policies set forth

in this act. It further establishes a number of operating procedures to be followed by all Federal agencies as follows:

(a) Wherever planning is done or decisions are made which may have an impact on the quality of man's environment, the responsible agency or agencies are directed to utilize to the fullest extent possible a systematic, interdisciplinary, team approach. Such planning and decisions should draw upon the broadest possible range of social and natural scientific knowledge and design arts. Many of the environmental controversies of recent years have, in large measure, been caused by the failure to consider all relevant points of view in the planning and conduct of Federal activities. Using an interdisciplinary approach that brought together the skills of the landscape architect, the engineer, the ecologist, the economist, and other relevant disciplines would result in better planning and better projects. Too often planning is the exclusive province of the engineer and cost analyst.

(b) All agencies which undertake activities relating to environmental values, particularly those values relating to amenities and aesthetic considerations, are authorized and directed to make efforts to develop methods and procedures to incorporate those values in official planning and decisionmaking. In the past, environmental factors have frequently been ignored and omitted from consideration in the early stages of planning because of the difficulty of evaluating them in comparison with economic and technical factors. As a result, unless the results of planning are radically revised at the policy level—and this often means the Congress—environmental enhancement opportunities may be forgone and unnecessary degradation incurred. A vital requisite of environmental management is the development of adequate methodology for evaluating the full environmental impacts and the full costs of Federal actions.

(c) Each agency which proposes any major actions, such as project proposals, proposals for new legislation, regulations, policy statements, or expansion or revision of ongoing programs, shall make a determination as to whether the proposal would have a significant effect upon the quality of the human environment. If the proposal is considered to have such an effect, then the recommendation or report supporting the proposal must include statements by the responsible official of certain findings as follows:

(i) A finding shall be made that the environmental impact of the proposed action has been studied and that the results of the studies have been given consideration in the decisions leading to the proposal.

(ii) Wherever adverse environmental effects are found to be involved, a finding must be made that those effects cannot be avoided by following reasonable alternatives which will achieve the intended purposes of the proposal. Furthermore, a finding must be made that the action leading to the adverse environmental effects is justified by other considerations of national policy and those other considerations must be stated in the finding.

(iii) Wherever local, short-term uses of the resources of man's environment are being proposed, a finding must be made that such uses are consistent with the maintenance and enhancement of the long-term productivity of the environment.

(iv) Wherever proposals involve significant commitments of resources and those commitments are irreversible and irretrievable under conditions of known technology and reasonable economics, a finding must be made that such commitments are warranted.

(d) Wherever agencies of the Federal Government recommend courses of action which are known to involve unresolved conflicts over competing and incompatible uses of land, water, or air resources, it shall be the agency's responsibility to study, develop, and describe appropriate alternatives to the recommended course of action. The agency shall develop information and provide descriptions of the alternatives in adequate detail for subsequent reviewers and decision-makers, both within the executive branch and in the Congress, to consider the alternatives along with the principal recommendation.

(e) In recognition of the fact that environmental problems are not confined by political boundaries, all agencies of the Federal Government which have international responsibilities are authorized and directed to lend support to appropriate international efforts to anticipate and prevent a decline in the quality of the worldwide environment.

(f) All agencies of the Federal Government are directed to review their existing statutory authority, administrative regulations, policies, and procedures. The agencies are to propose to the President and to the Congress new executive or legislative authority which they find to be necessary to make their authority consistent with the provisions and purposes of this act.

The committee expects that each agency will diligently pursue this review and that appropriate legislative recommendations will be prepared for presentation to the Congress within 1 year's time. The committee recognizes, however, that there is a wide difference in the complexity of legislation dealing with the activities of the various executive agencies and that a specific deadline might prove unreasonably burdensome on some agencies.

Section 103

This section provides that the policies and goals set forth in this act are supplementary to the existing mandates and authorizations of Federal agencies. They are not considered to repeal the existing authorizations. Where conflicts occur, they will be resolved under the procedure prescribed in section 102(f).

TITLE II

Section 201

This section provides authorization for the Federal agencies to include, as a part of their existing programs and their ongoing activities, certain environmental management functions which will be necessary to support the policies established by this act. No specific authorization of appropriations is provided for these activities. The committee believes that the agencies can perform the functions authorized as a part of the general administration and operation of their existing programs. To the extent that agencies are pursuing activities with environmental management implications, the costs of the functions authorized in this section are appropriate costs of their work. The functions authorized for each Federal agency are as follows:

(a) To conduct investigations and research relating to ecological systems and environmental quality. It is intended that such activities will be undertaken by each agency when its activities would have an adverse impact on an ecological system or on the quality of the environment.

(b) To collect and document information relating to changes or trends in environmental conditions including ecological systems. It is intended that each agency perform this function in its area of expertise and operation.

(c) To evaluate and publish environmental and ecological data which it has collected.

(d) To make available advice and information at its disposal relating to environmental management.

(e) To utilize ecological information in the planning and development of resource-oriented projects. Each agency which studies, proposes, constructs, or operates projects having resource management implications is authorized and directed to consider the effects upon ecological systems to be a part of the analyses governing its actions and to study such effects as a part of its data collection.

(f) To conduct ecological research and studies within the Federal lands under its jurisdiction.

(g) To assist to the fullest extent possible the Board of Environmental Quality Advisers established by this act and any environmental council or committee established by the President.

Section 202(a)

This section authorizes the President to designate an agency or agencies to carry out the following functions regarding environmental management:

(1) Administer a program of grants, contracts and cooperative agreements, training and research to further the programs of ecological study authorized by title II and to accept and utilize donations for this purpose.

(2) Develop and maintain an inventory of Federal projects and programs, existing and contemplated, which have made or will make significant modifications in the environment.

(3) Establish an information collection and retrieval system for ecological research materials.

(4) Assist and advise State and local governments and private enterprise in developing policies and procedures to enhance the quality of the environment.

Section 202(b)

Appropriations in the amounts of \$500,000 annually for fiscal years 1971 and 1972 and \$1 million annually for 1973 and each fiscal year thereafter are authorized for the purposes of this section. The funds appropriated would be allotted to the designated agencies as the President recommends.

Section 203

This section establishes in the Office of Science and Technology an additional Deputy Director to be compensated at the rate provided for level IV of the executive schedule pay rates.

The Office of Science and Technology (OST) was established by Reorganization Plan No. 2 of 1962 to provide a permanent staff in

the Executive Office of the President to advise and assist the President on matters pertaining to or affected by science and technology. It is also directed to take on such other assignments as the President may request. The Director of OST, appointed by the President with the advice and consent of the Senate, also serves as the science adviser to the President.

Since it was provided statutory authority in 1962, the OST has broadened the range and scope of its activities extending beyond the province of research or policy for science and technology to the interrelations of science to broad national policies and programs. In this sense, the OST is concerned with assuring the most effective and beneficial use of technology in our society.

Thus, the OST deals with broad problems facing the country in health, education, the urban environment, energy policy and environmental quality.

The President's recent Executive order establishing an Environmental Quality Council directed the OST to provide the staff support and assistance to the work of the Council. The President's science adviser was named Executive Secretary of the Council.

In view of the importance of environmental management problems and the important role which the President's Council will have in resolving interagency conflict concerning environmental issues, and in coordinating the ongoing environmental programs of the Federal Government, a significant increase is expected in the already demanding work load of the OST.

The committee feels that the addition of a second Deputy Director as recommended by the Bureau of the Budget in its July 7, 1969 letter to the chairman, will be of great value in strengthening OST's capacity to contribute to effective environmental management.

TITLE III

Section 301(a)

This subsection creates in the Executive Office of the President a Board of Environmental Quality Advisers. The Board is to be composed of three members appointed by the President with the advice and consent of the Senate and who shall serve at the President's pleasure.

It is intended that the members of the Board shall be persons of broad experience and training with the competence and judgment to analyze and interpret trends and developing problems in the quality of the Nation's environment. The committee does not view the Board's functions as a purely scientific pursuit, but rather as one which rests upon scientific, economic, social, esthetic, and cultural considerations. The members of the Board, therefore, should not necessarily be selected for depth of training or expertise in any specific discipline, but rather for their ability to grasp broad national issues, to render public service in the national interest, and to appreciate the significance of choosing among present alternatives in shaping the country's future environment.

The President shall designate one member of the Board as Chairman and one as Vice Chairman.

Section 301(b)

This subsection provides that the members of the Board shall serve full time. The compensation for the Chairman of the Board is set at

level II of the Executive Schedule pay rates and at level IV for the other two members. These provisions parallel the compensation provisions established by law for the Chairman and the members of the Council of Economic Advisers.

Section 302(a)

The primary function of the Board shall be to carry on continuing studies and analyses related to the status of the environment. The Board will seek to establish or cause to be established within the operating agencies of the Federal Government an effective system for monitoring environmental indicators, collecting data, and analyzing trends. It will further seek to relate trends in environmental conditions to short- and long-term national goals and aspirations.

In carrying out this function, the Board is required to perform a number of specified duties.

First, the Board is required to report at least once each year to the President on the state and condition of the environment. This report should represent the Board's considered and impartial judgement. The Board's report would be useful to the President in the preparation of the annual environmental quality report which the President is required to transmit to the Congress by section 303.

Second, the Board would provide advice, assistance, and staff support to the President in the formulation of national policies designed to foster and promote the improvement of the quality of the environment. The President is, of course, free to utilize the services of the Board in any manner in which he desires. The committee hopes, however, that the President would rely on the Board's impartial and objective advice in the formulation of national environmental policies.

Third, the Board is authorized to obtain information from all existing sources concerning the quality of the environment. The committee intends and fully expects that all Federal agencies will cooperate and provide any assistance and information necessary to enable the Board to fulfill its duties and responsibilities under this act. The Board is also directed to make information concerning the quality of the environment available to the American people. It is the committee's strong view that there needs to be some one place in Government to which the public and the news media may turn for authoritative and objective information on particular environmental problems. A current example of the need relates to the controversy over the impact of certain chemicals, pesticides, and insecticides. Many news reports and the opinions of many competent scientists indicate that some present practices in the use and application of these substances pose grave health dangers. The extent of the danger, however, is often minimized and, in some cases, even denied by the responsible Government agencies. The Board could provide a useful and needed public function by reviewing all of the facts and furnishing competent judgment and advice on problems of this nature.

Section 302(b)

This subsection provides that the Board shall periodically review and appraise Federal programs, projects, activities, and policies which affect the quality of the environment. Based upon its review, the Board shall make recommendations to the President.

The committee does not view this direction to the Board as implying a project-by-project review and commentary on Federal pro-

grams. Rather, it is intended that the Board will periodically examine the general direction and impact of Federal programs in relation to environmental trends and problems and recommend general changes in direction or supplementation of such programs when they appear to be appropriate.

It is not the committee's intent that the Board be involved in the day-to-day decisionmaking processes of the Federal Government or that it be involved in the resolution of particular conflicts between agencies and departments. These functions can best be performed by the Bureau of the Budget, the President's interagency Cabinet-level Council on the Environment or by the President himself. The committee does, however, strongly feel that the President needs impartial and objective staff support which can provide him with unbiased information and an accurate overview of the Nation's environmental trends and problems and how these trends and problems affect the future material and social well-being of the American people.

The Board's recommendations to the President are for his use alone, and his actions on their recommendations will depend on the confidence he places in the judgment of the persons he nominates to membership on the Board. Used properly, the Board's review and appraisal of Federal activities which affect the quality of the environment can add a new dimension and provide the President with a new insight into the long-range needs and priorities of the country. At the present time, the executive agencies' view of National needs, goals, and priorities in the field of environmental management appears to have been so thoroughly subjugated to budgetary and fiscal considerations that the nature of the fundamental values at stake has been obscured. It is the committee's view that the values which are at stake in the environmental management decisions which lie ahead need to be brought to the fore and made the subject of official decision at the highest levels of Government.

Section 302(c)

This subsection states that the Board will assist the President in the preparation of the annual environmental quality report required by section 303. The committee assumes that the Board would have the primary responsibility for the preparation of the President's annual report. It could, in large measure, be based upon the Board's report to the President required by section 302(a)(1).

Section 302(d)

This section provides that both the Board of Environmental Quality Advisers and the Office of Science and Technology shall carry out their duties under the provisions of this act at the direction of the President. This provision was not a part of S. 1075 as introduced, but was added as a committee amendment to make it clear that the duties and functions assigned to the Board and the Office of Science and Technology are to be carried out at the direction of the President as is true with regard to the other offices and bodies in the Executive office of the President. This provision will avoid any problems of duplication, coordination, and overlap which otherwise might subsequently arise between the activities of the Board and those of other offices or agencies.

The committee feels that this provision will enlarge the President's flexibility in organizing his staff and will enhance the overall policy-making capacity of the Executive office.

Section 303

This section provides that the President shall transmit to the Congress an annual environmental quality report. The first such report shall be transmitted on or before June 30, 1970. Subsequent reports shall be transmitted on or before June 30 in succeeding years.

The report is to include, but not be limited to, a current evaluation of the status and condition of the major environmental classes of the Nation. To the greatest extent possible, this information should be based upon measurements of environmental indicators relating quality and supply of land, water, air, and depletable resources to other factors such as environmental health, population distribution, and demands upon the environment for amenities such as outdoor recreation and wilderness. Significant current and developing environmental problems should be highlighted. Current and foreseeable environmental trends and evaluations of the effects of those trends upon the Nation's future social, economic, physical, and other requirements should be discussed.

It is the committee's strong view that the President's annual report should provide a considered statement of national environmental objectives, trends and problems. The report should provide the best judgment of the best people available on the Nation's environmental problems and the progress being made toward providing a quality environment for all Americans.

The report should summarize and bring together the major conclusions of the technical reports of other Federal agencies concerned with environmental management. Too often, these reports go unread and unevaluated. A succinct, readable summary and evaluation would be of great assistance to the Congress and the President.

It is anticipated that the annual report and the recommendations made by the President would be the vehicle for oversight hearings and hearings by the appropriate legislative committees of the Congress. It would also appear to be desirable to hear the views of the Board of Environmental Quality Advisers at an annual session similar to that now conducted by the Joint Economic Committee with the Council of Economic Advisers.

Section 304

This section provides that the Board may employ a professional and support staff and may acquire the services of experts and consultants. The committee intends that the Board should have available a professional staff comparable in size and qualifications to the staff which currently services the Council of Economic Advisers. The staff members, like the members of the Board, should represent many disciplines and professions. They should be broad-gaged people who are capable of furnishing the Board with a balanced and knowledgeable overview of the state of the Nation's environment.

Section 305

This section authorizes appropriations in the amount of \$1 million annually to cover the salaries and operating expenses of the Board.

The committee chose the \$1 million ceiling because it is comparable to the appropriations which have been required over the past several years for the Council of Economic Advisers.

COMMITTEE RECOMMENDATIONS

The Interior and Insular Affairs Committee after long and careful consideration, unanimously recommends that S. 1075, as amended, be enacted.

EXECUTIVE COMMUNICATIONS

On July 7, the Interior Committee received communications from the Bureau of the Budget on the amended version of S. 1075 which was unanimously reported out of committee on June 18. The full text of this communication, together with a marked-up copy of S. 1075 which includes the Bureau's suggested amendments, is set forth in full below.

Additional communications from the Bureau of the Budget dated June 14, 1969 as well as the Office of Science and Technology dated May 29, 1969 are also set forth in full. These communications were received subsequent to the inclusion of a national environmental policy statement in S. 1075, following the April 16 hearing on this measure.

Further communications from the Bureau of the Budget, the National Science Foundation, and the Departments of Interior, Agriculture, State, and Health, Education, and Welfare, on S. 1075, prior to amendment, are also set forth in full.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., July 7, 1969.

HON. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: We have reviewed carefully the provisions of your bill, S. 1075, which are designed to strengthen Federal capabilities to respond to problems of environmental quality.

The President certainly shares the concern of the Congress and the public as to the need for improved environmental management. The President's serious concern over the problems of environmental quality is reflected in his establishment by Executive Order 11472 of the Environmental Quality Council and the Citizens' Advisory Committee on Environmental Quality. He has assigned to the Office of Science and Technology the responsibility for providing advice, assistance, and staff support to the President and the Environmental Quality Council. He has further directed that the Office of Science and Technology be strengthened to provide the diverse professional capabilities needed for objective assessments of a wide range of environmental quality problems. This staff capability in the Executive Office of the President is to provide for assessing environmental problems, analyzing long term trends in the environment, evaluating the adequacy of Federal programs, and assuring that environmental considerations are adequately taken into account in proposed Federal programs and actions.

Establishment of the Environmental Quality Council, chaired by the President, assures the highest possible level of attention of departments and agencies to problems of the environment and provides the framework within which to improve coordination among agencies in their environmental programs.

Establishment of the Citizens' Advisory Committee provides a clear channel for getting independent information and advice from the non-Government community and for relationships with the many voluntary organizations that have an interest and stake in the improved management of the environment. In addition, the assignment of responsibility to the Office of Science and Technology provides a ready access through the President's Science Advisory Committee to many experts in a variety of fields in the universities, industry, and other sectors who can assist in addressing environmental problems.

S. 1075 as amended would establish a national environmental policy, authorize studies and research related to environmental quality, require an annual report from the President, and establish a Board of Environmental Quality Advisers in the Executive Office of the President. With respect to the policy statement, Mr. Hughes' June 13, 1969, letter noted that there is already a large body of policy with respect to the environment, that a comprehensive statutory statement of policy in this area could be helpful to the President and the Environmental Quality Council, and that the Council will take up the question of a national policy at one of its earliest meetings. The proposed statement in title II of general functions that operating agencies are authorized to carry out with respect to the environment appears to be a useful reaffirmation of authorizations in this important area. An annual report on the environment, along the lines provided for in title III, would appear to be a useful periodic assessment of important problems which could be made available to the Congress and the public. We believe a number of changes should be made in titles I and II. The attachment reflects the changes that appear to be essential if legislation along the lines of S. 1075 is to be enacted at this time.

With respect to title III we believe that establishment of the proposed Board of Environmental Quality Advisers would be undesirable. Such action would further complicate the organization and functioning of the Executive Office of the President. Furthermore, the establishment in the Federal Government of an additional body to deal with overall environmental problems would diffuse responsibility rather than provide the sharp focus now required and now provided for in the President's actions. These actions represent the President's best judgment as to the mechanisms that are required at this point in time for addressing environmental problems. It is recognized that additional changes may be required after there has been experience with the newly established mechanisms.

If the Congress wishes to legislate in support of these actions we would have no objection to providing a statutory basis for assignment of appropriate responsibilities to the Office of Science and Technology. This action could be accompanied by provision of an additional position of a presidentially appointed Deputy Director in OST who could devote full time to environmental quality problems if the committee deemed it useful. These steps would make very clear congressional support for the President's action while, at the same time, avoiding the undesirable consequences of establishing a new organization.

It should be emphasized that the arrangements established by the President are designed to preserve the flexibility in the organization and staffing of the Executive Office that is necessary if the President is to have an opportunity to use the resources available to him for effective action. As you are well aware, this basic principle with respect to organization of the Executive Office has been endorsed by knowledgeable and thoughtful persons in the Congress and elsewhere.

The attached copy of S. 1075 has been marked up to reflect the essential changes discussed above. If the bill were modified in this way, we believe it could provide useful assistance for the President.

Sincerely,

ROBERT P. MAYO, *Director.*

Enclosure.

[Bureau of the Budget suggested additions are printed in italic; deletions in brackets]

A BILL To authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality.

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

SHORT TITLE

SEC. 1. That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Board of Environmental Quality Advisers.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances on our physical and biological surroundings, and on the quality of life available to the American people; hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may-

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that the policies, regulations, and public laws of the United States *to the fullest extent possible*, be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government—

(a) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(b) identify and develop methods and procedures which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(c) include in every recommendation or report on proposals for legislation **[or]** *and* other **[significant]** *major* Federal actions *significantly* affecting the quality of the human environment, a finding by the responsible official that—

(i) the environmental impact of the proposed action has been studied and considered;

(ii) any adverse environmental effects which cannot be avoided by following reasonable alternatives are justified by other stated considerations of national policy;

(iii) local short-term uses of man's environment are consistent with maintaining and enhancing long-term productivity; and that

(iv) any irreversible and irretrievable commitments of resources are warranted.

(d) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of land, water, or air;

(e) recognize the worldwide and long-range character of environmental problems and lend appropriate support to initia-

tives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment; and

(f) review present statutory authority, administrative regulations, and current policies and procedures for conformity to the purposes and provisions of this Act and propose to the President and to the Congress [within one year after the date of enactment] such measures as may be necessary to make their authority consistent with this Act.

SEC. 103. The policies and goals set forth in this Act are supplementary to, but shall not be considered to repeal the existing mandates and authorizations of Federal agencies.

TITLE II

SEC. 201. To carry out the purposes of this Act, all agencies of the Federal Government in conjunction with their existing programs and authorities, are hereby authorized—

(a) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(b) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(c) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals in the form of reports, publications, atlases, and maps;

(d) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(e) to initiate and utilize ecological information in the planning and development of resource-oriented projects;

(f) to conduct research and studies within natural areas under Federal ownership which are under the jurisdiction of the Federal agencies; and

(g) to assist [the Board of Environmental Quality Advisers established under title III of this Act and] any council or committee established by the President to deal with environmental problems.

SEC. 202. In carrying out the provisions of this title, the [Secretaries of Interior and Agriculture are empowered to] *President is authorized to designate an agency or agencies to—*

(a) make grants, including training grants, and enter into contracts or cooperative agreements with public or private agencies or organizations, or individuals, and to accept and use donations of funds, property, personal services, or facilities to carry out the purposes of this Act.

[(b) There are hereby authorized to be appropriated \$500,000 annually for fiscal years 1971 and 1972, and \$1,000,000 for each fiscal year thereafter.

[SEC. 203. The Director of the Office of Science and Technology (hereinafter referred to as the "Director") in order to carry out the purposes of this title, is authorized and directed—

[(a) to review, appraise, and coordinate the investigations, studies, surveys, and research relating to ecological systems and environmental quality carried on by agencies of the Federal Government;]

(b) to develop and maintain an inventory of existing and future natural resource development projects, engineering works, and other major projects and programs contemplated or planned by public or private agencies or organizations which make significant modifications in the natural environment;

(c) to establish a system of collecting and receiving information and data on ecological research and evaluations which are in progress or are planned by other public or private agencies or organizations, or individuals; and

(d) to assist and advise State and local government, and private enterprise in bringing their activities into conformity with the purposes of this Act and other Acts designed to enhance the quality of the environment.

[SEC. 204. The Director shall consult with and provide technical assistance to other Federal agencies, and he is authorized to obtain from such departments and agencies such information, data, reports, advice, and assistance as he deems necessary or appropriate and which can reasonably be furnished by such departments and agencies in carrying out the purposes of this Act. Any Federal agency furnishing advice or assistance hereunder may expend its own funds for such purposes, with or without reimbursement by the Director.]

SEC. 203. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

[TITLE III

[SEC. 301. There is created in the Executive Office of the President a Board of Environmental Quality Advisers (hereinafter referred to as the "Board"). The Board shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interest of this Nation. The President shall designate the Chairman and Vice Chairman of the Board from such members.

[SEC. 302. (a) The primary function of the Board shall be to study and analyze environmental trends and the factors that effect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation. In carrying out this function, the Board shall—

[(1) report at least once each year to the President on the state and condition of the environment;

[(2) provide advice, assistance, and staff support to the President on the formulation of national policies to foster and promote the improvement of environmental quality;

[(3) obtain information using existing sources, to the greatest extent practicable, concerning the quality of the environment and make such information available to the public.

[(b) The Board shall periodically review and appraise Federal programs, projects, activities, and policies which affect the quality of the environment and make recommendations thereon to the President.

[(c) It shall be the duty and function of the Board to assist and advise the President in the preparation of the annual environmental quality report required under section 303.

[SEC. 303. The President shall transmit to the Congress, beginning June 30, 1970, an annual environmental quality report which shall set forth: (a) the status and condition of the major natural, manmade, or altered environmental classes of the Nation; and (b) current and foreseeable trends in quality, management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

[SEC. 304. The Board may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Board may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

[SEC. 305. There are hereby authorized to be appropriated \$1,000,000 annually to carry out the purposes of this title.

[Amend the title so as to read: "A bill to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers."]

TITLE III

STRENGTHENING THE OFFICE OF SCIENCE AND TECHNOLOGY

SEC. 301. The Director of the Office of Science and Technology (hereinafter referred to as the "Director"), in order to carry out the purposes of this Act, is authorized and directed to advise and assist the President—

(a) in the formulation of national policies to foster and promote the improvement of environmental quality;

(b) in the review, appraisal, and coordination of investigations, studies, surveys, and research relating to ecological systems and environmental quality carried on by agencies of the Federal Government;

(c) in the review and appraisal of Federal programs, projects, activities, and policies which affect the quality of the environment;

(d) in the study and analysis of environmental trends, and the factors that effect those trends, in relation to conservation, social, economic, and health goals of the Nation;

(e) in the preparation of the annual environmental quality report required under section 401.

SEC. 302. The Director shall consult with other Federal agencies, and he is authorized to obtain from such departments and agencies such information, data, reports, advice, and assistance as he deems necessary or appropriate and which can reasonably be furnished by such departments and agencies in carrying out the purposes of this Act. Any Federal agency furnishing advice or assistance hereunder may expend its own funds for such purposes, with or without reimbursement.

SEC. 303. There is hereby established in the Office of Science and Technology an additional office with the title "Deputy Director of the Office of Science and Technology." That Deputy Director shall be appointed by the President by and with the advice and consent of the Senate, shall, perform such duties as the Director of the Office of Science and Technology shall from time to time direct, and shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 304. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE IV

ANNUAL REPORT

SEC. 401. The President shall transmit to the Congress, beginning June 30, 1970, an annual environmental quality report which shall include: (a) the status and condition of the natural and manmade environment; and (b) current and foreseeable trends in quality, management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF SCIENCE AND TECHNOLOGY,
Washington, D.C., May 29, 1969.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: This responds to your request for my views on an explicitly stated national policy on the environment. As I stated at your April 16, 1969, hearing, I do believe such a policy statement would be useful.

I compliment you and your committee on your deep interest and initiative in undertaking to provide a viable national policy on the environment. I am mindful that there is already a large body of policy dealing with the environment, not only in acts of the Congress, but also in administrative guides, and regulations within the executive branch. This policy, though it does not exist in any one place, is nonetheless real. Nevertheless, it is not cohesive.

As I understand it, your proposed bill codifies and consolidates these separate policy statements. This would be a most useful and significant step. Even more importantly, the policy statement would be a tangible means through which the Congress can give form to its deep interest in the subject and thus lend support to the work of the Presidential Council.

It was a pleasure to appear before your committee last month, and I look forward to continued cooperation with you in a coordinated effort with other Members of Congress in providing the most effective means to improve our environment.

Sincerely yours,

LEE A. DUBRIDGE, *Director.*

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 14, 1969.

HON. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: This is in response to a recent informal request from a member of your staff for the views of the Bureau of the Budget concerning the amendment you offered on May 29, 1969, to your bill S. 1075, to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality.

Your proposed amendment would set out a comprehensive statement of national policy on the environment. We join in supporting the general objectives of this proposed policy which are in accord with the aims expressed by the President in creating the new Environmental Quality Council.

As noted in Dr. DuBridge's letter to you of May 29, 1969, there is already a large body of statutory and administrative policy aimed at protecting our environment. However, Dr. DuBridge's letter went on to state, and we agree, that a comprehensive statutory statement of national policy on the environment would be useful and significant and support the work of the President's Council.

As a statement of guiding principles, a comprehensive national policy on the environment will, of course, be of basic concern to the Council. In this connection, for example, Executive Order No. 11472 establishing the Council states that one of its major functions will be to recommend measures to insure that Federal policies and programs, including those for development and conservation of natural resources, take adequate account of environmental effects.

I have been assured by Dr. DuBridge, who as you know, is Executive Secretary of the Council, that the Council will take up the whole question of a national policy for the environment at one of its earliest meetings. I am sure your policy statement will be a major basis for this consideration.

I would like to take this opportunity to express our appreciation for the efforts which you and your committee have made toward the goal of environmental protection that is of such deep concern to this administration as well.

Sincerely,

PHILLIP S. HUGHES,
Deputy Director.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 15, 1969.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Your committee has requested this Department's report on two similar bills, S. 1075 and S. 1752.

While we favor the objectives of these bills, we do not recommend their favorable consideration in view of President Nixon's announced intention to establish an interdepartmental Environmental Quality Council.

Both bills would establish in the Office of the President an environmental council composed of members appointed by the President with the advice and consent of the Senate to advise the President on environmental problems. In addition, both bills would authorize the Secretary of the Interior to undertake two major groups of programs relating to the environment.

First, Interior would prepare surveys and document and define changes in the natural environment and receive and maintain data on ecological research. These are enormous tasks requiring much time and money. While effort in this direction is needed, a much clearer description of objectives should be developed before we attempt to legislate a program in this area.

Second, under the bills, Interior would encourage public and private agencies to utilize the ecological data which it develops. Public works projects which affect the environment are carried out by many agencies. Yet the bills are not specific on how Interior would comment on those projects. If Interior must depend on other agencies coming to it, it is doubtful that many will. If Interior should volunteer its comments, it may well be viewed as an interloper by other agencies and by those who benefit from the projects. If the agencies were required to come to Interior, present administrative procedures would need to be changed.

The Department of the Interior has a central concern for environmental quality and would not oppose the placing of many functions relative to the environment in the Department if the mission and mechanism for carrying out those functions were clearly defined. However, this Department does not have the sole responsibility for environmental matters. Other Federal agencies are concerned with air, farmland, forests, and other matters affecting the environment. The bills do not recognize these complex jurisdictional relationships, but rather tend to duplicate functions now carried out by these agencies.

In summary, we believe that the President's Council which is now contemplated is an important step forward in the national effort to focus more attention on the needs of the environment. As we gain experience with the operation of that Council, we are confident that new procedures will evolve leading progressively to more effective environmental management by the Federal Government.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

RUSSELL E. TRAIN,
Under Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 15, 1969.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs,
U.S. Senate.*

DEAR MR. CHAIRMAN: This is in response to your request for a report on S. 1075, a bill to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality.

Title I of the bill would authorize the Secretary of the Interior (1) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality; (2) to document and define changes in the natural environment, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and their underlying causes; (3) to develop and maintain an inventory of existing and future natural resource development projects, engineering works, and other major projects and programs contemplated or planned by public or private agencies or organizations which make significant modifications in the natural environment; (4) to establish a system of collecting and receiving information and data on ecological research and evaluations which are in progress or are planned by other public or private agencies or organizations, or individuals; (5) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals; (6) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring and maintaining, and enhancing the quality of the environment; (7) to initiate and utilize ecological information in the planning and development of resource oriented projects; (8) to encourage other public or private agencies planning development projects to consult with the Secretary on the impact of the proposed projects on the natural environment; (9) to conduct research and studies within natural areas under Federal ownership which are under his jurisdiction and under the jurisdiction of other Federal agencies; and (10) to assist the Council on Environmental Quality.

In addition, the Secretary of the Interior would be required to consult with and provide technical assistance to Federal agencies and would be authorized to obtain from them whatever information, data, reports, advice, and assistance are needed and could reasonably be furnished in carrying out the purposes of the bill. Any Federal agency furnishing advice or assistance would be authorized to expend its own funds for such purposes, with or without reimbursement. The Secretary would be authorized (1) to make grants to and to enter into contracts or cooperative agreements with public or private agencies or organizations or individuals, (2) to accept and use donations of funds, property, personal services or facilities, and (3) to participate in environmental research in surrounding oceans and in other countries if he determines that such activities would contribute to the objectives and purposes of the bill.

The bill specifically states that it is not intended to give or to be construed as giving the Secretary of the Interior any authority over

any authorized program of another department or agency and that it would not repeal, modify, restrict, or amend existing authorities or responsibilities of any department or agency with respect to the natural environment. The Secretary would be required to consult with the heads of departments and agencies to identify and eliminate duplication of effort.

Title II of S. 1075 would create in the Executive Office of the President a three member Council on Environmental Quality, appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate, with the Chairman and Vice Chairman designated by the President. Each member would be professionally qualified to analyze and interpret environmental trends of all kinds and be conscious of and responsive to specific, economic, social, esthetic, and cultural needs and interests of the Nation.

The Council would study and analyze environmental trends and factors that affect the trends, relating each area of study and analysis to the conservation, social, economic, and health goals of the Nation. It would (1) report annually to the President on the state and conditions of the environment, (2) provide advice and assistance to the President on national policies needed to foster and promote improvement of environmental quality, and (3) obtain information concerning the quality of the environment and make it available to the public.

The Council would periodically review and appraise new and existing programs and activities of Federal agencies and make recommendations thereon to the President.

The Council, and the Secretary of the Interior, would assist and advise the President in the preparation of an annual environmental quality report.

Beginning June 30, 1970, the President would transmit annually to the Congress an environmental quality report which would set forth (1) the status and conditions of the major natural, manmade, or altered environmental classes of the Nation; and (2) the current and foreseeable trends in quality, management, and utilization of such environments, and the effects of those trends on the social, economic, and other requirements of the Nation.

This Department agrees that there is a need for further and continuing research into the natural environmental systems of the United States. It has many programs in research on soil and water conservation and forestry that deal with the problems discussed in the bill. The research program of the Forest Service presently includes studies of the natural environmental factors affecting most of our renewable natural resources, including forests, forested and related rangelands, wildlife habitat, recreation, and water conservation and watershed management. Such research embraces all aspects of the ecology of most of the organisms that make up or affect the whole or any part of these resources. Study of related sociologic and economic factors are also a part of this research. The research activities of the Agricultural Research Service also involve ecology of our national environmental systems. The Soil Conservation Service has the national leadership of the National Cooperative Soil Survey which is actively engaged in classifying and mapping the soils of the United States. The soil survey reports include interpretations of the basic soils information for all suitable uses of the land including natural vegetation and wildlife.

Any broader ecological studies would of necessity overlap or duplicate this effort.

The research organization and programs of this Department extend to both public (Federal, State, and local) and private lands. We cooperate actively with other public and private research organizations, including schools and universities. The results of our research program, and the benefits therefrom, are disseminated or available to and used by both public and private landowners in the management of their natural resources. Research of natural environmental systems which S. 1075 would authorize does not lend itself to area limitations such as national forests, national parks, or other political or administrative jurisdictions.

A number of Federal agencies, in addition to this Department as well as the Department of the Interior, have ongoing investigations, studies, surveys, and research in this general field. We believe that the Committee on Environmental Quality that was established by the Office of Science and Technology is usefully serving as a body to coordinate planning and activities in this field. This interagency group is giving certain technical coordination to the Federal programs in this area of concern.

Section 101(c) of the bill would authorize the Secretary of the Interior to develop and maintain an inventory of both public and private projects which may make significant modification in the natural environment.

Many agencies maintain inventory records of that kind of projects. S. 1075 would require the establishment of an extensive new records and reporting system covering numerous public and private activities, large and small, and would require a large organization to assemble, analyze, clarify, and record the inventory information. Furthermore, so many known and unknown activities or related factors make, or may make, significant modifications in natural environment systems that definitions and criteria for inventory subjects would be a task of major proportions in itself.

We recommend against enactment of title I. As pointed out above, not only this Department, but also a number of other Federal agencies, are engaging in a variety of research, study, and investigatory activities related to ecological systems and environment, and compile and maintain inventories of projects and activities. The broad scope of authorities in title I would substantially overlap and duplicate those efforts. We believe that prior to the enactment of new authorities, a careful and comprehensive review of present activities, priorities, and capabilities of the agencies concerned is needed.

We support the objectives of title II of S. 1075 concerning a Council on Environmental Quality. The environment in which we live affects, for better or worse, our health, our outlook and attitudes, our opportunities for a satisfactory life, and even our prospects for continued existence. There is constant interplay of resource use and exploitation, manufacturing processes, and air, water, and soil pollution, with efforts to maintain continuing production, a healthy environment, and attractive surroundings. Many of these factors are effected, favorably or adversely, by Federal, State, and local programs and activities and by the everyday activities of agriculture, industry, and people. We believe that our complex and highly technical society could well benefit from a continuing, detached, broad perspective,

constructive, and understanding appraisal of factors that affect our environment.

However, we do not recommend enactment of the provisions of title II. There is now under consideration establishment of an environmental quality council within the Executive Office of the President. Such a council, we believe, would be able to assist and advise the President on national policies in the field of environmental policy and conduct an assessment of current activities in this area.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., April 17, 1969.

HON. HENRY A. JACKSON,
*Chairman, Senate Committee on Interior and Insular Affairs,
New Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Bureau of the Budget on S. 237, S. 1075, and S. 1752. These bills have a basic objective in common: to enhance the Government's capability of dealing with the critical problems of the quality of our environment. Also common to them is the creation of a council in the Executive Office of the President to assist and advise the President on national policies to improve environmental quality.

We concur fully in the basic objective of the bills. The quality of man's environment is being increasingly affected by man's own works, and additional efforts are required to assess the nature of the hazards and the means for their avoidance or amelioration.

The President recently reemphasized his concern on this matter and indicated that actions are underway to assure continuing attention by his administration to environmental factors in the planning and carrying out of Federal programs. A variety of organizational arrangements for accomplishing this objective are now under consideration in the agencies and by the President.

One of the major difficulties in dealing with this area is the broad, almost all encompassing nature of the term "environment." Programs of a number of Federal agencies have as a principal concern the protection or enhancement of aspects of the environment. Other programs affect the environment in various ways. Consequently, organizational arrangements alone will not suffice. It also is necessary to integrate specific environmental considerations into the decisionmaking processes of many agencies to make real progress. As Interior noted in its report to your committee on S. 1075 and S. 1752, a complex set of jurisdictional relationships needs to be evaluated before proposing any new responsibilities or new organization.

As we indicated, improved organizational arrangements for better coordination of policy and program concerns in the field of environmental quality are under active review within the executive branch.

In present circumstances, we believe that such arrangement, particularly those in the Executive Office of the President designed to provide better policy advice and staff assistance to the President, should be undertaken by executive action rather than by legislation in order to assure flexibility necessary in exploratory or pilot efforts and in meeting changing needs.

Accordingly, we do not recommend favorable action at this time on the subject bills.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

NATIONAL SCIENCE FOUNDATION,
OFFICE OF THE DIRECTOR,
Washington, D.C., April 22, 1969.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: On March 28 you invited me to testify at hearings to be held on April 15 and 16 on the bill S. 1075, "To authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality," Subsequently, in discussions with your staff, we have learned that pressures of time available for discussing the bill make it preferable for me to submit a letter for the record.

The National Science Foundation supports the objectives of the bill. The interests of the Foundation in environmental problems have been growing for many years, and we have become a major source of Federal support for academic research in the sciences of the environment. The Foundation's mission does not entail responsibility for action programs designed to ameliorate social problems, to improve health, to abate pollution, or to modify the environment. Instead, the Foundation's mission is to aid in improving the store of scientific knowledge on which future action can be based. Thus, Foundation programs, while not specifically problem or solution oriented, are of great importance in maintaining and improving the Nation's ability to understand and cope with the problems relating to the human environment.

In direct support of research on one or another aspect of the environment such as atmospheric sciences, oceanography, environmental biology, earth sciences, etc., the Foundation obligated \$77,807,000 in fiscal year 1968. It is estimated that the corresponding total for fiscal year 1969 will be approximately \$72,730,000. (The slight decrease is a result of a reduction in our total appropriation and does not represent the assignment of lower priority to these science areas.) This amounts to approximately one-third of the Foundation's support of scientific research. More directly, the Foundation has established an ecosystem analysis program within its Division of Biological and Medical Sciences. For the immediate future this program will have as its major responsibility the administration of Foundation support of the major ecological systems studies being conducted as a part of the International Biological Program (IBP).

In addition to the support of scientific research related to the environment, another contribution of the Foundation is the training and education of young people in all of the basic science areas; including development of improved curricula, the training of teachers, and the administration of direct assistance to high ability students. Other Foundation programs with a direct bearing on U.S. long-range ability in environmental science and technology include science information activities, the application of computer techniques and technology to research and education, international cooperative scientific activities and science policy studies.

The foregoing paragraphs summarize the National Science Foundation's contributions to scientific understanding of our environment. They serve as a prelude to my specific comments on the proposed bill, S. 1075, in order to demonstrate the Foundation's long-standing support of the environmental sciences and our consequent keen interest in the development of related programs. Title I proposes "To authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources and environmental quality." The list of activities in section 101, paragraphs (a) through (j) would cover a broad range of ecological research and related activities to which more attention should be directed. We do not perceive any necessary conflict between the work that would be performed under these several authorities listed and research and training currently planned and in progress under support of the National Science Foundation, even though the objectives coincide to some degree with existing programs of the Foundation. However, ecological research, studies and training are performed by a number of other agencies and any new authority would necessitate a careful review of these activities.

Title II of the proposed S. 1075 would create in the Executive Office of the President a Council on Environmental Quality. As you are no doubt aware, the President has recently established a Council for Urban Affairs and has signified his intention to create a Cabinet level Council on the Quality of the Environment. I understand that Dr. DuBridge has discussed this feature of the bill with you and I would like to defer to him for comment on the proposed Council. However, as indicated above, I do believe that environmental problems are of such great importance that adequate provision should be made to provide all levels of government with the best scientific and technological base from which to make the difficult decisions regarding the best use of our environment.

The Bureau of the Budget has advised us that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

LELAND J. HAWORTH, *Director.*

DEPARTMENT OF STATE,
Washington, D.C., April 21, 1969.

Hon. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: I refer to your letter of March 12, receipt of which was acknowledged on March 18, in which you requested a report on S. 1075, a bill to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality.

It is noted that the bill proposes to provide for a comprehensive and continuing program of study, review, and research for the purpose, among other things, of promoting and fostering means and measures which will prevent or effectively reduce any adverse effects on the quality of the environment in the management and development of the Nation's natural resources.

The Department of State appreciates the purpose of the bill. However, our response here is directed only to the question of environmental quality as it affects this Department. We are not commenting on the manner in which a Council on Environmental Quality might be established and are not commenting on specific allocations of responsibility to the Secretary of the Interior.

The Department wishes to call attention to the fact, moreover, that the objective of the bill or, for that matter, of any proposition dedicated to the protection of the national environment, cannot be effectively achieved unless it recognizes that existing ecosystems are interrelated by nature or by the activities of man, and that the environmental forces affecting our natural resources disregard political and geographical frontiers. Nature, technological interference, the demands of a population steadily growing in number and opulence, and sheer neglect, produce pollutants which transcend national boundaries. Pollution may be national in origin; its effects and control are international.

Growing recognition of the interrelatedness of the world's ecosystems, on the one side, and of the common danger of pollution to human life, health, and welfare, on the other, have prompted governments everywhere to take official cognizance, and where possible, countermeasures. There is legitimate fear that these problems are increasing in virulence and in their rate of incidence. There is growing awareness that many of them are shared by a number of nations, either because the same problems coexist in different countries or because they are the result of mutual pollution. As a result governments have begun to seek remedy through joint counteraction by using either bilateral or multilateral channels.

International agencies, both intergovernmental and nongovernmental, including the United Nations, ILO, FAO, WHO, WMO, UNESCO, ECE, IAEA, OECD, et al., have for some time been engaged in various programs dealing with specific problems of the environment, for example, air pollution, water pollution, solid waste disposal, and so forth. A report of activities of the U.N. organization is attached. Until recently, however, none of these organizations have attacked the total spectrum of environmental problems.

Within the last 2 years, a number of initiatives have been launched by international agencies which reflect broader vision and which, in fact, were devised to encompass the full range of at least the principal facets of the environmental problem. Most important among these initiatives have been:

1. The international biological program, a cooperative research effort by scientists of 50 nations with the objective of making a worldwide study of organic production of the land, in fresh waters and in the sea and a worldwide study of human adaptability to the changing conditions.

2. The Intergovernmental Conference of Experts on the Scientific Basis for Rational Use and Conservation of the Resources of the Biosphere, convened and organized by UNESCO, which produced 20 recommendations calling for action by governments, intergovernmental and nongovernmental organizations with respect to various subjects of research; and proposed a long-term intergovernmental and interdisciplinary program. A copy of the conference report, including the recommendations is attached.

3. The meeting of the Preparatory Group for the Meeting of Governmental Experts on Problems Relating to the Environment, held in February 1969 under the auspices of the Economic Commission for Europe (ECE) to prepare the agenda for a meeting of governmental experts to be held at Prague, Czechoslovakia, in 1971. In keeping with the character of ECE, the conference will focus on economic aspects of the environmental problem obtaining within the ECE region (including the United States). A copy of the report of the meeting is attached.

4. The U.N. Conference on Human Environment. This conference was decided upon by unanimous resolution of the U.N. General Assembly on December 3, 1968 (A/Res/2938, XXIII). A copy is attached. Its rationale is the desire "to provide a framework for comprehensive consideration within the United Nations of the problems of human environment in order to focus the attention of governments and public opinion on the importance and urgency of this question and also to identify those aspects of it that can only or best be solved through international cooperation and agreement."

Coincidental with intergovernmental initiatives, others are going forward at the nongovernmental and governmental level. Among the more significant is the appointment by the International Council of Scientific Unions (ICSU) of an "Ad Hoc Committee on Problems of the Human Environment" which will prepare a report on those man-made problems of the environment "which are of international concern" and "toward the solution of which the scientific competence represented by ICSU could effectively be applied."

The U.S. Government has participated in all the above initiatives. It has had a major share in promoting some and in formulating some of the principal conclusions and recommendations, notably by the UNESCO and ECE Conferences.

It is now actively engaged in the preparation of the U.N. Conference and has submitted its proposals on purpose, scope, objectives, and agenda, as requested by the Under Secretary-General of the U.N.

The U.S. interest in the international aspects is profound and real. It is dictated by the realization that the human environment is one, and that it would be fallacious and arbitrary to divorce the inter-

national aspects from the national. It has been fully documented that air and water pollution, to mention but two, are not respecters of international boundaries. Pollutant problems now considered local in character may be regional or international tomorrow and thus we cannot afford to be indifferent nor complacent about global pollution. It is this international nature of the threat and the concomitant need for international cooperation that has already focused U.S. attention on the need for a broad approach to environmental problems.

Speaking to our NATO partners on April 10, 1969, President Nixon said—“(W)e all have a unique opportunity to pool our skills, our intellects and our inventiveness in finding new ways to use technology to enhance our environments * * * recognizing that these problems have no national or regional boundaries.”

Secretary of State Rogers in his appearance before the Senate Foreign Relations Committee emphasized that—

“The fact that * * * we are preparing for a world conference on the human environment is indicative of the degree to which technological development will continue to require institutionalized multilateral cooperation.”

In a sense the deterioration of the environment is only one of many problems that face all nations. But, as Herman Pollack, Director of International Scientific and Technological Affairs pointed out before the House Subcommittee on Science, Research, and Development, it is the one problem that accentuates and aggravates all others: population pressures, inadequate food, shelter, and medical care. To arrest and reverse it, calls for the combined effort of all nations.

It is for this reason, Mr. Chairman, we suggest that with respect to any action taken on the question of environmental quality, recognition should be given to the following facts:

1. The deterioration of the national environment is part of a global process and thus requires remedial action on an international as well as national scale.

2. Study, review, and research must, therefore, be extended to take into account problems and problem areas beyond national borders and to enlist the cooperation of other governments and the scientists of other nations.

3. The solution of the environmental problem being a matter of national interest as well as of international concern, U.S. participation in bilateral and multilateral programs dealing with the international aspects of the problem must be recognized as a vital part of U.S. policy to cope with environmental problems.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to submission of this report.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

(The enclosures referred to are in the files of the committee.)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
May 28, 1969.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of March 12, 1969, for a report on S. 1075, a bill "To authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality," and your request of March 13, 1969, for a report on S. 237, a bill "To declare a national policy on conservation development, and utilization of natural resources, and maintenance of the quality of the environment, and for other purposes," and your request of April 3, 1969, for a report on S. 1752, the "Resources, Conservation and Environmental Quality Act of 1969."

S. 1075 would authorize the Secretary of the Interior directly or through grants and contracts to (1) conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality; (2) document and define changes in the natural environment; (3) develop and maintain an inventory of existing and future natural resource development projects and other major projects; (4) establish a system of collecting and receiving information and data on ecological research and evaluation which are in progress or are planned; (5) evaluate and disseminate information of an ecological nature to public and private agencies; (6) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment; (7) initiate and utilize ecological information in the planning and development of resource-oriented projects; (8) encourage other public or private agencies planning development projects to consult with the Secretary of the Interior on the impact of the proposed projects on the natural environment; (9) conduct research and studies within natural areas under Federal ownership; and (10) assist the Council on Environmental Quality that would be established under the legislation.

The bill would not give the Secretary of the Interior authority over programs of other Departments or Agencies of the Government with respect to the natural environment.

The bill would also create in the Executive Office of the President a Council on Environmental Quality composed of three members qualified to interpret environmental trends and be conscious of and responsive to the scientific, economic, social, esthetic and cultural needs and interests of the Nation. The Council would advise and assist the President in the formulation of national policy, annually report on the condition of the environment and review program activity of Federal agencies. These functions would be carried out by studying and analyzing environmental trends and the factors that effect these trends with relation to the conservation, social, economic and health goals of the Nation.

S. 237 would require the President to annually submit to the Congress a report on resources, conservation, and the environment. The report would include the conditions of the environment and other

natural resources, trends in environmental quality and management and utilization of natural resources, adequacy of natural resources to fulfill human and economic requirements, review programs and activities of Federal, State, and local government and nongovernmental entities and individuals and programs to carry out the policies together with recommended legislation.

The bill would also create in the Executive Office of the President a Council of Advisers on Resources, Conservation and the Environment. The function of the Council would be to (1) assist the President in preparing the "Report on Resources, Conservation, and the Environment;" (2) gather timely and authoritative information concerning natural resources conservation, and development of environmental quality trends; (3) appraise the various programs and activities of the Federal Government in light of the declared policy of this legislation; (4) develop and recommend to the President national policies to foster and promote conservation and improve the environment to meet human and economic requirements; (5) make and furnish such studies, reports thereon, and recommendations with respect to matters of Federal resources policy and legislation as the President may request.

S. 237 would also establish in the Senate and in the House of Representatives a special committee to be known as the Select Committee on Resources, Conservation, and the Environment for the purpose of consideration of the "Report on Resources, Conservation, and the Environment."

S. 1752 is very similar to S. 1075, except that in addition to containing similar provisions as S. 1075, the bill (S. 1752) contains provisions similar to those in S. 237 which would establish a joint congressional committee to make studies on matters relating to the Environmental Quality Report, also provided for in the bill. This congressional committee would be known as the Joint Committee on Environmental Quality.

We strongly support an appropriate mechanism for the development of a coordinated national policy on environmental quality. This Department conducts many programs concerned with the environment. These programs almost exclusively concern the effects of environmental stress on human health and welfare. Included in these programs are activities concerned with the effect of environmental forces on man in his home, in the community, and in the workplace, and the environment as it relates to products used by man and their effect on him.

In conducting these programs we have many relationships with other Federal agencies. Some of these are formalized such as that between this Department and the Department of the Interior regarding the public health aspects of water pollution control where the relationship is established by law. Other working relationships are less formal and include, for example, cooperative undertakings conducted through interagency agreements and participation in the activities of committees established under the Federal Council on Science and Technology.

As concern with environmental quality matters has grown and as more Federal agencies have become extensively involved with protecting and improving the environment, it has become obvious to this Department that there is a need for better planning and coordina-

tion of the numerous activities in the environmental area by both the executive and legislative branches of the Government. We are therefore fully in agreement with the objectives of these bills to establish a mechanism for planning and coordinating the environmental quality programs of the Nation.

We are in favor of the objectives in these bills to create in the Executive Office of the President a Council to advise him on matters pertaining to the environment. We would prefer the flexibility of a Council set up administratively. The administration is now considering the establishment of a Council in this manner. Consequently, we do not recommend enactment of the provisions in these bills which would establish by statute such a Council in the executive department.

In regard to the provision of S. 237 which would establish in the Senate and in the House of Representatives a special committee to be known as the Select Committee on Resources, Conservation, and the Environment, and the provision in S. 1752 which would establish a Joint Committee on Environmental Quality, we note there is similar legislation before the Congress such as S. Res. 78, "To establish a Select Committee on Technology and the Human Environment." We defer to the Congress concerning the establishment of this special committee.

With respect to the authorizations in S. 1075 and S. 1752 for the Department of the Interior to conduct studies and research relating to ecological systems and environmental quality, we should like to point out that there are a number of agencies in the executive branch which already have missions and responsibilities bearing on this overall problem. We believe careful consideration and review of all agency activities is needed prior to the enactment of any new authorizations; and such a review is contemplated by the Council referred to above. We note incidentally that both S. 1075 and S. 1752 include provisions specifically stating that the authorizations provided the Department of the Interior would in no way restrict or modify any authority of any other Department or agency of the Government.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

ROBERT H. FINCH, *Secretary.*

